## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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## HOUSE BILL 1499

Short Title: In-State Tuition for DOD Emps/Tuition Refund.	(Public)						
Sponsors: Representatives Dickson, Glazier, Lucas, Lewis (I E. Floyd.	Primary Sponsors); and						
Referred to: Education, if favorable, Appropriations.							
April 13, 2009	April 13, 2009						
1 A BILL TO BE ENTITLED							
AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE AND TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET STANDARDS FOR TUITION REFUND POLICIES FOR PROPRIETARY SCHOOLS.							
<ul> <li>6 The General Assembly of North Carolina enacts:</li> <li>7 SECTION 1. Article 14 of Chapter 116 of the General</li> </ul>	Statutes is amended by						
8 adding a new section to read:	5						
<ul> <li>9 "<u>§ 116-143.7. Tuition of employees of the Department of Defense a</u></li> <li>10 (a) Definitions. – The following definitions apply in this section</li> </ul>							
(a) Definitions. – The following definitions apply in this section:							
11 (1) <u>"Abode" means the place where a person actually li</u>							
12 <u>or permanently; "abide" means to live in a given pla</u>							
13 (2) "Employee" means a person who is employed	by the United States						
14 <u>Department of Defense.</u> 15 (b) Employee to Be Charged In State Twitien Any employee	avalifating for a during on						
<ul> <li>15 (b) Employee to Be Charged In-State Tuition. – Any employee</li> <li>16 to an institution of higher education as defined in G.S. 116-143.1(a)(3)</li> </ul>							
to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition rate and							
applicable mandatory fees for enrollment while the employee is abiding in this State incident to							
<ul> <li>applicable mandatory fees for enrollment while the employee is abidin</li> <li>employment with the Department of Defense in this State. In the</li> </ul>	-						
	reassigned by the Department of Defense outside of North Carolina or retires, the employee is						
	shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long						
as the employee is continuously enrolled in the degree or other program in which the employee							
22 as the employee is continuously enrolled in the degree or other program 23 was enrolled at the time the employee is reassigned. In the event the end 24 marchine environment of the environment of the event the environment of the event the environment of the event of the ev	± •						
24 Department of Defense, the retired employee shall continue to be	eligible for the in-State						
25 tuition rate and applicable mandatory fees so long as the employee	establishes residency in						
26 North Carolina within 30 days after the date of retirement and is con	tinuously enrolled in the						
27 degree or other program in which the employee was enrolled at the tim	<b>. .</b>						
28 (c) Dependent to Be Charged In-State Tuition. – Any de	-						
29 <u>employee who is abiding in this State incident to employment by the</u> 30 while sharing the abode of the employee shall be eligible to be charge							
while sharing the abode of the employee shall be eligible to be charged the in-State tuition rate							
<ul> <li><u>if the dependent relative qualifies for admission to an institution of his</u></li> <li>in G.S. 116-143.1(a)(3). The dependent relative shall comply with</li> </ul>							
in G.S. 116-143.1(a)(3). The dependent relative shall comply with the requirements of the							
Selective Service System, if applicable, in order to be accorded this benefit. In the event the							
employee is reassigned by the Department of Defense outside of North Carolina or retires, the							
35 <u>dependent relative shall continue to be eligible for the in-State tui</u> 36 mandatory fees so long as the dependent relative is continuously enrol							



