



SENATE BILL 230: NC Military and Veteran Act of 2019.

2019-2020 General Assembly

Committee:		Date:	August 6, 2019
Introduced by:	Sens. D. Davis, Brown, Ballard	Prepared by:	Samantha Yarborough*
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *Senate Bill 230 would do all of the following:*

- *Provide for a minimum of 2 days per academic year for excused absences related to a parent or legal guardian's service in a combat zone.*
- *Require the Program Evaluation Division (PED) to study the extent to which the provisions of G.S. 93B-15.1 have improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards in the State. (House Bill 902 – Military-Trained/Spouse Licensure Practices.)*
- *Require the department of social services to collect information regarding the caretaker's military affiliation in the course of an abuse, neglect, or dependency assessment, and if evidence of abuse is found by the director, require the director to report the abuse to the appropriate military agency. (House Bill 274 – Child Abuse & Neglect/Military Affiliation.)*
- *Expand the definition of "child" for the purposes of determining college scholarship eligibility for children of North Carolina war veterans to include stepchildren, adopted children, and certain illegitimate children, and require the Department of Military and Veterans Affairs to report certain scholarship data to the Joint Legislative Oversight Committee on General Government by March 30, 2020. (Senate Bill 239 – Children of Wartime Vets/Scholarships.)*
- *Allow for certain military veterans and other individuals to be charged the in-State tuition rate, regardless of the 12-month residency requirement. (House Bill 111, Section 2.3)*

Part I – Excused Absences for Children of Certain Members of the Armed Forces

CURRENT LAW: G.S. 115C-378 requires every parent, guardian, or custodian having charge or control of a child between the ages of seven and 16 to ensure that the child attends school.

G.S. 115C-379 authorizes the State Board of Education to determine what is considered an unlawful absence, and what causes might constitute legitimate excuses for temporary nonattendance, such as a student's physical or mental inability to attend, or participation in a valid educational opportunity.

Additionally, a minimum of two excused absences each academic year must be allowed for religious observances required by the faith of a student or the student's parents. Students can be required to give advance notice of absences for religious observances, but the students must be given the opportunity to make up any tests or other work missed.

Article 29B of Chapter 115C, the Interstate Compact on Educational Opportunity for Military Children, includes a provision that provides, at the discretion of the local superintendent, a student whose parent or

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legal guardian is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, may be granted additional excused absences to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

BILL ANALYSIS: Part I would add a new category of required excused absences. Students would be allowed a minimum of 2 days per academic year for military leave when the following requirements are met:

1. The student's parent or legal guardian is an active duty member of the uniformed services.
2. The parent or legal guardian has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting.
3. The student is not identified by the local school administrative unit as at risk of academic failure because of unexcused absences.

The student's parent or legal guardian would be required to give written notice of the request for leave a reasonable time prior to the absence, and the student must be given the opportunity to make up tests or missed work due to the absence.

EFFECTIVE DATE: Part I would become effective when it becomes law, and would apply beginning with the 2019-2020 school year.

Part II – Program Evaluation Division Study of Occupational Licensing of Military-Trained Applicants and Military Spouses

CURRENT LAW: G.S. 93B-15.1 requires occupational licensing boards to issue occupational licenses to military-trained applicants and military spouse applicants upon proof to an occupational licensing board that they possess certain qualifications and experiences sufficient to allow them to practice their occupation in this State.

BILL ANALYSIS: Part II would require PED to study the extent to which G.S. 93B-15.1 has improved the ability of military trained applicants and military spouses to become licensed by occupational licensing boards in the State and would require all occupational licensing boards, as defined in G.S. 93B-1, to cooperate in conducting this study. Part II of the PCS would direct PED to consider the following:

- Whether G.S. 93B-15.1 should be expanded to allow licensure of more military-trained applicants and military spouses.
- The effectiveness of publishing information on the criteria for licensure of military spouses and whether additional platforms are available to publish this information.
- The feasibility and effectiveness of including a question about military status and status as a military spouse on applications for licensure.
- Determining what steps can be taken to provide or enhance continuing education programs to assist military spouses in maintaining an active occupational license, even if issued by another state.
- Providing training for at least one employee in the Department of Military and Veterans Affairs on the licensure process outlined in G.S. 93B-15 and considering ways to disseminate information about this employee's availability to applicants.
- Whether to develop a process for annually gathering occupational licensing board data on the number of military trained applicants and military spouses who (i) were licensed pursuant to G.S.

