



HOUSE BILL 486: National Guard Education Assistance Changes.

2017-2018 General Assembly

Committee:		Date:	August 29, 2017
Introduced by:		Prepared by:	Brian Gwyn*
Analysis of:	S.L. 2017-155		Staff Attorney

OVERVIEW: *S.L. 2017-155 makes various changes regarding education assistance for members of the National Guard. The Board of Governors of The University of North Carolina (BOG) and the State Board of Community Colleges (SBCC) must each adopt a uniform policy to ensure that National Guard Service Members are not academically penalized when they are placed on State active duty status during an academic term. These policies will apply to all enrolled students in a UNC constituent institution or North Carolina community college who are National Guard Service Members. These students must be given an excused absence for the period of time they are on State active duty.*

The BOG and SBCC policies must also provide all of the following for these students:

- *Opportunities to make up tests or other work missed during the excused absence.*
- *Options, when feasible, to continue classes and coursework during the academic term through online participation for the period of the active duty.*
- *Options to receive a temporary grade of "incomplete" or "absence from the final exam" for any course the student was not able to complete because of being placed on State active duty status. The student must complete the course requirements within a time period specified by the constituent institution or community college to avoid receiving a failing grade for the course.*
- *Ability to drop, with no penalty, any course that the student was unable to complete because of being placed on State active duty status.*

The policies must be adopted by the BOG and the SBCC by July 1, 2017 and the UNC constituent institutions and the community colleges must implement the policies beginning with the fall 2017 academic term.

The act extends eligibility for tuition assistance to North Carolina National Guard members who are 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.

The act allows recipients using transferred Post-9/11 GI Bill benefits while the transferor is on active duty to also be eligible for in-State tuition if the recipient's abode is in the State and the recipient provides a letter of intent to establish residency. The act also allows recipients of the Marine Gunnery Sergeant John David Fry Scholarship whose parent or spouse died in the line of duty, regardless of whether the death followed a period of active duty service of 90 days or more, to be eligible for in-

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State tuition if the recipient's abode is in the State and the recipient provides a letter of intent to establish residency.

The act prohibits the Department of Military and Veterans Affairs (DMVA) from closing any of the State-owned veterans cemeteries, and requires the DMVA to operate these cemeteries at their current levels.

This act became effective July 21, 2017. The BOG and SBCC must implement the required policies beginning with the 2017 fall academic semester.

SECTIONS 1 AND 2

CURRENT LAW: The UNC Policy Manual (700.7.1[R]) provides that campuses must develop policies to permit students in the military to withdraw from courses at any time and without academic penalty if the withdrawal is because of their military service. Campuses must also have policies in place to allow for refund of tuition, fees, and other expenses because of being called to active duty. The regulation provides that campuses must have transcript notations for withdrawal for active or reserve military service and these withdrawals cannot count in the calculation of GPAs or tuition surcharges. In regard to academic credit, the military students may receive an "incomplete" for the class or complete coursework by other means when possible such as online completion, testing out early, or making other arrangements with faculty members. Finally, the regulation directs campuses to allow deferral of enrollment, leaves of absence, and readmissions options for students called to active military duty.

Policy 1E SBCCC 99.4 in the SBCC Code directs each community college to grant a full refund of tuition and registration fees to military reserve and National Guard personnel called to active duty or active duty personnel who have received reassignments that make it impossible to finish their course requirements. The community colleges are also directed to use distance learning technologies and other methodologies (to the extent possible) to assist active duty military students complete their course requirements.

BILL ANALYSIS: Sections 1 and 2 of S.L. 2017-155 direct the Board of Governors of The University of North Carolina (UNC BOG) and the State Board of Community Colleges (SBCC) to each adopt a uniform policy to ensure that National Guard Service Members are not academically penalized when they are placed on State active duty status during an academic term. These policies apply to all enrolled students in a UNC constituent institution or North Carolina community college who are National Guard Service Members. These students must be given an excused absence for the period of time they are on State active duty.

The UNC BOG and SBCC policies must also provide all of the following for these students:

- Opportunities to make up tests or other work missed during the excused absence.
- Options, when feasible, to continue classes and coursework during the academic term through online participation for the period of the active duty.
- Options to receive a temporary grade of "incomplete" or "absence from the final exam" for any course the student was not able to complete because of being placed on State active duty status. The student must complete the course requirements within a time period specified by the constituent institution or community college.

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- Ability to drop, with no penalty, any course that the student was unable to complete because of being placed on State active duty status.
- The policies must be adopted by the UNC BOG and the SBCC by July 1, 2017 and the UNC constituent institutions and the community colleges must implement the policies beginning with the fall 2017 academic term.

SECTION 3

CURRENT LAW: Under G.S. 116-209.54, tuition assistance is available under the North Carolina National Guard Tuition Assistance Act of 1975 to active members of the North Carolina National Guard who are enrolled or will enroll in any of the following: (i) a proprietary school; (ii) an in-State private educational institution which does not operate for profit; or (iii) a State educational institution. The tuition benefit is applicable to students in any of the following categories:

- Students completion of their secondary school education at a community college or technical institute.
- Students seeking trade or vocational training or education.
- Students seeking a two-year associate degree.
- Students seeking a four-year baccalaureate degree.
- Students seeking a graduate degree.
- Students enrolled in a program granting a graduate certificate.

To be eligible to receive this tuition assistance, the person must have a minimum obligation of two years remaining as a member of the North Carolina National Guard from the end of the academic period for which tuition assistance is provided, or must commit himself or herself to extended membership for at least two years from the end of that academic period.

BILL ANALYSIS: Section 3 of S.L. 2017-155 extends eligibility for tuition assistance to North Carolina National Guard members who are 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

CURRENT LAW: G.S. 116-143.1 requires a person to have established legal residency in the State for 12 months to qualify for in-state tuition. G.S. 116-143.3A provides for a waiver of the 12-month residency requirement for certain veterans and other individuals entitled to federal education benefits related to the Montgomery GI Active Duty Education Assistance Program or Post-9/11 Educational Assistance.

BILL ANALYSIS: Section 4 of S.L. 2017-155 allows recipients using transferred Post-9/11 GI Bill benefits while on active duty to also be eligible for in-State tuition if the recipient's abode was in the State and the recipient provided a letter of intent to establish residency. The act also allows recipients of the Marine Gunnery Sergeant John David Fry Scholarship whose parent or spouse died in the line of duty, regardless of whether the death followed a period of active duty service of 90 days or more, to be eligible for in-State tuition if the recipient's abode was in the State and the recipient provided a letter of intent to establish residency.

EFFECTIVE DATE: This act became effective July 21, 2017. Sections 1 and 2 of the act apply beginning with the 2017 fall academic semester.

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**This summary was substantially contributed to by Drupti Chauhan and Kara McCraw, Committee Counsel.*