## **General Assembly of North Carolina** Session 2009 program in which the dependent relative was enrolled at the time the employee is reassigned or 1 2 retires. In the event the employee retires, the dependent relative shall continue to be eligible for 3 the in-State tuition rate and applicable mandatory fees so long as the dependent relative 4 establishes residency within North Carolina within 30 days after the date of retirement and is 5 continuously enrolled in the degree or other program in which the dependent relative was 6 enrolled at the time the employee retired. The person applying for the benefit of this section has the burden of proving 7 (d) 8 entitlement to the benefit. 9 A person charged less than the out-of-State tuition rate solely by reason of this (e) section shall not, during the period of receiving that benefit, qualify for or be the basis of 10 conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)." 11 SECTION 2. G.S. 115D-39(a) reads as rewritten: 12 13 The State Board of Community Colleges shall fix and regulate all tuition and fees "(a) charged to students for applying to or attending any institution pursuant to this Chapter. 14 The receipts from all student tuition and fees, other than student activity fees, shall be State 15 funds and shall be deposited as provided by regulations of the State Board of Community 16 17 Colleges. 18 The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and 19 G.S. 116-143.3, G.S. 116-143.1, 116-143.3, and 116-143.7 shall apply to students attending 20 institutions operating pursuant to this Chapter; provided, however, that when an employer other 21 than the armed services, as that term is defined in G.S. 116-143.3 or the United States 22 Department of Defense under G.S. 116-143.7, pays tuition for an employee to attend an 23 institution operating pursuant to this Chapter and when the employee works at a North Carolina 24 business location, the employer shall be charged the in-State tuition rate; provided further, 25 however, a community college may charge in-State tuition to up to one percent (1%) of its 26 out-of-state students, rounded up to the next whole number, to accommodate the families 27 transferred by business, the families transferred by industry, or the civilian families transferred 28 by the military or the Department of Defense, consistent with the provisions of G.S. 116-143.3 29 or G.S. 116-143.7, into the State. Notwithstanding these requirements, a refugee who lawfully 30 entered the United States and who is living in this State shall be deemed to qualify as a 31 domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community 32 college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a nonresident of the United 33 States who has resided in North Carolina for a 12-month qualifying period and has filed an 34 immigrant petition with the United States Immigration and Naturalization Service shall be 35 considered a State resident for community college tuition purposes." 36 **SECTION 3.** G.S. 116-21.3 is amended by adding a new subsection to read: 37 "(c1) Any employee, as defined in G.S. 116-143.7(a), abiding in this State incident to 38 employment with the United States Department of Defense who does not qualify as a resident 39 for tuition purposes, as defined under G.S. 116-143.1, is eligible for a legislative tuition grant 40 under this section if the employee is enrolled as a full-time undergraduate student or as a licensure student. The employee's legislative tuition grant shall not exceed the cost of tuition 41 42 less any tuition assistance paid by the employee's employer." SECTION 4. G.S. 116-22(2) reads as rewritten: 43 44 "Student" shall mean a person enrolled in and attending an institution located "(2) 45 in the State who qualifies as a resident of North Carolina in accordance with 46 definitions of residency that may from time to time be adopted by the Board 47 of Governors of the University of North Carolina and published in the 48 residency manual of said Board; and a person who has not received a 49 bachelor's degree, or qualified therefore, and who is otherwise classified as 50 an undergraduate under such regulations as the Board of Governors of the 51 University of North Carolina may promulgate. The enrollment figures

