

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 198

Short Title: Alien Attendance Lapses/Reporting Required. (Public)

Sponsors: Representative Torbett (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Education.

March 2, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF  
3 NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO  
4 PERIODICALLY REPORT TO THE FEDERAL GOVERNMENT INFORMATION  
5 ABOUT LAWFULLY PRESENT STUDENTS WHOSE ATTENDANCE AT  
6 POSTSECONDARY EDUCATIONAL OR VOCATIONAL INSTITUTIONS LAPSES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 116-11 is amended by adding a new subdivision to read:

9 "(15) The Board shall immediately report an attendance lapse by an alien student  
10 at a constituent institution to United States Immigration and Customs  
11 Enforcement. For purposes of this subdivision, the term 'alien student' means  
12 a student who was lawfully admitted into the United States for purposes of  
13 studying at a postsecondary educational or postsecondary vocational  
14 institution. For purposes of this subdivision, the term 'attendance lapse'  
15 means a period of 10 or more consecutive school days during which a  
16 student is absent."

17 **SECTION 2.** G.S. 115D-5 is amended by adding a new subsection to read:

18 "(v) The State Board of Community Colleges shall immediately report an attendance  
19 lapse by an alien student at a community college to United States Immigration and Customs  
20 Enforcement. For purposes of this subsection, the term 'alien student' means a student who was  
21 lawfully admitted into the United States for purposes of studying at a postsecondary  
22 educational or postsecondary vocational institution. For purposes of this subsection, the term  
23 'attendance lapse' means a period of 10 or more consecutive school days during which a student  
24 is absent."

25 **SECTION 3.** Chapter 1 of the General Statutes is amended by adding a new  
26 section to read:

27 "**§ 116-21.7. Private institutions of higher education must report attendance lapses by**  
28 **alien students.**

29 (a) Reporting Required. – A private institution of higher education shall immediately  
30 report an attendance lapse by an alien student to United States Immigration and Customs  
31 Enforcement. Notwithstanding any other provision of law, a private institution of higher  
32 education that fails to comply with this section shall not be eligible to receive any State funds  
33 during the following fiscal year.

34 (b) Definitions. – The following definitions apply in this section:



- 1           (1)   Alien student. – A student who was lawfully admitted into the United States  
2                   for purposes of studying at a postsecondary educational or postsecondary  
3                   vocational institution.  
4           (2)   Attendance lapse. – A period of 10 or more consecutive school days during  
5                   which a student is absent.  
6           (3)   Private institution of higher education. – An institution, as that term is  
7                   defined in G.S. 116-22(1)."

8           **SECTION 4.** This act is effective when it becomes law.