

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 230
Education/Higher Education Committee Substitute Adopted 3/20/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S230-PCS45349-BN-39

Short Title: NC Military and Veteran Act of 2019.

(Public)

Sponsors:

Referred to:

March 13, 2019

A BILL TO BE ENTITLED

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.~~



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- 1 (2) Military leave. – A minimum of two excused absences each academic year, if
 2 all of the following conditions are met:
 3 a. The student's parent or legal guardian is an active duty member of the
 4 uniformed services, as defined by Article 29B of this Chapter, the
 5 Interstate Compact on Educational Opportunity for Military Children.
 6 b. The student's parent or legal guardian has been called to duty for, is on
 7 leave from, or has immediately returned from deployment to a combat
 8 zone or combat support posting.
 9 c. The student is not identified by the local school administrative unit as
 10 at risk of academic failure because of unexcused absences.

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

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

21 **SECTION 1.(b)** This section applies beginning with the 2019-2020 school year.
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23 **PART II. PROGRAM EVALUATION DIVISION STUDY OF OCCUPATIONAL** 24 **LICENSING OF MILITARY-TRAINED APPLICANTS AND MILITARY SPOUSES**

25 **SECTION 2.(a)** The Program Evaluation Division, in consultation with the
 26 Department of Military and Veterans Affairs, shall study the extent to which the provisions of
 27 G.S. 93B-15.1 have improved the ability of military-trained applicants and military spouses to
 28 become licensed by occupational licensing boards in the State. All occupational licensing boards,
 29 as that term is defined in G.S. 93B-1, shall cooperate with the Program Evaluation Division in
 30 conducting this study, including providing data on its compliance with the provisions of
 31 G.S. 93B-15.1. In conducting the study, the Program Evaluation Division shall consider, among
 32 other things, the following:

- 33 (1) Whether the criteria in G.S. 93B-15.1 should be expanded to allow for the
 34 licensure of more military-trained applicants and military spouses.
 35 (2) The effectiveness of publishing information on the criteria for licensure of
 36 military spouses, as required by G.S. 93B-15.1, and whether there are
 37 additional platforms on which this information should be published to ensure
 38 broader dissemination to military spouses.
 39 (3) The feasibility and effectiveness of including a question about military status,
 40 including status as a military spouse, on applications for licensure.
 41 (4) Determining what steps can be taken to provide or enhance continuing
 42 education programs to assist military spouses in maintaining an active
 43 occupational license, even if issued by another state.
 44 (5) Providing training for at least one employee in the Department of Military and
 45 Veterans Affairs on the licensure process outlined in G.S. 93B-15.1 for
 46 military-trained applicants and military spouses, and considering ways in
 47 which to disseminate information about this employee's availability to
 48 applicants.
 49 (6) Whether to develop a process for annually gathering data from all
 50 occupational licensing boards on the number of military-trained applicants
 51 and military spouses who (i) were licensed pursuant to G.S. 93B-15.1 or under

1 the existing licensure, certification, or registration requirements established
2 by occupational licensing boards and (ii) were denied licensure. The data shall
3 include a summary of the reasons military-trained applicants and military
4 spouses were denied licensure, but shall not disclose any identifying
5 information about any applicant.

6 **SECTION 2.(b)** By February 1, 2020, the Program Evaluation Division shall report
7 the findings of its study and any recommendations for proposed legislation to the Joint
8 Legislative Oversight Committee on General Government and to the Department of Military and
9 Veterans Affairs.

