

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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SENATE BILL 706

Short Title: Educ. Changes for Military-Connected Students. (Public)

Sponsors: Senator Brown (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 1, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL
3 ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO
4 THE MILITARY ORDERS OF THE PARENT, TO REQUIRE IDENTIFICATION OF
5 MILITARY-CONNECTED STUDENTS IN NONPUBLIC SCHOOLS, AND TO
6 CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO
7 ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE
8 ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION, AS
9 RECOMMENDED BY THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.

10 The General Assembly of North Carolina enacts:

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12 **PART I. AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL**
13 **ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO**
14 **THE MILITARY ORDERS OF THE PARENT**

15 **SECTION 1.(a)** G.S. 115C-366(a3) reads as rewritten:

16 "(a3) A student who is not a domiciliary of a local school administrative unit may attend,
17 without the payment of tuition, the public schools of that unit if all of the following apply:

18 (1) The student resides with an adult, who is a domiciliary of that unit, as a result
19 of any one of the following:

20 a. The death, serious illness, or incarceration of a parent or legal
21 guardian.

22 b. The abandonment by a parent or legal guardian of the complete control
23 of the student as evidenced by the failure to provide substantial
24 financial support and parental guidance.

25 c. Abuse or neglect by the parent or legal guardian.

26 d. The physical or mental condition of the parent or legal guardian is such
27 that he or she cannot provide adequate care and supervision of the
28 student.

29 e. The relinquishment of physical custody and control of the student by
30 the student's parent or legal guardian upon the recommendation of the
31 department of social services or the Division of Mental Health.

32 f. The loss or uninhabitability of the student's home as the result of a
33 natural disaster.

34 g. The parent or legal guardian is one of the following:

35 ~~1. On active military duty and is deployed out of the local school~~
36 ~~administrative unit in which the student resides. For purposes~~



1 of this sub-sub-subdivision, the term "active duty" does not
 2 include periods of active duty for training for less than 30 days.
 3 2. A member or veteran of the uniformed services who is severely
 4 injured and medically discharged or retired, but only for a
 5 period of one year after the medical discharge or retirement of
 6 the parent or guardian.
 7 3. A member of the uniformed services who dies on active duty
 8 or as a result of injuries sustained on active duty, but only for
 9 a period of one year after death. For purposes of this
 10 sub-sub-subdivision, the term "active duty" is as defined in
 11 G.S. 115C-407.5

12 Assignment under this sub-subdivision is only available if some
 13 evidence of the deployment, medical discharge, retirement, or death is
 14 tendered with the affidavits required under subdivision (3) of this
 15 subsection.

16 h. The parent or legal guardian is on active military duty, and the
 17 commanding officer of the parent or legal guardian provides in a
 18 signed letter that the parent or legal guardian's military orders prevent
 19 the parent or legal guardian from physically residing with the student.
 20 Assignment under this sub-subdivision is only available if the signed
 21 letter from the commanding officer of the parent or legal guardian is
 22 included with the affidavits required under subdivision (3) of this
 23 subsection, and the commanding officer indicates the time period that
 24 such military orders will be in effect. For purposes of this
 25 sub-subdivision, the term "active military duty" does not include
 26 periods of active duty for training for less than 30 days.

- 27 (2) The student is:
 - 28 a. Not currently under a term of suspension or expulsion from a school
 - 29 for conduct that could have led to a suspension or an expulsion from
 - 30 the local school administrative unit, or
 - 31 b. Currently under a term of suspension or expulsion from a school for
 - 32 conduct that could have led to a suspension or an expulsion from the
 - 33 local school administrative unit and is identified as eligible for special
 - 34 education and related services under the Individuals with Disabilities
 - 35 Education Improvement Act, 20 U.S.C. § 1400, et seq., (2004).
 - 36 Assignment under this sub-subdivision is available only if evidence of
 - 37 current eligibility is tendered with the affidavit required under
 - 38 subdivision (3) of this subsection.
- 39 (3) The caregiver adult and the student's parent, guardian, or legal custodian have
 - 40 each completed and signed separate affidavits that do all of the following:
 - 41 a. Confirm the qualifications set out in this subsection establishing the
 - 42 student's residency.
 - 43 b. Attest that the student's claim of residency in the unit is not primarily
 - 44 related to attendance at a particular school within the unit.
 - 45 c. Attest that the caregiver adult has been given and accepts
 - 46 responsibility for educational decisions for the student.

