

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

SESSION LAW 2019-201  
SENATE BILL 230

AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO ADOPT RULES PROVIDING FOR EXCUSED ABSENCES FROM SCHOOL FOR CHILDREN OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES; TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION SHALL STUDY WAYS IN WHICH TO IMPROVE THE ABILITY OF MILITARY-TRAINED APPLICANTS AND MILITARY SPOUSES TO BECOME LICENSED BY OCCUPATIONAL LICENSING BOARDS IN THE STATE; TO AUTHORIZE A LOCAL DIRECTOR OF SOCIAL SERVICES TO DETERMINE IF A JUVENILE WHO IS ALLEGED TO HAVE BEEN ABUSED, NEGLECTED, OR DEPENDENT HAS AN ASSOCIATION WITH THE MILITARY AND TO SHARE THAT INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES, WHEN APPLICABLE; TO ENSURE THAT ALL ELIGIBLE CHILDREN CAN OBTAIN WARTIME VETERANS SCHOLARSHIPS; AND TO CHARGE CERTAIN VETERANS AND OTHER INDIVIDUALS THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

**PART I. EXCUSED ABSENCES FOR CHILDREN OF CERTAIN MEMBERS OF THE ARMED FORCES**

**SECTION 1.(a)** G.S. 115C-379 reads as rewritten:

**"§ 115C-379. Method of enforcement.**

(a) It shall be the duty of the State Board of Education to formulate the rules that may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe (i) what shall constitute unlawful absence, (ii) what causes may constitute legitimate excuses for temporary nonattendance due to a student's physical or mental inability to attend or a student's participation in a valid educational opportunity such as service as a legislative page or a Governor's page, and (iii) under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State.

(b) ~~The~~ In addition to any excused absences authorized pursuant to subsection (a) of this section, the rules shall require school principals to authorize the following excused absences:

- (1) ~~a—Religious observance. — A minimum of two excused absences each academic year for religious observances required by the faith of a student or the student's parents-parent or legal guardian.~~
- (2) Military leave. — A minimum of two excused absences each academic year, if all of the following conditions are met:
  - a. The student's parent or legal guardian is an active duty member of the uniformed services, as defined by Article 29B of this Chapter, the Interstate Compact on Educational Opportunity for Military Children.
  - b. The student's parent or legal guardian has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.



- c. The student is not identified by the local school administrative unit as at risk of academic failure because of unexcused absences.

The rules may require that the student's ~~parents give~~ parent or legal guardian give the principal written notice of the request for an excused absence a reasonable time prior to the religious ~~observance.~~ observance or military leave. The student shall be given the opportunity to make up any tests or other work missed due to an excused absence for a religious ~~observance.~~ observance or military leave.

(c) It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

**SECTION 1.(b)** This section applies beginning with the 2019-2020 school year.

## **PART II. PROGRAM EVALUATION DIVISION STUDY OF OCCUPATIONAL LICENSING OF MILITARY-TRAINED APPLICANTS AND MILITARY SPOUSES**

**SECTION 2.(a)** The Program Evaluation Division, in consultation with the Department of Military and Veterans Affairs, shall 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. All occupational licensing boards, as that term is defined in G.S. 93B-1, shall cooperate with the Program Evaluation Division in conducting this study, including providing data on its compliance with the provisions of G.S. 93B-15.1. In conducting the study, the Program Evaluation Division shall consider, among other things, the following:

- (1) Whether the criteria in G.S. 93B-15.1 should be expanded to allow for the licensure of more military-trained applicants and military spouses.
- (2) The effectiveness of publishing information on the criteria for licensure of military spouses, as required by G.S. 93B-15.1, and whether there are additional platforms on which this information should be published to ensure broader dissemination to military spouses.
- (3) The feasibility and effectiveness of including a question about military status, including status as a military spouse, on applications for licensure.
- (4) 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.
- (5) Providing training for at least one employee in the Department of Military and Veterans Affairs on the licensure process outlined in G.S. 93B-15.1 for military-trained applicants and military spouses, and considering ways in which to disseminate information about this employee's availability to applicants.
- (6) Whether to develop a process for annually gathering data from all occupational licensing boards on the number of military-trained applicants and military spouses who (i) were licensed pursuant to G.S. 93B-15.1 or under the existing licensure, certification, or registration requirements established by occupational licensing boards and (ii) were denied licensure. The data shall include a summary of the reasons military-trained applicants and military spouses were denied licensure, but shall not disclose any identifying information about any applicant.