required by G.S. 116-19 through 116-22 shall be the number of full-time equivalent students as computed under regulations prescribed by the Board of Governors of the University of North Carolina, Qualification for in-State utition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student" as defined in this subdivision." SECTION S. G.S. 116-43.5(a)(3) reads as rewritten: "(a) Definitions. – The following definitions apply in this section:  (3) "Student" means a person enrolled in and attending an institution located in the State (i) who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of The University of North Carolina and published in the residency manual of the Board, and (ii) who has not received a bachelors degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of The University of North Carolina may promulgate. Qualification for in-State tuition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student" as defined in this subdivision." SECTION 6. G.S. 116-143.4 reads as rewritten: "§ 116-143.4 Admissions status of persons charged in.State tuition. A person eligible for the in-State tuition rare pursuant to this Article shall be considered an in-State applicant for the purpose of admission; provided that, a person eligible for in-State tuition pursuant to G.S. 116-143.3(c) <u>or G.S. 116-143.7(c)</u> shall be considered an in-State applicant for the purpose of admission; provided that, a general education development (GED) program in an institution located in this State." SECTION 7. G.S. 116-143.3(a)(2), while a sarewritten: "(b) Students. – (1) Admission of Students. – The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees, To be eligible to be considered for admission, an applicant must be <del>either</del> (j) a legal resident of the State, as defined by		General	Asseml	oly of North Carolina	Session 2009
<ul> <li>as defined in this subdivision."</li> <li>SECTION 5. G.S. 116-43.5(a)(3) reads as rewritten:</li> <li>"(a) Definitions. – The following definitions apply in this section:</li> <li>"(a) Tstudent" means a person enrolled in and attending an institution located in the State (i) who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of The University of North Carolina and published in the residency manual of the Board, and (ii) who has not received a bachelors degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of The University of North Carolina may promulgate. Qualification for in-State tuition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student" as defined in this subdivision."</li> <li>SECTION 6. G.S. 116-143.4 reads as rewritten:</li> <li>"\$116-143.4. Admission status of persons charged in-State tuition.</li> <li>A person eligible for the in-State tuition rate pursuant to this Article shall be considered an in-State applicant for the purpose of admission; provided that, a person eligible for in-State applicant for the purpose of admission provided that; a person eligible for in-State applicant for the purpose of students. – The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees. To be eligible to be considered for admission, an applicant must be either(j) a legal resident of the State, addrivented, provided the state, incident to active military duty at the time the applicant must be either(j) a legal resident of the State, addrivented, provided the student shares the abode of that perare (iii) a student shores here abode of the generation (ii) a subdent dy or scient as active duty member of the armed services, as defined by G.S. 116-143.3(a), (b) ergin a a employee; eligiblity to remain enrolled in the School shall</li></ul>	2 3			equivalent students as computed under regulations prescri	ibed by the Board
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<ul> <li>(3) "Student" means a person enrolled in and attending an institution located in the State (i) who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of The University of North Carolina and published in the residency manual of the Board, and (ii) who has not received a bachelors degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of The University of North Carolina may promulgate. Qualification for in-State tuition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student" as defined in this subdivision."</li> <li>SECTION 6. G.S. 116-143.4 reads as rewritten:</li> <li>"\$116-143.4. Admissions status of persons charged in-State tuition.</li> <li>A person eligible for the in-State tuition rate pursuant to this Article shall be considered an in-State applicant for the purpose of admission; provided that, a person eligible for in-State tuition pursuant to G.S. 116-143.3(c) or G.S. 116-143.7(c) shall be considered an in-State applicant for the purpose of admission only if at the time of seeking admission he-the person is enrolled in a high school located in North Carolina or enrolled in a general education development (GED) program in an institution located in this State."</li> <li>SECTION 7. G.S. 116-143.3(c) or J.S. 116-143.1(a)(1), er-(ii) a students</li> <li>(1) Admission of Students The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees. To be eligible to be considered for admission, an applicant must be either-(i) a legal resident of the State, as defined by G.S. 116-143.1(a)(1), er-(ii) a student those parent is an active duty member of the armed services, as defined by G.S. 116-143.3(a)(2), who is abiding in this State incident to antiporty duty at the time the application is submitted, provided the student shares the abode of the person digin</li></ul>		"(a)			
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11       definitions of residency that may from time to time be adopted by the Board         12       of Governors of The University of North Carolina and published in the         13       residency manual of the Board, and (ii) who has not received a bachelors         14       degree, or qualified therefor, and who is otherwise classified as an         15       undergraduate under such regulations as the Board of Governors of The         16       University of North Carolina may promulgate. Qualification for in-State         17       tuition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student"         18       as defined in this subdivision."         19       SECTION 6. G.S. 116-143.4 reads as rewritten:         "\$ 116-143.4. Admissions status of persons charged in-State tuition.         10       A person eligible for the in-State tuition rate pursuant to this Article shall be considered an in-State applicant for the purpose of admission; provided that, a person eligible for in-State applicant for the purpose of admission only if at the time of seeking admission he-the person is         12       secTION 7. G.S. 116-143.3(c) or G.S. 116-143.7(c) shall be considered an in-State         13       secTION 7. G.S. 116-235(b)(1) reads as rewritten:         "(b)       Students         29       (1)         10       Admission of Students The School shall admit students in accordance         with criteria, standards, and procedures	9		(3)		
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47rising high school juniors offered admission to the program from each of48North Carolina's congressional districts be more than two and one-half					
e	47			•	
•	48				
49 percentage points from the average number per district who are offered	49			•	
50 admission."					
51 SECTION 8. G.S. 115D-89(a) reads as rewritten:	51		SEC	<b>FION 8.</b> G.S. 115D-89(a) reads as rewritten:	

## **General Assembly of North Carolina**

"(a) The State Board of Community Colleges, acting by and through the President of the 1 2 Community College System, shall have authority to administer and enforce this Article and to 3 grant and issue licenses to proprietary business schools, proprietary trade schools, proprietary 4 technical schools, and correspondence schools, whose sustained curriculum is of a grade equal 5 to that prescribed for similar public schools and educational institutions of the State and which 6 have met the standards set forth by the Board, including but not limited to course offerings, 7 adequate facilities, financial stability, stability, tuition refund policies, competent personnel and 8 legitimate operating practices."

9 SECTION 9. This act is effective when it becomes law. Sections 1 through 7 apply
 10 beginning with the 2009-2010 academic year.