47 If the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
 48 unavailable to sign the affidavit, then the caregiver adult shall attest to that fact in the affidavit.
 49 If the student is a minor, the caregiver adult must make educational decisions concerning the
 50 student and has the same legal authority and responsibility regarding the student as a parent or
 51 legal custodian would have even if the parent, guardian, or legal custodian does not sign the

1 affidavit. The minor student's parent, legal guardian, or legal custodian retains liability for the
2 student's acts.

3 Upon receipt of both affidavits or an affidavit from the caregiver adult that includes an
4 attestation that the student's parent, guardian, or legal custodian is unable, refuses, or is otherwise
5 unavailable to sign an affidavit, the local board shall admit and assign as soon as practicable the
6 student to an appropriate school, as determined under the local board's school assignment policy,
7 pending the results of any further procedures for verifying eligibility for attendance and
8 assignment within the local school administrative unit. No requirement of legal guardianship by
9 the caregiver adult shall be required by a local board for a student to qualify for enrollment under
10 this subsection.

11 If it is found that the information contained in either or both affidavits is false, then the local
12 board may, unless the student is otherwise eligible for school attendance under other laws or local
13 board policy, remove the student from school. If a student is removed from school, the board
14 shall provide an opportunity to appeal the removal under the appropriate policy of the local board
15 and shall notify any person who signed the affidavit of this opportunity. If it is found that a person
16 willfully and knowingly provided false information in the affidavit, the maker of the affidavit
17 shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the
18 cost of educating the student during the period of enrollment. Repayment shall not include State
19 funds.

20 Affidavits shall include, in large print, the penalty, including repayment of the cost of
21 educating the student, for providing false information in an affidavit."

22 **SECTION 1.(b)** G.S. 115C-366 is amended by adding a new subsection to read:

23 "(a10) A student who is not a domiciliary of a local school administrative unit shall be
24 permitted to register to enroll in the public schools of that unit if that student resides in that local
25 school administrative unit with a parent, legal guardian, or legal custodian on active military duty
26 who is assigned by official military order to a military installation or reservation in the State.
27 Nothing in this subsection shall be construed to curtail a local school administrative unit's
28 authority pursuant to G.S. 115C-366(a5)."

29 **SECTION 1.(c)** This section is effective when it becomes law and applies beginning
30 with the 2020-2021 school year.

31 32 **PART II. REQUIRE IDENTIFICATION OF MILITARY-CONNECTED STUDENTS IN** 33 **NONPUBLIC SCHOOLS**

34 **SECTION 2.(a)** Part 1 of Article 39 of Chapter 115C of the General Statutes is
35 amended by adding a new section to read:

36 **"§ 115C-550.1. Reporting of military-connected students.**

37 (a) A private church school or school of religious charter shall annually report to the
38 Division of Nonpublic Education, Department of Administration, in a manner established by the
39 Division, on enrolled military-connected students. For purposes of this section, a
40 "military-connected student" means a student enrolled in a private church school or school of
41 religious charter who has a parent, stepparent, sibling, or any other person who resides in the
42 same household serving in the active or reserve components of the Army, Navy, Air Force,
43 Marine Corps, Coast Guard, or National Guard.

44 (b) The identification of military-connected students is not a public record within the
45 meaning of G.S. 132-1 and shall not be made public by any person, except as follows:

46 (1) As permitted under the provisions of the Family Educational Rights and
47 Privacy Act of 1974, 20 U.S.C. § 1232g.

48 (2) By the Division of Nonpublic Education to any school liaison in the State
49 employed by the State, a local government, or the Armed Forces, as defined
50 in G.S. 116-143.3."

1 SECTION 2.(b) Part 2 of Article 39 of Chapter 115C of the General Statutes is
2 amended by adding a new section to read:

3 **"§ 115C-558.1. Reporting of military-connected students.**

4 (a) A qualified nonpublic school shall annually report to the Division of Nonpublic
5 Education, Department of Administration, in a manner established by the Division, on enrolled
6 military-connected students. For purposes of this section, a "military-connected student" means
7 a student enrolled in a qualified nonpublic school who has a parent, stepparent, sibling, or any
8 other person who resides in the same household serving in the active or reserve components of
9 the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

10 (b) The identification of military-connected students is not a public record within the
11 meaning of G.S. 132-1 and shall not be made public by any person, except as follows:

12 (1) As permitted under the provisions of the Family Educational Rights and
13 Privacy Act of 1974, 20 U.S.C. § 1232g.

