

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 23  
Committee Substitute Favorable 3/15/99

Short Title: Comm. College Scholarship Program.

(Public)

Sponsors:

Referred to:

February 4, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH  
3 CAROLINIANS ATTENDING COMMUNITY COLLEGES AND TO  
4 APPROPRIATE FUNDS TO IMPLEMENT THE EDUCATION IMPROVEMENT  
5 PROGRAM.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 115D of the General Statutes is amended by adding a new  
8 Article 1A to read:

9 **"ARTICLE 1A.**  
10 **"THE COMMUNITY COLLEGE EDUCATION IMPROVEMENT PROGRAM.**  
11 **"§ 115D-11.1. The Education Improvement Program.**

12 (a) Grants. – The State Board of Community Colleges shall develop and  
13 implement the Education Improvement Program to provide grants for tuition and  
14 mandatory fees for eligible persons who enroll in a community college and pursue a  
15 curriculum program for an associate degree, a diploma, or a certificate. The State Board  
16 shall make determinations of eligibility to receive grants. In no event shall a grant exceed  
17 the total cost of tuition and mandatory fees charged by a community college. The State  
18 Education Assistance Authority shall administer the funding of the grants.

1       **(b) Eligibility.** – The State Board may award Education Improvement Program  
2 grants based on availability of funds. The following are eligibility and other  
3 requirements:

4           **(1) An applicant must:**

5           a. Be a resident for tuition purposes under G.S. 116-143.1.

6           b. Be a high school graduate, hold a recognized equivalent diploma  
7 or certificate, or otherwise meet the requirements of a curriculum  
8 program that does not require a high school diploma or its  
9 equivalent.

10          c. Be found to be in financial need, as provided in subsection (c) of  
11 this section.

12          **(2) An applicant must not have been convicted of any felony or adjudicated**  
13 delinquent for acts that would constitute a felony if committed by an  
14 adult.

15          **(3) Notwithstanding subdivision (2) of subsection (b) of this section and**  
16 upon the recommendation of the President of the Community College  
17 System, the State Board may determine that an applicant is eligible to  
18 receive a grant if the State Board determines that the applicant has been  
19 fully rehabilitated and is otherwise eligible. Upon direction by the State  
20 Board, the President or the President's designee may request juvenile  
21 court records under G.S. 7B-3102 for the purpose of determining  
22 eligibility. The President or the President's designee shall follow the  
23 procedures in G.S. 115D-11.2 in order to protect the confidentiality of  
24 any records received under G.S. 7B-3102.

25          **(4) The State Board shall adopt rules specifying the criteria a student must**  
26 meet in order to continue to be eligible to receive Education  
27 Improvement Program grants.

28       **(c) Financial Need.**

29          **(1) All applicants for an Education Improvement Program grant must apply**  
30 for federal Title IV student financial assistance. If the applicant is  
31 eligible for a Pell Grant of an amount less than the total amount of  
32 community college tuition and mandatory fees, the amount of the State  
33 grant shall be equal to the difference between the total amount of tuition  
34 and mandatory fees and the Pell Grant amount.

35          **(2) An applicant who is under 21 years of age and who is ineligible for a**  
36 Pell Grant shall be found to be in financial need for purposes of an  
37 Education Improvement Program grant if one of the following applies:

38           a. The applicant's custodial parent or guardian has one dependent  
39 child under the age of 21, and the adjusted gross income of the  
40 family for the tax year immediately preceding the determination  
41 of financial need is less than thirty thousand dollars (\$30,000).

42           b. The applicant's custodial parent or guardian has two dependent  
43 children under the age of 21, and the annual adjusted gross

1 income of the family for the tax year immediately preceding the  
2 determination of financial need is less than thirty-five thousand  
3 dollars (\$35,000).

4 c. The applicant's custodial parent or guardian has three or more  
5 dependent children under the age of 21, and the annual adjusted  
6 gross income of the family for the tax year immediately  
7 preceding the determination of financial need is less than forty  
8 thousand dollars (\$40,000).

