

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 486*
Senate Education/Higher Education Committee Substitute Adopted 5/24/17
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Short Title: National Guard Education Assistance Changes.

(Public)

Sponsors:

Referred to:

March 28, 2017

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND THE STATE COMMUNITY COLLEGE SYSTEM TO ADOPT AND IMPLEMENT A UNIFORM POLICY TO REQUIRE THAT A STUDENT WHO IS A NATIONAL GUARD SERVICE MEMBER PLACED ON ACTIVE DUTY STATUS BE GIVEN AN EXCUSED ABSENCE FOR THE PERIOD OF TIME THE STUDENT IS ON ACTIVE DUTY AND TO PROVIDE ADDITIONAL OPTIONS TO THE STUDENT FOR COMPLETION OR WITHDRAWAL FROM CLASSES THAT WILL NOT PENALIZE THE STUDENT ACADEMICALLY; TO BROADEN THE NATIONAL GUARD TUITION ASSISTANCE PROGRAM TO COVER STUDENTS ENROLLED IN AN APPROVED PROFESSIONAL CERTIFICATION PROGRAM; TO ENSURE COMPLIANCE WITH FEDERAL LAW FOR IN-STATE TUITION FOR VETERANS; AND TO PROHIBIT THE CLOSURE OF THE EASTERN CAROLINA STATE VETERANS CEMETERY IN GOLDSBORO.

The General Assembly of North Carolina enacts:

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

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

- a. The student shall be given the opportunity to make up any test or other work missed during the excused absence.
- b. The student shall be given the option, when feasible, to continue classes and coursework during the academic term through online participation for the period of time the student is placed on active duty.
- c. The student shall be given the option of receiving a temporary grade of "incomplete (IN)" or "absent from the final exam (AB)" for any course that the student was unable to complete as a result of being placed on State active duty status; however, the student must complete the course requirements within the period of time specified by the constituent institution to avoid receiving a failing grade for the course.



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1 d. The student shall be permitted to drop, with no penalty, any course
2 that the student was unable to complete as a result of being placed on
3 State active duty status."

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

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

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

14 (1) The student shall be given the opportunity to make up any test or other work
15 missed during the excused absence.

16 (2) The student shall be given the option, when feasible, to continue classes and
17 coursework during the academic term through online participation for the
18 period of time the student is placed on active duty.

19 (3) The student shall be given the option of receiving a temporary grade of
20 "incomplete (IN)" or "absent from the final exam (AB)" for any course that
21 the student was unable to complete as a result of being placed on State active
22 duty status; however, the student must complete the course requirements
23 within the period of time specified by the community college to avoid
24 receiving a failing grade for the course.

25 (4) The student shall be permitted to drop, with no penalty, any course that the
26 student was unable to complete as a result of being placed on State active
27 duty status."

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

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

33 "(b) This tuition assistance benefit shall be applicable to students in the following
34 categories:

35 (1) Students seeking to achieve completion of their secondary school education
36 at a community college or technical institute.

37 (2) Students seeking trade or vocational training or education.

38 (3) Students seeking to achieve a two-year associate degree.

39 (4) Students seeking to achieve a four-year baccalaureate degree.

40 (5) Students seeking to achieve a graduate degree.

41 (6) Students enrolled in a program granting a graduate certificate.

42 (7) Students enrolled in a professional certification program recommended by
43 the Director of the North Carolina National Guard Education and
44 Employment Center and approved by the North Carolina National Guard
45 Education Services Officer."

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

47 "**§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other**
48 **individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or**
49 **38 U.S.C. Chapter 33.**

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

51 (1) Abode. – Has the same meaning as G.S. 116-143.3(a)(1).

1 (2) Armed Forces. – Has the same meaning as G.S. 116-143.3(a)(2).
2 (3) Veteran. – A person who served active duty for not less than 90 days in the
3 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
4 or the National Oceanic and Atmospheric Administration and who was
5 discharged or released from such service.

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

- 11 (1) The veteran applies for admission to the institution of higher education and
12 enrolls within three years of the veteran's discharge or release from the
13 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
14 or the National Oceanic and Atmospheric Administration.
15 (2) The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C.
16 Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance
17 Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as
18 administered by the U.S. Department of Veterans Affairs.
19 (3) The veteran's abode is North Carolina.
20 (4) The veteran provides the institution of higher education at which the veteran
21 intends to enroll a letter of intent to establish residence in North Carolina.

22 (c) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38
23 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33. – Any person who is entitled to federal educational
24 benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the
25 in-State tuition rate and applicable mandatory fees for enrollment without satisfying the
26 12-month residency requirement under G.S. 116-143.1, if the person meets all of the following
27 criteria:

- 28 (1) The person qualifies for admission to the institution of higher education as
29 defined in G.S. 116-143.1(a)(3) ~~and~~ and, with the exception of individuals
30 described in subsections (c1) and (c2) of this section, enrolls in the
31 institution of higher education within three years of the veteran's discharge
32 or release from the Armed Forces, the Commissioned Corps of the U.S.
33 Public Health Service, or the National Oceanic and Atmospheric
34 Administration.
35 (2) The person is the recipient of federal educational benefits pursuant to 38
36 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance
37 Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as
38 administered by the U.S. Department of Veterans Affairs.
39 (3) The person's abode is North Carolina.
40 (4) The person provides the institution of higher education at which the person
41 intends to enroll a letter of intent to establish residence in North Carolina.

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

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

1 Carolina and the recipient provides the institution of higher education a letter of intent to
2 establish residency in North Carolina.

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

11 **SECTION 5.** The Department of Military and Veterans Affairs (DMVA) shall not
12 close any of the State-owned veterans cemeteries. DMVA shall continue to operate all the
13 State-owned veterans cemeteries and shall maintain the current level of operations at each of
14 those cemeteries. The Office of State Budget and Management shall realign the base budget for
15 the Department of Military and Veterans Affairs for the 2017-2019 fiscal biennium to increase
16 receipts and include operational costs of the Eastern Carolina State Veterans Cemetery in
17 Goldsboro.

18 **SECTION 6.** Section 5 of this act is effective when this act becomes law. Section 4
19 of this act becomes effective July 1, 2017. The remainder of this act is effective when it
20 becomes law. Sections 1 and 2 of this act apply beginning with the 2017 fall academic
21 semester.