**SECTION 2.(b)** By February 1, 2020, the Program Evaluation Division shall report the findings of its study and any recommendations for proposed legislation to the Joint

**PART III. LOCAL DIRECTOR OF SOCIAL SERVICES DETERMINATION OF MILITARY AFFILIATION AND DISCLOSURE OF INFORMATION**

**SECTION 3.(a)** G.S. 7B-302 reads as rewritten:

**"§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.**

(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, including collecting information concerning the military affiliation of the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment. When the report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child.

(a1) All information received by the department of social services, including the identity of the reporter, shall be held in strictest confidence by the department, except under the following circumstances:

- (1) The department shall disclose confidential information to any federal, State, or local government entity or its agent, or any private child placing or adoption agency licensed by the Department of Health and Human Services, in order to protect a juvenile from abuse or neglect. The disclosure of confidential information pursuant to this subdivision shall include sharing information with the appropriate military authority if the director finds evidence that a juvenile may have been abused or neglected and the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected has a military affiliation. Any confidential information disclosed to any federal, State, or local government entity or its agent under this subsection shall remain confidential with the other entity or its agent and shall only be redisclosed for purposes directly connected with carrying out that entity's mandated responsibilities.

...."

**SECTION 3.(b)** G.S. 7B-307(a) reads as rewritten:

**"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law enforcement; notification to appropriate military authority; notification of Department of Health and Human Services.**

(a) If the director finds evidence that a juvenile may have been abused as defined by G.S. 7B-101, the director shall make an immediate oral and subsequent written report of the findings to the district attorney or the district attorney's designee and the appropriate local law enforcement ~~agency~~ agency, including notifying the appropriate military authority that there is evidence of abuse or neglect of a juvenile by a parent, guardian, custodian, or caretaker with that military affiliation, within 48 hours after receipt of the report. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate and coordinate a criminal investigation with the protective services assessment being conducted by the county department of social services. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate and may request the director or the director's designee to appear before a magistrate.

If the director receives information that a juvenile may have been physically harmed in violation of any criminal statute by any person other than the juvenile's parent, guardian, custodian, or caretaker, the director shall make an immediate oral and subsequent written report of that information to the district attorney or the district attorney's designee and to the appropriate local law enforcement agency within 48 hours after receipt of the information. The local law enforcement agency shall immediately, but no later than 48 hours after receipt of the information, initiate a criminal investigation. Upon completion of the investigation, the district attorney shall determine whether criminal prosecution is appropriate.

If the report received pursuant to G.S. 7B-301 involves abuse or neglect of a juvenile or child maltreatment, as defined in G.S. 110-105.3, in child care, the director shall notify the Department of Health and Human Services within 24 hours or on the next working day of receipt of the report.

The director of the department of social services shall submit a report of alleged abuse, neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the central registry under the policies adopted by the Social Services Commission."

#### **PART IV. ELIGIBILITY CRITERIA FOR CHILDREN OF WARTIME VETERANS SCHOLARSHIPS**

**SECTION 4.(a)** G.S. 143B-1224(3) reads as rewritten:

**"§ 143B-1224. Definitions.**

As used in this Part the terms defined in this section shall have the following meaning:

- ...
- (3) "Child" means a person: (i) under 25 years of age at the time of application for a scholarship, (ii) who is a domiciliary of North Carolina and is a resident of North Carolina when applying for a scholarship, (iii) who has completed high school or its equivalent prior to receipt of a scholarship awarded under this Part, (iv) who has complied with the requirements of the Selective Service System, if applicable, and (v) who further meets one of the following requirements:
- a. A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into that period of service in the Armed Forces during which eligibility is established under G.S. 143B-1226.
  - b. A veteran's child who was born in North Carolina and has been a resident of North Carolina continuously since birth. Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the Department of Military and Veterans Affairs if it is shown to the satisfaction of the Department that the child's mother was a native-born resident of North Carolina and was such resident at the time of her marriage to the veteran and was outside the State temporarily at the time of the child's birth, following which the child

was returned to North Carolina within a reasonable period of time where said child has since lived continuously.

- c. A person meeting either of the requirements set forth in subdivision (3) a or b above, and who ~~was legally adopted by the veteran prior to said person's reaching the age of 15 years~~ is a child, as that term is defined in 37 U.S.C. § 401."