10
11 **PART III. LOCAL DIRECTOR OF SOCIAL SERVICES DETERMINATION OF**
12 **MILITARY AFFILIATION AND DISCLOSURE OF INFORMATION**

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

14 "**§ 7B-302. Assessment by director; military affiliation; access to confidential information;**
15 **notification of person making the report.**

16 (a) When a report of abuse, neglect, or dependency is received, the director of the
17 department of social services shall make a prompt and thorough assessment, using either a family
18 assessment response or an investigative assessment response, in order to ascertain the facts of the
19 case, including collecting information concerning the military affiliation of the parent, guardian,
20 custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the
21 abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective
22 services should be provided or the complaint filed as a petition. When the report alleges abuse,
23 the director shall immediately, but no later than 24 hours after receipt of the report, initiate the
24 assessment. When the report alleges neglect or dependency, the director shall initiate the
25 assessment within 72 hours following receipt of the report. When the report alleges abandonment
26 of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately
27 initiate an assessment. When the report alleges abandonment, the director shall also take
28 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to
29 secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall
30 include a visit to the place where the juvenile resides, except when the report alleges abuse or
31 neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.
32 When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter
33 110 of the General Statutes, a visit to the place where the juvenile resides is not required. When
34 the report alleges abandonment, the assessment shall include a request from the director to law
35 enforcement officials to investigate through the North Carolina Center for Missing Persons and
36 other national and State resources whether the juvenile is a missing child.

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

- 40 (1) The department shall disclose confidential information to any federal, State,
41 or local government entity or its agent, or any private child placing or adoption
42 agency licensed by the Department of Health and Human Services, in order to
43 protect a juvenile from abuse or neglect. The disclosure of confidential
44 information pursuant to this subdivision shall include sharing information
45 with the appropriate military authority if the director finds evidence that a
46 juvenile may have been abused or neglected and the parent, guardian,
47 custodian, or caretaker of the juvenile alleged to have been abused or
48 neglected has a military affiliation. Any confidential information disclosed to
49 any federal, State, or local government entity or its agent under this subsection
50 shall remain confidential with the other entity or its agent and shall only be

1 redisclosed for purposes directly connected with carrying out that entity's
2 mandated responsibilities.

3"

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

5 **"§ 7B-307. Duty of director to report evidence of abuse, neglect; investigation by local law**
6 **enforcement; notification to appropriate military authority; notification of**
7 **Department of Health and Human Services.**

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

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

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

30 The director of the department of social services shall submit a report of alleged abuse,
31 neglect, or dependency cases or child fatalities that are the result of alleged maltreatment to the
32 central registry under the policies adopted by the Social Services Commission."
33

34 **PART IV. ELIGIBILITY CRITERIA FOR CHILDREN OF WARTIME VETERANS** 35 **SCHOLARSHIPS**

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

37 **"§ 143B-1224. Definitions.**

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

39 ...

40 (3) "Child" means a person: (i) under 25 years of age at the time of application
41 for a scholarship, (ii) who is a domiciliary of North Carolina and is a resident
42 of North Carolina when applying for a scholarship, (iii) who has completed
43 high school or its equivalent prior to receipt of a scholarship awarded under
44 this Part, (iv) who has complied with the requirements of the Selective Service
45 System, if applicable, and (v) who further meets one of the following
46 requirements:

47 a. A person whose veteran parent was a legal resident of North Carolina
48 at the time of said veteran's entrance into that period of service in the
49 Armed Forces during which eligibility is established under
50 G.S. 143B-1226.

- 1 b. A veteran's child who was born in North Carolina and has been a
2 resident of North Carolina continuously since birth. Provided, that the
3 requirement in the preceding sentence as to birth in North Carolina
4 may be waived by the Department of Military and Veterans Affairs if
5 it is shown to the satisfaction of the Department that the child's mother
6 was a native-born resident of North Carolina and was such resident at
7 the time of her marriage to the veteran and was outside the State
8 temporarily at the time of the child's birth, following which the child
9 was returned to North Carolina within a reasonable period of time
10 where said child has since lived continuously.
- 11 c. A person meeting either of the requirements set forth in subdivision
12 (3) a or b above, and who ~~was legally adopted by the veteran prior to~~
13 ~~said person's reaching the age of 15 years is a child, as that term is~~
14 defined in 37 U.S.C. § 401."