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93B-15.1 or under the existing licensure, certification, or registration requirements established by occupational licensing boards and (ii) were denied licensure.

Part II would also require PED to submit the findings of its study and any recommendations for proposed legislation to the Joint Legislative Oversight Committee on General Government and to the Department of Military and Veterans Affairs by February 1, 2020.

Part III – Local Director of Social Services Determination of Military Affiliation and Disclosure of Information

BACKGROUND: The Department of Defense is required to report all allegations of abuse and neglect of juveniles to the local department of social services. The Department of Defense has asked for State legislation that requires the local department of social services to share reports of abuse and neglect with the appropriate military personnel.

CURRENT LAW: G. S. 7B-302 requires that information received by the director of the department of social services be used to assess an allegation of abuse, neglect, or dependency.

G. S. 7B-307 requires the director of the department of social services to report to the district attorney and local law enforcement if the director finds evidence of abuse on a juvenile.

BILL ANALYSIS: Part III would authorize the collection of information regarding the military affiliation of a parent, guardian, custodian, or caretaker of a juvenile alleged to have been abused, and allow the sharing of information that is otherwise confidential with a military authority if there has been evidence of abuse found.

Part III would also require the director of social services to notify the appropriate military authority if evidence of abuse has been found.

Part IV – Eligibility Criteria for Children of Wartime Veterans Scholarships

CURRENT LAW: The Department of Military and Veterans Affairs (DMVA) administers a college scholarship program for children of certain war veterans. The Veterans' Affairs Commission determines the eligibility of applicants and selects the scholarship recipients. Class I and Class IV scholarships are automatically awarded to qualifying children. Class II and Class III scholarships may be awarded to qualifying children on a competitive basis. For all classes of scholarship, a child is one under the age of 25 who either:

- Has a veteran parent who was a legal resident of North Carolina at the time of the veteran's entrance into the period of service in the Armed Forces during which eligibility is established for the scholarship; or
- Was born as the child of a veteran in North Carolina and has been a resident of North Carolina continuously since birth, with certain limited exceptions.

For the purposes of Class II and Class III scholarships only, a child, as defined in 37 U.S.C. 401, also includes a veteran's:

- Stepchild, provided the veteran is not divorced from the stepchild's parent by blood.
- Adopted child, including a child placed in the veteran's home by a placement agency recognized by the Secretary of Defense in anticipation of the legal adoption of the child by the veteran.

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- Illegitimate child, if the veteran's parentage of the child is established.

BILL ANALYSIS: Part IV would extend to Class I and Class IV scholarships the expanded federal definition of "child" currently used for Class II and Class III scholarships for veterans' children. Part IV of the bill would also make a conforming change to the statutes and require the DMVA to document the number of applicants applying for the scholarships and the total number of applicants made eligible as a result of this section and report its findings to the Joint Legislative Oversight Committee on General Government by March 30, 2020.

Part V: In-State Tuition for Certain Veterans and Other Individuals

CURRENT LAW: 38 U.S.C. § 3679 requires that for a course of education provided by a public institution of higher learning to be approved to accept federal educational assistance benefits, all covered individuals pursuing these benefits must be offered the in-State tuition rate, regardless of the covered individual's actual state of residence. The definition of covered individual in 38 U.S.C. § 3679(c) includes individuals who are entitled to assistance under Chapter 30 (Montgomery G.I. Bill), Chapter 31 (Vocational Rehabilitation and Employment), or Chapter 33 (Post-9/11 GI Bill).

G.S. 116-143.1 creates the general requirement that a student must have resided in North Carolina for at least 12 months to be eligible to receive the in-State tuition rate at UNC constituent institutions and community colleges. G.S. 116-143.3A waives the 12-month residency requirement for certain veterans and other individuals entitled to federal education benefits under Chapter 30 or Chapter 33.

BILL ANALYSIS: Part V would remove the specific references to Chapter 30 and Chapter 33 benefits and extend the in-State tuition rate to all of the covered individuals required by federal law.

Part V would apply to qualifying veterans and other individuals who are enrolled or who enroll in institutions of higher education for any academic quarter, term, or semester that begins on or after the date SB 230 becomes law.

Part VI: Effective Date

SB 230 would become effective when it becomes law.

**Brian Gwyn, Susan Sitze, Jennifer Bedford, Billy Godwin, and Kara McCraw, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*