



HOUSE BILL 53: Educ. Changes for Military-Connected Students.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 10, 2021
Introduced by:	Reps. Cleveland, Bell, Martin	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition H53-CSTT-4		Staff Attorney

OVERVIEW: *House Bill 53 would make the following changes:*

- *Part I would allow a student whose parent is deployed, to attend school while residing with a caregiver.*
- *Part II would allow a high school student who is a dependent of military personnel to retain in-state tuition eligibility, even if the parent has been reassigned to another state incident to active duty.*
- *Part II would also allow a military-dependent to maintain scholarship eligibility if the servicemember's duty post is reassigned.*

PART I. AUTHORIZE STUDENT ATTENDANCE IN A LOCAL SCHOOL ADMINISTRATIVE UNIT FOR CHILDREN OF ACTIVE DUTY MILITARY DUE TO THE MILITARY ORDERS OF THE PARENT

CURRENT LAW: G.S. 115C-366 establishes the requirements for assignment of students to local school administrative units (LEAs). A student must be domiciled in a local school administrative unit to attend its public schools free of tuition unless an exception applies. If a student resides with a caregiver because the student's parent is deployed, the student may attend the caregiver's LEA.

BILL ANALYSIS: Section 1(a) would replace the current exception for enrollment of a student 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.

Section 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.

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PART II. CLARIFY CONTINUOUS ENROLLMENT FOR HIGH SCHOOL STUDENTS WHO ARE DEPENDENTS OF MILITARY PERSONNEL ONCE THOSE STUDENTS ARE ADMITTED TO A STATE INSTITUTION OF HIGHER EDUCATION

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. G.S. 116-143.4 provides an exception to this requirement for members of the Armed Forces living in the State incident to active military duty and their dependent relatives who reside with them. This exception 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 if all of the following criteria are met:

- The dependent relative applies for admission to an institution of higher education while enrolled in a North Carolina high school and while the member of the Armed Forces is assigned in North Carolina,
- 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.

CURRENT LAW: Article 34 of Chapter 116 of the General Statutes creates a need-based scholarship (Scholarship) for students attending private institutions of higher education administered by the State Education Assistance Authority (SEAA). G.S. 116-281 sets the eligibility requirements to receive a Scholarship.

BILL ANALYSIS: Section 2.5(a) would allow a student whose scholarship for a private school is based on living with an active duty servicemember, to maintain eligibility if the servicemember is reassigned to a new duty station.

EFFECTIVE DATE: This act would become effective when it becomes law, except as otherwise provided. Section 2 would apply to students admitted for the fall academic semester of 2021 and thereafter. Section 2.5 would apply beginning with the award of scholarships for the 2021-2022 academic year.