

**Opening Statement at the Issues Luncheon of the
State Board of Community Colleges
Dr. R. Scott Ralls, President
August 14, 2008**

I am proud to be a community college educator. Like most community college educators, I believe strongly in the North Carolina Community College System's open door philosophy that provides *educational access* and *opportunity*, oftentimes for students who would not have it otherwise. That philosophy is a cornerstone of our system, and it is the symbol on our logo that we proudly display. It was espoused by our System's philosophical godfather, Dr. Dallas Herring, who spoke of "total education," the "incomparable worth of all human beings," and "taking people where they are and carrying them as far as they can go."

Now, admittedly, when Dallas Herring spoke of the open door decades ago, I seriously doubt he considered it in the context of illegal immigration. But could he have known that more than three-fourths of the undocumented students enrolled in our degree programs in 2006 and 2007 were either North Carolina high school students, or North Carolina high school graduates, it may not have been a serious concern for the former Chair of the State Board of Education.

But in 2008, illegal immigration is something that many people in North Carolina and across the nation are very concerned about. As a public institution built and supported by the taxpayer dollars of generations of North Carolinians, we must respect those concerns. As the recent letter from the North Carolina Attorney General indicates, absent Federal and State law, admission of illegal immigrants is a policy matter that clearly rests within the purview of our State Board -- hence, today's information session.

As we begin to discuss our admissions policy, I suggest that it is possible to craft policies to support our open door philosophy while also addressing many of the concerns expressed by North Carolinians regarding the admission of illegal immigrants.

First, many North Carolinians are concerned about illegal immigrants taking limited spots. I assure you that is not a significant threat. Given the cost of out-of-state tuition, the numbers of undocumented students admitted to our programs have been very small -- less than one-half of one percent of enrollment in our degree programs. However, even though the enrollment of undocumented students has not involved large numbers, it is a legitimate concern we should not dismiss. We could address it by considering policies that give preference to students with in-state status where program spaces may be limited and waiting lists exist.

A second concern is the use of North Carolina taxpayer dollars to support people who have come to our state and nation illegally. All out-of-state students, including undocumented students, pay tuition costs that exceed the per-student state funding to community colleges by over \$2,000. In other words, the state actually makes money on all out-of-state community college students. But as some have pointed out, there is also the cost of construction and facility maintenance support borne at the local college level. However, there are ways for you to authorize reimbursement for those expenses through fees at the local college level if that is a concern you wish to address.

Finally, for many people, illegal immigration comes down to concern regarding respect for "the rule of law" -- providing a public benefit to someone who has broken the law. As we know from the recent clarification letter received by the North Carolina Attorney General from the Department of Homeland Security, admission to public post-secondary educational institutions is not regulated by Federal law.

However, one way of addressing this concern is by applying a standard similar to that of the UNC System that only admits illegal immigrants who are graduates of US high schools. You could also consider a more restrictive policy that requires a certain number of consecutive years of attendance in a U.S. school, thus insuring that undocumented students admitted came to the United States as minors.

Now, while I am obviously not a lawyer, my limited understanding of this issue stems from the *Plyler v. Doe* U.S. Supreme Court decision that says that primary and secondary schools may not deny enrollment based on immigration status, because as the majority opinion stated, "...children who are plaintiffs in these cases can affect neither their parents' conduct nor their own status."

Legal precedents aside, my own experience as the son of a Methodist minister who moved from town to town in North Carolina suggests to me the merit of this legal position. During every move my family made, I cannot remember one single time that I wanted to move, but whether it was to Mt. Airy, or to Morganton, or had it been to Mexico City, I went because my parents went -- legally or not.

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Now, while many of these students may not have arrived in the United States legally, many of them came as minors, and for what it is worth, I have difficulty with the notion of punishing minors for the actions of their parents. Not knowing if and how illegal immigration may be addressed by the Federal government in the future, there is also the economic consideration of these current public school students one day potentially being legal caregivers, service providers and production workers in our state's economy, and the question of whether they are trained or not will be important.

Illegal immigration is obviously an extremely difficult issue, one where legitimate arguments, I personally believe, can be made by people who hold diametrically opposed positions. It is also widely held that this is an issue best addressed at the Federal level. Lacking that attention, however, it is increasingly being left to states, localities, and in our case, educational institutions to struggle to address to varying degrees.

In the absence of Federal or State law to the contrary, enacting any policies regarding the issue of admission of illegal immigrants clearly lies within your authority. However, unlike the UNC Board of Governors, the State Board of Community Colleges must comply with the Administrative Procedures Act. Any policy changes you initiate now or in the future must be crafted and administered through our cumbersome rule-making process and will take several months to enact.

Also, as we learned from the Department of Homeland Security clarification, any policies regarding this matter must use Federal immigration standards in identifying which applicants are illegal. Our current applications policies use these standards with student verification signatures, but as best we can tell, going beyond this point is relatively uncharted water for higher education institutions and will present very real logistical and infrastructure challenges for us. In this regard, I have asked Van Wilson, our Associate Vice President for Academic and Student Services, to brief you on these challenges.

Finally, we must consider our responsibility during the interim period -- the time between today and the date when any new admission policy could be enacted by you given our lengthy rules process.

It is important to point out that we have changed our position on the admission of illegal immigrants five times in the last eight years. Each time, we've attempted to follow legal guidance on Federal law that would supersede our existing policies. While our position on admission has obviously been very inconsistent during this eight-year period, we have consistently attempted to do what is legal.

Today, you will first hear from Shanté Martin, our General Counsel. With the recent clarification from the US Department of Homeland Security through the North Carolina Attorney General, it has been clarified that there is no Federal law that prohibits student enrollment based on immigration status. Additionally, the only admissions policy we have found that was enacted by this Board or by the Board in earlier years and is now part of statute is the one passed many years ago that refers to our "open door admissions" and the "admission of all applicants." Therefore, based on our precedent of following legal interpretation, and again, in this case, based on a legal interpretation that we reviewed and we also confirmed in meetings with the North Carolina Attorney General's office, and given our current open admissions policy, we feel obligated to follow this policy during the interim period until any permanent policy can be enacted to the contrary. Your review today and tomorrow will allow you to draw your own conclusions, and we will move forward together, as a system, based on your assessment of this matter.

I appreciate your attending today's information session, and your willingness to listen to and to address this very difficult topic in a reasoned and civil manner. Given the remarkable role and impact that North Carolina Community Colleges have had since their inception, I do not believe that any of us would have believed that *this* would be *the issue* to bring us to the forefront of such attention. But we have the opportunity to once again be leaders by having reasoned discussion and careful consideration about a topic that has enormous implications for our state's and nation's future while invoking such emotion as to make reasoned discussion difficult. We appreciate your attempt to do that today, and we await your questions and deliberation.

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