



SENATE BILL 706: Educ. Changes for Military-Connected Students.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 18, 2020
Introduced by:	Sen. Brown	Prepared by:	Kara McCraw Staff Attorney, Manning Peeler, Legal Extern
Analysis of:	Second Edition		

OVERVIEW: SB 706 would make the following changes:

- *Part I would authorize students with parents or legal guardians not domiciled in the State who are active duty military to attend school in the State if the student is residing with an adult domiciled in the State due to the inability of the student to physically reside with the military parent due to the parent's military orders.*
- *Part II would allow high school students who are eligible for in-state tuition at the time of application due to their status as dependents of military personnel to retain that status upon enrollment, even if the parent has been reassigned to another state incident to active military duty.*

PART I: STUDENT ATTENDANCE IN LOCAL SCHOOL ADMINISTRATIVE UNITS

CURRENT LAW: G.S. 115C-366 establishes the requirements for assignment of students to local school administrative units (LEAs). Generally, a student must be domiciled in a local school administrative unit to attend its public schools free of tuition. A minor's domicile is the same as the minor's parent or legal guardian (parent). *Graham v. Mock*, 143 N.C. App. 315, 318 (2001). However, there are a number of exceptions. One of the exceptions is when that student resides with a caregiver adult who is domiciled in the LEA because the student's parent is on active military duty and is deployed outside of the LEA in which the student resides. Affidavits and evidence of the deployment must be provided to the local board of education.

BILL ANALYSIS: Sec. 1(a) would replace the current exception for enrollment of students whose parent is on active military duty with a new exception. This exception would authorize enrollment of a non-domiciled student living with a caregiver adult domiciled in the LEA if the following apply:

- The parent is on active military duty.
- The commanding officer of the parent provides a signed letter that the parent's military orders prevent the parent from physically residing with the student, and includes the time period the military orders will be in effect. Active military duty would not include periods of active duty for training of less than 30 days.
- The signed letter is submitted with the required affidavits.

The section also clarifies that legal guardianship by the caregiver adult is not a requirement for enrollment.

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Sec. 1(b) would clarify that a student is eligible to register to attend school in an LEA if the student resides in the LEA with a parent on active military duty assigned to a military installation or reservation in the State, even if the parent is not domiciled in the State.

EFFECTIVE DATE: Part I would become effective when it becomes law, and would apply beginning with the 2020-2021 school year.

PART II: CLARIFY CONTINUOUS ENROLLMENT FOR MILITARY DEPENDENT HIGH SCHOOL STUDENTS ONCE ADMITTED

CURRENT LAW: G.S. 116-143.1 requires that an individual reside in the State for 12 months to qualify for in-state tuition at a constituent institution or community college of the State (institution of higher education). G.S. 116-143.4 provides an exception to this requirement for members of the Armed Forces abiding in the State incident to active military duty and their dependent relatives who reside with them, and grants them in-state tuition without meeting the 12 month residency requirement. The benefit is retained by the dependent even after the member is reassigned outside of the State or retires, as long as the dependent remains continuously enrolled in the degree or program.

BILL ANALYSIS: Section 2(a) would qualify a dependent relative of a member of the Armed Forces for in-state tuition after the member is reassigned outside of the State incident to active military duty if all of the following criteria are met:

- While the member of the Armed Forces is assigned in North Carolina, the dependent relative applies for admission to an institution of higher education while enrolled in a North Carolina high school.
- The member is reassigned outside of North Carolina before the student enrolls in the institution of higher education.
- Upon admission, the dependent relative enrolls in the institution of higher education no later than the fall semester following the notice of admission and remains continuously enrolled.

EFFECTIVE DATE: Part II would become effective when it became law, and would apply to students admitted for the fall academic semester of 2020 and thereafter.