14 (2) By the Division of Nonpublic Education to any school liaison in the State
15 employed by the State, a local government, or the Armed Forces, as defined
16 in G.S. 116-143.3."

17 SECTION 2.(c) G.S. 115C-564 reads as rewritten:

18 **"§ 115C-564. Qualifications and requirements.**

19 (a) A home school shall make the election to operate under the qualifications of either
20 Part 1 or Part 2 of this Article and shall meet the requirements of the Part elected, except ~~that any~~
21 as follows:

22 (1) Any requirement related to safety and sanitation inspections shall be waived
23 if the school operates in a private residence and except that residence.

24 (2) The testing requirements in G.S. 115C-549 and G.S. 115C-557 shall be on an
25 annual basis.

26 (3) A home school shall annually report a notice of intent to operate to the
27 Division of Nonpublic Education, and shall comply with the report on
28 military-connected students required in G.S. 115C-550.1 and G.S. 115C-558
29 in the notice of intent to operate. Continued operation of a home school with
30 no changes from a prior notice of intent shall be indicated through a simplified
31 process established by the Division of Nonpublic Education.

32 (b) The persons providing academic instruction in a home school shall hold at least a high
33 school diploma or its equivalent."

34 SECTION 2.(d) The Division of Nonpublic Education shall establish, no later than
35 August 1, 2020, a simplified process for home schools to annually update the notice of intent to
36 operate if no changes are required to the information submitted previously to the Division, as
37 required by G.S. 115C-564(a)(3), as amended by this act.

38 SECTION 2.(e) This section is effective when it becomes law and applies to all
39 nonpublic schools beginning with the 2020-2021 school year.

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41 **PART III. CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL**
42 **STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE**
43 **STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION**

44 SECTION 3.(a) G.S. 116-143.3 reads as rewritten:

45 **"§ 116-143.3. Tuition of Armed Forces personnel and their dependents.**

46 ...

47 (c) Any dependent relative of a member of the Armed Forces who is abiding in this State
48 incident to active military duty, as defined by the Board of Governors of The University of North
49 Carolina and by the State Board of Community Colleges while sharing the abode of that member
50 shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for
51 admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent

1 relatives shall comply with the requirements of the Selective Service System, if applicable, in
2 order to be accorded this benefit. In the event the member of the Armed Forces is reassigned
3 outside of North Carolina or retires, the dependent relative shall continue to be eligible for the
4 in-State tuition rate and applicable mandatory fees so long as the dependent relative is
5 continuously enrolled in the degree or other program in which the dependent relative was enrolled
6 at the time the member is reassigned or retires. In the event the member of the Armed Forces
7 receives an Honorable Discharge from military service, the dependent relative shall continue to
8 be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent
9 relative establishes residency within North Carolina within 30 days after the discharge and is
10 continuously enrolled in the degree or other program in which the dependent relative was enrolled
11 at the time the member is discharged.

12 (c1) A dependent relative who resides with a member of the Armed Forces who is
13 reassigned outside of the State incident to active military duty shall remain eligible to be charged
14 the in-State tuition rate if all of the following are met:

15 (1) At the time the dependent relative applies for admission to the institution of
16 higher education, as defined in G.S. 116-143.1(a)(3), the dependent relative
17 both:

18 a. Is enrolled in a North Carolina high school.

19 b. Meets the requirements of subsection (c) of this section.

20 (2) Upon admission, the dependent relative enrolls in the institution of higher
21 education no later than the fall academic semester immediately following
22 notice of admission and remains continuously enrolled.

23"

24 **SECTION 3.(b)** This section is effective when it becomes law and applies to students
25 admitted for the fall academic semester of 2020 and thereafter.

26 **PART IV. EFFECTIVE DATE**

27 **SECTION 4.** Except as otherwise provided herein, this act is effective when it
28 becomes law.
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