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

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

21 22 **PART V. IN-STATE TUITION FOR CERTAIN VETERANS AND OTHER** 23 **INDIVIDUALS**

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

25 "**§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other**
26 ~~**individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or**~~
27 ~~**38 U.S.C. Chapter 33.**~~
28 **individuals.**

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

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

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

- 43 (1) ~~The veteran applies for admission to the institution of higher education and~~
44 ~~enrolls within three years of the veteran's discharge or release from the Armed~~
45 ~~Forces, the Commissioned Corps of the U.S. Public Health Service, or the~~
46 ~~National Oceanic and Atmospheric Administration.~~
47 (2) ~~The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C.~~
48 ~~Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance~~
49 ~~Program) or 38 U.S.C. Chapter 33 (Post 9/11 Educational Assistance), as~~
50 ~~administered by the U.S. Department of Veterans Affairs.~~
51 (3) ~~The~~ veteran's individual's abode is North Carolina.

1 (4) The ~~veteran-individual~~ provides the institution of higher education at which
2 the ~~veteran-individual~~ intends to enroll a letter of intent to establish residence
3 in North Carolina.

4 (5) The individual meets the definition of a "covered individual" under 38 U.S.C.
5 § 3679(c).

6 ~~(e) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38~~
7 ~~U.S.C. Chapter 30 or 38 U.S.C. Chapter 33. — Any person who is entitled to federal educational~~
8 ~~benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the~~
9 ~~in-State tuition rate and applicable mandatory fees for enrollment without satisfying the~~
10 ~~12-month residency requirement under G.S. 116-143.1, if the person meets all of the following~~
11 ~~criteria:~~

12 ~~(1) The person qualifies for admission to the institution of higher education as~~
13 ~~defined in G.S. 116-143.1(a)(3) and, with the exception of individuals~~
14 ~~described in subsections (e1) and (e2) of this section, enrolls in the institution~~
15 ~~of higher education within three years of the veteran's discharge or release~~
16 ~~from the Armed Forces, the Commissioned Corps of the U.S. Public Health~~
17 ~~Service, or the National Oceanic and Atmospheric Administration.~~

18 ~~(2) The person is the recipient of federal educational benefits pursuant to 38~~
19 ~~U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance~~
20 ~~Program) or 38 U.S.C. Chapter 33 (Post 9/11 Educational Assistance), as~~
21 ~~administered by the U.S. Department of Veterans Affairs.~~

22 ~~(3) The person's abode is North Carolina.~~

23 ~~(4) The person provides the institution of higher education at which the person~~
24 ~~intends to enroll a letter of intent to establish residence in North Carolina.~~

25 ~~(e1) Recipients using transferred Post 9/11 GI Bill benefits (38 U.S.C. § 3319) while the~~
26 ~~transferor is on active duty in the Armed Forces, the commissioned corps of the U.S. Public~~
27 ~~Health Service, or the National Oceanic and Atmospheric Administration are eligible for the~~
28 ~~in-State tuition rate, provided the recipient's abode is in North Carolina and the recipient provides~~
29 ~~the institution of higher education a letter of intent to establish residency in North Carolina.~~

30 ~~(e2) Recipients of the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. §~~
31 ~~3311(b)(9)), whose parent or spouse died in the line of duty, without regard as to whether the~~
32 ~~death in the line of duty followed a period of active duty service of 90 days or more, are eligible~~
33 ~~to receive in-State tuition under this section, provided the recipient's abode is in North Carolina~~
34 ~~and the recipient provides the institution of higher education a letter of intent to establish~~
35 ~~residency in North Carolina.~~

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

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

46 **SECTION 5.(b)** This section applies to qualifying veterans and other individuals
47 who are enrolled or who enroll in institutions of higher education for any academic quarter, term,
48 or semester that begins on or after the date this act becomes law.

50 PART VI. EFFECTIVE DATE

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