9 (3) Notwithstanding subdivision (2) of subsection (c) of this section, the  
10 State Board may adopt rules that define special circumstances under  
11 which an applicant who is under 21 years of age has otherwise  
12 demonstrated financial need.

13 (4) The State Board shall adopt rules for determining the financial need of  
14 applicants who are over 21 years of age and are not eligible to receive a  
15 Pell Grant.

16 **"§ 115D-11.2. Use of juvenile court information.**

17 (a) Confidential Records. – The following shall be confidential records, are not  
18 public records as defined under G.S. 132-1, and shall not be made a part of the applicant's  
19 official student record:

20 (1) Any request for juvenile records made by the President or the  
21 President's designee under G.S. 115D-11.1(b)(3).

22 (2) Any juvenile records received by the President or the President's  
23 designee under G.S. 7B-3102.

24 (b) Storage, Use, and Destruction of Records. – Immediately upon receipt of any  
25 juvenile records, the President or the President's designee shall maintain these documents  
26 in a safe, locked record storage that is separate from the applicant's other records.  
27 Documents received under G.S. 7B-3102 shall be used only to determine whether an  
28 applicant may be eligible to receive an Education Improvement Program grant. The  
29 President or the President's designee shall shred, burn, or otherwise destroy all juvenile  
30 records and all information gained from examination of juvenile records when the State  
31 Board no longer needs the information to determine an applicant's eligibility for an  
32 Education Improvement Program grant. In no case shall the President or the President's  
33 designee make a copy of these documents and in no case shall the President or the  
34 President's designee share the records with a community college."

35 Section 2. Article 31 of Chapter 7B of the General Statutes is amended by  
36 adding a new section to read:

37 **"§ 7B-3102. Disclosure of information to determine eligibility for Education**  
38 **Improvement Program grants.**

39 Notwithstanding G.S. 7B-3000, upon receipt of a written request under G.S. 115D-  
40 11.1(b)(3), the chief juvenile court counselor shall deliver any existing juvenile court  
41 records, as defined in G.S. 7B-3000, to the President of the North Carolina Community  
42 College System or the President's designee. The President or the President's designee  
43 shall handle any records received under this section in accordance with G.S. 115D-11.2.

1 Documents received under this provision shall be used only to determine whether an  
2 applicant is eligible to receive a Community College Education Improvement Program  
3 grant."

4 Section 3. Article 23 of Chapter 116 of the General Statutes is amended by  
5 adding a new section to read:

6 "**§ 116-209.26. Education Improvement Program grants.**

7 (a) In addition to all other powers and duties under this Article, the Authority shall  
8 administer the funding for the Education Improvement Program grants awarded by the  
9 State Board of Community Colleges under G.S. 115D-11.1.

10 (b) In order to accomplish the purposes of this section, the Authority may:

11 (1) In consultation with the State Board of Community Colleges, adopt  
12 rules to implement the funding of the Education Improvement Program.

13 (2) Receive from the General Fund or other sources those funds the General  
14 Assembly may authorize to cover, in addition to any other available  
15 funds, the costs of tuition and mandatory fees required to be paid to  
16 eligible students under G.S. 115D-11.1 for the coming academic year.

17 (3) Seek, accept, and expend funds from any source, including private  
18 business, industry, foundations, and other groups as well as any federal  
19 or other governmental funding available for this purpose."

20 Section 4. There is appropriated from the General Fund to the State Board of  
21 Community Colleges the sum of nineteen million six thousand nine hundred eighteen  
22 dollars (\$19,006,918) for the 2000-2001 fiscal year. These funds shall be used primarily  
23 to provide grants beginning with the 2000-2001 academic year. The State Board of  
24 Community Colleges shall allocate funds to the Education Assistance Authority  
25 according to a schedule of allocation it establishes.

26 Section 5. This act becomes effective July 1, 1999.