

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H

2

HOUSE BILL 486\*

Senate Education/Higher Education Committee Substitute Adopted 5/24/17

Short Title: National Guard Education Assistance Changes.

(Public)

Sponsors:

Referred to:

March 28, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND THE  
3 STATE COMMUNITY COLLEGE SYSTEM TO ADOPT AND IMPLEMENT A  
4 UNIFORM POLICY TO REQUIRE THAT A STUDENT WHO IS A NATIONAL  
5 GUARD SERVICE MEMBER PLACED ON ACTIVE DUTY STATUS BE GIVEN AN  
6 EXCUSED ABSENCE FOR THE PERIOD OF TIME THE STUDENT IS ON ACTIVE  
7 DUTY AND TO PROVIDE ADDITIONAL OPTIONS TO THE STUDENT FOR  
8 COMPLETION OR WITHDRAWAL FROM CLASSES THAT WILL NOT PENALIZE  
9 THE STUDENT ACADEMICALLY; TO BROADEN THE NATIONAL GUARD  
10 TUITION ASSISTANCE PROGRAM TO COVER STUDENTS ENROLLED IN AN  
11 APPROVED PROFESSIONAL CERTIFICATION PROGRAM; AND TO ENSURE  
12 COMPLIANCE WITH FEDERAL LAW FOR IN-STATE TUITION FOR VETERANS.

13 The General Assembly of North Carolina enacts:

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

15 "(3b) The Board of Governors shall adopt a policy to be applied uniformly  
16 throughout The University of North Carolina to provide that any student  
17 enrolled in a constituent institution who is a National Guard service member  
18 placed onto State active duty status during an academic term shall be given  
19 an excused absence for the period of time the student is on active duty. The  
20 policy shall further provide all of the following:

- 21 a. The student shall be given the opportunity to make up any test or  
22 other work missed during the excused absence.  
23 b. The student shall be given the option, when feasible, to continue  
24 classes and coursework during the academic term through online  
25 participation for the period of time the student is placed on active  
26 duty.  
27 c. The student shall be given the option of receiving a temporary grade  
28 of "incomplete (IN)" or "absent from the final exam (AB)" for any  
29 course that the student was unable to complete as a result of being  
30 placed on State active duty status; however, the student must  
31 complete the course requirements within the period of time specified  
32 by the constituent institution to avoid receiving a failing grade for the  
33 course.  
34 d. The student shall be permitted to drop, with no penalty, any course  
35 that the student was unable to complete as a result of being placed on  
36 State active duty status."



1           **SECTION 1.(b)** The Board of Governors shall adopt the policies set out in  
2 G.S. 116-11(3b), as enacted by subsection (a) of this section, by July 1, 2017, and shall direct  
3 each constituent institution to implement those policies beginning with the 2017 fall academic  
4 term.

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

6           "(x) The State Board of Community Colleges shall adopt a policy to be applied  
7 uniformly throughout the Community College System to provide that any student enrolled in a  
8 community college who is a National Guard service member placed onto State active duty  
9 status during an academic term shall be given an excused absence for the period of time the  
10 student is on active duty. The policy shall further provide all of the following:

- 11           (1) The student shall be given the opportunity to make up any test or other work  
12 missed during the excused absence.
- 13           (2) The student shall be given the option, when feasible, to continue classes and  
14 coursework during the academic term through online participation for the  
15 period of time the student is placed on active duty.
- 16           (3) The student shall be given the option of receiving a temporary grade of  
17 "incomplete (IN)" or "absent from the final exam (AB)" for any course that  
18 the student was unable to complete as a result of being placed on State active  
19 duty status; however, the student must complete the course requirements  
20 within the period of time specified by the community college to avoid  
21 receiving a failing grade for the course.
- 22           (4) The student shall be permitted to drop, with no penalty, any course that the  
23 student was unable to complete as a result of being placed on State active  
24 duty status."

25           **SECTION 2.(b)** The State Board of Community Colleges shall adopt the policies  
26 set out in G.S. 115D-5(x), as enacted by subsection (a) of this section, by July 1, 2017, and  
27 shall direct each community college to implement those policies beginning with the 2017 fall  
28 academic term.

