

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-155
HOUSE BILL 486**

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

SECTION 1.(b) The Board of Governors shall adopt the policies set out in G.S. 116-11(3b), as enacted by subsection (a) of this section, by July 1, 2017, and shall direct



each constituent institution to implement those policies beginning with the 2017 fall academic term.

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

"(x) The State Board of Community Colleges shall adopt a policy to be applied uniformly throughout the Community College System to provide that any student enrolled in a community college 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:

- (1) The student shall be given the opportunity to make up any test or other work missed during the excused absence.
- (2) 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.
- (3) 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 community college to avoid receiving a failing grade for the course.
- (4) The student shall be permitted to drop, with no penalty, any course that the student was unable to complete as a result of being placed on State active duty status."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) After the expiration of the three-year period following discharge ~~or death~~ as described in 38 U.S.C. § 3679(c), any enrolled veteran entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other enrolled individual

described in subsection (c) of this section entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who is eligible for in-State tuition under this section shall continue to be eligible for the in-State tuition rate so long as the covered individual remains continuously enrolled (other than during regularly scheduled breaks between courses, quarters, terms, or semesters) at that institution of higher education."

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

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

In the General Assembly read three times and ratified this the 28th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 10:11 a.m. this 21st day of July, 2017