**SECTION 4.(b)** Section 2(a) of S.L. 2018-37 is repealed.

**SECTION 4.(c)** The Department of Military and Veterans Affairs shall document the number of applicants who apply for scholarships provided in G.S. 143B-1226 and shall report on this information to the Joint Legislative Oversight Committee on General Government by March 30, 2020. The report shall include the total number of applications received and the total number of those applications made eligible as a result of this section.

## **PART V. IN-STATE TUITION FOR CERTAIN VETERANS AND OTHER INDIVIDUALS**

**SECTION 5.(a)** G.S. 116-143.3A reads as rewritten:

**"§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33.individuals.**

- (a) Definitions. – The following definitions apply in this section:

- (1) Abode. – Has the same meaning as G.S. 116-143.3(a)(1).
- (2) Armed Forces. – Has the same meaning as G.S. 116-143.3(a)(2).
- (3) Veteran. – A person who served active duty for not less than 90 days in the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration and who was discharged or released from such service.

(b) Waiver of 12-Month Residency Requirement for ~~Veteran~~ Certain Individuals. – Any ~~veteran~~ veteran, dependent of a veteran, or other individual who qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) is eligible to be charged the in-State tuition rate and applicable mandatory fees for ~~enrollment~~ enrollment, to the extent required by Section 702 of the Veterans Access, Choice, and Accountability Act of 2014, as amended, 38 U.S.C. § 3679, without satisfying the 12-month residency requirement under G.S. 116-143.1, provided the ~~veteran~~ individual meets all of the following criteria:

- (1) ~~The veteran applies for admission to the institution of higher education and enrolls within three years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.~~
- (2) ~~The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance Program) or 38 U.S.C. Chapter 33 (Post 9/11 Educational Assistance), as administered by the U.S. Department of Veterans Affairs.~~
- (3) ~~The veteran's individual's~~ individual's abode is North Carolina.
- (4) ~~The veteran individual~~ individual provides the institution of higher education at which the ~~veteran individual~~ individual intends to enroll a letter of intent to establish residence in North Carolina.
- (5) The individual meets the definition of a "covered individual" under 38 U.S.C. § 3679(c).

(c) ~~Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33.~~ — Any person who is entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment without satisfying the

~~12-month residency requirement under G.S. 116-143.1, if the person meets all of the following criteria:~~

- ~~(1) The person qualifies for admission to the institution of higher education as defined in G.S. 116-143.1(a)(3) and, with the exception of individuals described in subsections (c1) and (c2) of this section, enrolls in the institution of higher education within three years of the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration.~~
- ~~(2) The person is the recipient of federal educational benefits pursuant to 38 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance Program) or 38 U.S.C. Chapter 33 (Post 9/11 Educational Assistance), as administered by the U.S. Department of Veterans Affairs.~~
- ~~(3) The person's abode is North Carolina.~~
- ~~(4) The person provides the institution of higher education at which the person intends to enroll a letter of intent to establish residence in North Carolina.~~

~~(c1) Recipients using transferred Post 9/11 GI Bill benefits (38 U.S.C. § 3319) while the transferor is on active duty in the Armed Forces, the commissioned corps of the U.S. Public Health Service, or the National Oceanic and Atmospheric Administration are eligible for the in-State tuition rate, provided the recipient's abode is in North Carolina and the recipient provides the institution of higher education a letter of intent to establish residency in North Carolina.~~

~~(c2) Recipients of the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)), whose parent or spouse died in the line of duty, without regard as to whether the death in the line of duty followed a period of active duty service of 90 days or more, are eligible to receive in-State tuition under this section, provided the recipient's abode is in North Carolina and the recipient provides the institution of higher education a letter of intent to establish residency in North Carolina.~~

~~(d) After the expiration of the three-year period following discharge as described in 38 U.S.C. § 3679(c), any enrolled veteran entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other enrolled individual described in subsection (e) of this section entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who is eligible for in-State tuition under this section shall continue to be eligible for the in-State tuition rate so long as the covered individual remains continuously enrolled (other than during regularly scheduled breaks between courses, quarters, terms, or semesters) at that institution of higher education.~~

~~(e) The individual applying for the benefit of this section has the burden of proving entitlement to the benefit.~~

**SECTION 5.(b)** This section applies 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 this act becomes law.

## **PART VI. EFFECTIVE DATE**

**SECTION 6.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14<sup>th</sup> day of August, 2019.

s/ Norman Sanderson  
Presiding Officer of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 3:02 p.m. this 23<sup>rd</sup> day of August, 2019