

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2703*

Short Title: Scholarships/Children of Fallen Heroes. (Public)

Sponsors: Representatives Thomas, Tillis (Primary Sponsors); Allred, Barnhart, Current, Glazier, T. Harrell, Harrison, Hughes, Hurley, Justice, McElraft, Tarleton, and Walker.

Referred to: Education, if favorable, Appropriations.

May 28, 2008

1 **A BILL TO BE ENTITLED**

2 AN ACT TO PROVIDE SCHOLARSHIPS TO CHILDREN OF NORTH
3 CARROLINA'S FALLEN HEROES WHO ENROLL AS STUDENTS AT
4 CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH
5 CARROLINA OR AT THE STATE'S COMMUNITY COLLEGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 116 of the General Statutes is amended by adding a
8 new Article to read:

9 "Article 23A.

10 "Scholarship Fund for the Children of Fallen Heroes.

11 **§ 116-209.60. Definitions:**

12 The following definitions apply to this Article:

- 13 (1) Academic year. – A period of time in which a student in matriculated
14 status is expected to complete the equivalent of at least two semesters'
15 or three quarters' academic work.
- 16 (2) Community college. – Defined in G.S. 115D-2.
- 17 (3) Constituent institution. – Defined in G.S. 116-2.
- 18 (4) Firefighter. – The same as provided in G.S. 58-86-25 for "eligible
19 firemen."
- 20 (5) Law enforcement officer. – The term includes both State and federal
21 law enforcement officers. A State law enforcement officer is an
22 employee or volunteer of the State of North Carolina or one of the
23 State's departments, agencies, or institutions who possesses the power
24 of arrest, who has taken the law enforcement oath administered under
25 the authority of the State as prescribed by G.S. 11-11, and who is
26 certified as a law enforcement officer under the provisions of Chapter
27 17C of the General Statutes or certified as a deputy sheriff under the

provisions of Chapter 17E of the General Statutes. The sheriff of a county in North Carolina is also a State law enforcement officer for purposes of this Article. A federal law enforcement officer is an employee of the United States of America or one of the federal government's departments, agencies, or institutions who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the United States of America, and whose main official duties involve crime and juvenile delinquency control or reduction, or enforcement of the federal criminal laws, including juvenile delinquency.

- (6) Matriculated status. – Being recognized as a first-time candidate for an associate degree, undergraduate degree, or certificate, exclusive of any course credits earned while in high school, in a defined program of study at a community college or constituent institution.
- (7) Rescue squad worker. – The same as provided in G.S. 58-86-30 for "eligible rescue squad worker."
- (8) Scholarship Fund. – The Scholarship Fund for the Children of Fallen Heroes established under this Article.

"§ 116-209.61. Scholarship Fund established."

(a) There is established the Scholarship Fund for the Children of Fallen Heroes. The purpose of the Scholarship Fund is to provide financial assistance that will cover higher education costs not covered by other student financial aid programs to any person who is the child of a law enforcement officer, firefighter, or rescue squad worker killed in the line of duty and who is an eligible student under this Article.

(b) A scholarship awarded to an eligible student under this Article shall be used to pay all or part of the cost of attendance as provided by this Article. The constituent institution or community college at which an eligible student enrolls shall determine the cost of attendance at the constituent institution or community college. The constituent institution or community college shall provide to the State Education Assistance Authority the following information: (i) the cost of attendance at the constituent institution or community college and (ii) the grant aid that a student will receive from other scholarships, grants, and financial assistance that is in addition to the scholarship awarded to the student pursuant to this Article.

"§ 116-209.62. Eligibility."

A student is eligible for consideration and shall be awarded a scholarship under this Article if the student satisfies all of the following criteria:

- (1) The student is the child of a law enforcement officer, a firefighter, or a rescue squad worker who was killed in the line of duty and who at the time of death was a North Carolina resident. A law enforcement officer, firefighter, or rescue squad worker is deemed to have been killed in the line of duty if the law enforcement officer, firefighter, or rescue squad worker was killed as a direct result of a traumatic injury sustained while in active service or training for active service.

- 1 (2) The student receives a tuition waiver under G.S. 115B-2(2) of the
2 General Statutes; however, this subdivision does not apply if the
3 student is the child of a federal law enforcement officer.
4 (3) The student submitted a free application for federal student aid
5 (FAFSA) to determine the student's eligibility for all available State
6 and federal need-based student aid.
7 (4) The student meets enrollment standards by being admitted, enrolled,
8 and classified as an undergraduate student in a matriculated status on a
9 full-time basis at either a constituent institution or a community
10 college.

11 "**§ 116-209.63. Scholarship limitations.**

- 12 (a) A person may be awarded only one scholarship under this Article.
13 (b) A scholarship awarded under this Article shall not exceed a period of more
14 than four academic years; however, the academic years need not be consecutive.
15 (c) No educational assistance shall be afforded a person under this Article after
16 the end of an eight-year period beginning on the date the scholarship is first awarded.
17 Whenever a person is enrolled in a constituent institution or community college and the
18 period of entitlement ends while enrolled in a term, quarter, or semester, the period shall
19 be extended to the end of the term, quarter, or semester, but not beyond the entitlement
20 limitation of four academic years.
21 (d) Notwithstanding any other provision of this Article, no scholarship awarded
22 to a person under this Article shall exceed the total cost of attendance at the constituent
23 institution or community college at which the student is enrolled. Therefore, if a person,
24 who is eligible for a scholarship under this Article, also receives other scholarships,
25 grants, or student financial aid, then the constituent institution or community college
26 shall reduce the amount of the scholarship awarded under this Article by the appropriate
27 amount so that the sum of all grants, scholarships, and student financial aid received by
28 the person, including the scholarship under this Article, does not exceed the cost of
29 attendance for the constituent institution or community college at which the person is
30 enrolled. The constituent institution or community college shall certify to the State
31 Education Assistance Authority the amount of the scholarship to be awarded a student
32 under this Article.

33 "**§ 116-209.64. Administration of Scholarship Fund.**

- 34 (a) The State Education Assistance Authority shall administer the Scholarship
35 Fund established under this Article. The constituent institution or community college as
36 appropriate shall determine whether an applicant qualifies as an eligible student under
37 this Article and shall notify the State Education Assistance Authority of its
38 determination. The State Education Assistance Authority shall disburse scholarship
39 payments for a recipient when the State Education Assistance Authority receives
40 certification from the enrolling institution of the recipient's eligibility and enrollment.
41 The State Education Assistance Authority may suspend or revoke scholarships if the
42 State Education Assistance Authority finds that the recipient does not maintain an
43 adequate academic status.

1 (b) The State Education Assistance Authority shall report to the Joint Legislative
2 Education Oversight Committee by December 1, 2009, and by each December 1
3 thereafter, regarding the Scholarship Fund and the scholarships awarded under this
4 Article.

5 **§ 116-209.65. Rules.**

6 The State Education Assistance Authority may adopt rules necessary to implement
7 this Article."

8 **SECTION 2.** There is appropriated from the General Fund to the
9 Scholarship Fund for the Children of Fallen Heroes the sum of one hundred thousand
10 dollars (\$100,000) for the 2008-2009 fiscal year to implement this act.

11 **SECTION 3.** This act becomes effective July 1, 2008, and applies to any
12 person eligible to receive a scholarship under Article 23A of Chapter 116 of the General
13 Statutes and who is enrolled in a constituent institution of The University of North
14 Carolina or at one of the State's community colleges for an academic semester or
15 academic quarter beginning on or after January 1, 2009.