



HOUSE BILL 78: Various Education Changes.

2021-2022 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	August 5, 2021
Introduced by:	Reps. Blackwell, Clemmons, Elmore, Hurley	Prepared by:	Samantha Yarborough*
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *The 3rd edition of HB 78 would (i) allow additional standardized tests to satisfy 9th grade private school testing requirements and (ii) make changes for in-State tuition for veterans to comply with federal law.*

SECTION I: PRIVATE SCHOOL STANDARDIZED TESTING REQUIREMENTS

CURRENT LAW: Article 39 of Chapter 115C establishes the requirements for private church schools, schools of religious charter, and qualified nonpublic schools. One of those requirements is testing in grades 3, 6, 9, and 11. The test must be a nationally standardized test or other equivalent measure selected by the school. In grades 3, 6, and 9, the test must measure achievement in English grammar, reading, spelling, and mathematics. In grade 11, the test must measure competencies in verbal and quantitative areas.

For nonpublic schools that receive Opportunity Scholarships, the standardized tests must be administered annually to scholarship students, and must measure achievement in the areas of English grammar, reading, spelling, and mathematics.

BILL ANALYSIS: Section 1 would change the requirements for all nonpublic school testing in 9th grade to allow test that measured either (i) achievement in the areas of English grammar, reading, spelling and mathematics or (ii) competencies in the verbal and quantitative areas.

For nonpublic schools required to administer annual testing to Opportunity Scholarship recipients, the bill would require testing in grades 3-8 that measures achievement in the areas of English grammar, reading, spelling and mathematics, and testing in grades 9-12 that measures either (i) achievement in the areas of English grammar, reading, spelling and mathematics or (ii) competencies in the verbal and quantitative areas.

This section would apply beginning with the 2021-2022 school year.

PART II: IN-STATE TUITION/VETERANS/FEDERAL LAW COMPLIANCE

CURRENT LAW: In order to remain an approved course of education for students receiving federal educational assistance benefits, 38 U.S.C. § 3679 requires institutions of higher education to charge in-State tuition to covered individuals who are living in the state, regardless of legal residency status. 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).

Prior to 2021, federal law required veterans to be entitled to in-State tuition in the three years following discharge. In 2021, the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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Improvement Act of 2020 (Public Law 116-315) eliminated the three-year limitation, requiring states to offer in-State tuition to qualifying veterans regardless of the time from discharge.

To the extent required by 38 U.S.C. § 3679, North Carolina law (G.S. 116-143.3A) waives the 12-month residency requirement for in-State tuition for any veteran, dependent of a veteran, or other qualifying individual who is admitted to an institution of higher education and meets the following criteria:

- The individual's abode is in North Carolina.
- The individual provides a letter of intent to establish residence in North Carolina.
- The individual meets the definition of a "covered individual" under 38 U.S.C. § 3679(c).

After three years following discharge, an individual receiving in-State tuition because of G.S. 116-143.3A continues to be eligible for in-State tuition as long as the individual has remained continuously enrolled in the institution of higher education.

BILL ANALYSIS: Section 2 would eliminate the requirement in G.S. 116-143.3A that individuals would be eligible for in-State tuition after three years from discharge only if they remain continuously enrolled in the institution of higher education. Therefore, covered veterans would be eligible for in-State tuition beyond three years from discharge without having to be continuously enrolled.

EFFECTIVE DATE: HB 78 would become effective when it becomes law.

**Brian Gwyn and Kara McCraw, staff attorneys in the Legislative Analysis Division, substantially contributed to this summary.*