29           **SECTION 3.** G.S. 116-209.54(b) reads as rewritten:

30           (b) This tuition assistance benefit shall be applicable to students in the following  
31 categories:

- 32           (1) Students seeking to achieve completion of their secondary school education  
33 at a community college or technical institute.
- 34           (2) Students seeking trade or vocational training or education.
- 35           (3) Students seeking to achieve a two-year associate degree.
- 36           (4) Students seeking to achieve a four-year baccalaureate degree.
- 37           (5) Students seeking to achieve a graduate degree.
- 38           (6) Students enrolled in a program granting a graduate certificate.
- 39           (7) Students enrolled in a professional certification program recommended by  
40 the Director of the North Carolina National Guard Education and  
41 Employment Center and approved by the North Carolina National Guard  
42 Education Services Officer."

43           **SECTION 4.** G.S. 116-143.3A reads as rewritten:

44           **"§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other**  
45 **individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or**  
46 **38 U.S.C. Chapter 33.**

47           (a) Definitions. – The following definitions apply in this section:

- 48           (1) Abode. – Has the same meaning as G.S. 116-143.3(a)(1).
- 49           (2) Armed Forces. – Has the same meaning as G.S. 116-143.3(a)(2).
- 50           (3) Veteran. – A person who served active duty for not less than 90 days in the  
51 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,

1 or the National Oceanic and Atmospheric Administration and who was  
2 discharged or released from such service.

3 (b) Waiver of 12-Month Residency Requirement for Veteran. – Any veteran who  
4 qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3)  
5 is eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment  
6 without satisfying the 12-month residency requirement under G.S. 116-143.1, provided the  
7 veteran meets all of the following criteria:

8 (1) The veteran applies for admission to the institution of higher education and  
9 enrolls within three years of the veteran's discharge or release from the  
10 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,  
11 or the National Oceanic and Atmospheric Administration.

12 (2) The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C.  
13 Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance  
14 Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as  
15 administered by the U.S. Department of Veterans Affairs.

16 (3) The veteran's abode is North Carolina.

17 (4) The veteran provides the institution of higher education at which the veteran  
18 intends to enroll a letter of intent to establish residence in North Carolina.

19 (c) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38  
20 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33. – Any person who is entitled to federal educational  
21 benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the  
22 in-State tuition rate and applicable mandatory fees for enrollment without satisfying the  
23 12-month residency requirement under G.S. 116-143.1, if the person meets all of the following  
24 criteria:

25 (1) The person qualifies for admission to the institution of higher education as  
26 defined in G.S. 116-143.1(a)(3) ~~and~~ and, with the exception of individuals  
27 described in subsections (c1) and (c2) of this section, enrolls in the  
28 institution of higher education within three years of the veteran's discharge  
29 or release from the Armed Forces, the Commissioned Corps of the U.S.  
30 Public Health Service, or the National Oceanic and Atmospheric  
31 Administration.

32 (2) The person is the recipient of federal educational benefits pursuant to 38  
33 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance  
34 Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as  
35 administered by the U.S. Department of Veterans Affairs.

36 (3) The person's abode is North Carolina.

37 (4) The person provides the institution of higher education at which the person  
38 intends to enroll a letter of intent to establish residence in North Carolina.

39 (c1) Recipients using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) while the  
40 transferor is on active duty in the Armed Forces, the commissioned corps of the U.S. Public  
41 Health Service, or the National Oceanic and Atmospheric Administration are eligible for the  
42 in-State tuition rate, provided the recipient's abode is in North Carolina and the recipient  
43 provides the institution of higher education a letter of intent to establish residency in North  
44 Carolina.

45 (c2) Recipients of the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C.  
46 § 3311(b)(9)), whose parent or spouse died in the line of duty, without regard as to whether the  
47 death in the line of duty followed a period of active duty service of 90 days or more, are  
48 eligible to receive in-State tuition under this section, provided the recipient's abode is in North  
49 Carolina and the recipient provides the institution of higher education a letter of intent to  
50 establish residency in North Carolina.

1 (d) After the expiration of the three-year period following discharge ~~or death~~ as  
2 described in 38 U.S.C. § 3679(c), any enrolled veteran entitled to federal educational benefits  
3 under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other enrolled individual  
4 described in subsection (c) of this section entitled to federal educational benefits under 38  
5 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who is eligible for in-State tuition under this section  
6 shall continue to be eligible for the in-State tuition rate so long as the covered individual  
7 remains continuously enrolled (other than during regularly scheduled breaks between courses,  
8 quarters, terms, or semesters) at that institution of higher education."

9 **SECTION 5.** Section 4 of this act becomes effective July 1, 2017. The remainder  
10 of this act is effective when it becomes law. Sections 1 and 2 of this act apply beginning with  
11 the 2017 fall academic semester.