

ADMINISTRATIVE MEMORANDUM

SUBJECT Tuition Waiver for residents at least age 65
and for certain family of deceased or
disabled emergency workers of this state

NUMBER 377
DATE November 17, 1997

The 1997 General Assembly amended G.S. Chapter 115B, continuing tuition waiver on a space-available basis for North Carolina residents at least age 65 and extending the waiver, with several limitations, to the spouse and children of deceased or totally and permanently disabled emergency workers of this state. Under the mandate of G.S. 115B-3 the Board of Governors, on November 14, 1997, promulgated revised regulations to implement G.S. Chapter 115B as amended. The new regulations and the amended statute are attached to this Administrative Memorandum.

This Administrative Memorandum supersedes Administrative Memorandum Number 90 (dated October 17, 1977) and its rewrite at Section X-B-1-3 of The Administrative Manual of The University of North Carolina. Please implement this Administrative Memorandum at your institution. Questions in this matter may be addressed to Mr. David Edwards, Special Assistant to the President.


Molly Corbett Broad

Attachments - Resolution of the Board of Governors 11/14/97
- G.S. Chapter 115B

**RESOLUTION OF THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA
ADOPTING REGULATIONS FOR TUITION WAIVER
FOR PERSONS AT LEAST 65 YEARS OLD
AND
CERTAIN FAMILY OF DECEASED OR DISABLED
EMERGENCY WORKERS**

WHEREAS the opportunity for tuition-free enrollment within The University of North Carolina by persons 65 years of age or older has existed since 1975 under G.S. Chapter 115B and corresponding regulations of The University of North Carolina; and

WHEREAS the 1997 General Assembly, through enactment of Session Law 1997-505, expanded the privilege of tuition-free enrollment to include certain family of deceased or totally disabled emergency workers of this state; and

WHEREAS G.S. Chapter 115B, as amended in 1997, continues to direct that the Board of Governors of The University of North Carolina (hereinafter "the Board") promulgate rules and regulations necessary for the implementation of the statute with respect to the constituent institutions of The University of North Carolina,

NOW, THEREFORE, the Board hereby adopts the following regulations to implement the tuition waiver privilege of G.S. Chapter 115B:

1. Definitions. These regulations shall be administered under the following definitions:

a. "Emergency worker" means a firefighter, volunteer firefighter, law enforcement officer, or rescue squad worker.

b. "Employer" means the State of North Carolina or any of its departments, agencies, and institutions; or a county, city, town, or other political subdivision of the State.

c. "Firefighter" or "volunteer firefighter" means a fireman eligible under G.S. 58-86-25 for membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

d. "Law enforcement officer" means:

(1) An employee or volunteer of an employer who (a) possesses the power of arrest, (b) has taken the law enforcement oath administered under authority of the State as prescribed by G.S. 11-11, and (c) is certified as a law enforcement officer under the provisions of G.S. Chapter 17C or is certified as a deputy sheriff under the provisions of G.S. Chapter 17E; or

(2) The sheriff of a county of this State.

e. "Legal resident" or "resident" means a domiciliary of North Carolina without reference to duration of domicile. The determination of legal residence shall

be made in accordance with A Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes, as amended. Determinations with respect to legal residence may be appealed as provided by the residence Manual and the "Policies and Procedures of the State Residence Committee."

f. "Permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty" means a person who:

(1) As a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker suffered a disabling injury while in active service or training for active service;

(2) At the time of active service or training was a North Carolina legal resident; and

(3) Has been determined to be permanently and totally disabled for compensation purposes by the North Carolina Industrial Commission.

g. "Rescue squad worker" means any member of a rescue squad or an emergency medical services squad eligible under G.S. 58-86-30 for membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

h. "Survivor" means any person whose parent or spouse:

(1) Was a law enforcement officer, a firefighter, a volunteer firefighter, or a rescue squad worker;

(2) Was killed on or after October 1, 1997, while in active service or training for active service or died on or after October 1, 1997, as a result of a service-connected disability; and

(3) Was a North Carolina legal resident at the time of active service or training for active service.

"Survivor" does not mean the remarried widow or widower of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker.

i. "Tuition" means the amount charged for registering for a credit hour of instruction and shall not mean any other fees or charges or costs of textbooks.

2. Eligible persons. The tuition waiver privilege of G.S. Chapter 115B shall be available only to the following persons:

a. A legal resident of North Carolina who is 65 years of age or older prior to commencement of the academic term for which tuition waiver is sought.

b. A survivor who is a child of the deceased emergency worker, without regard to the survivor's legal residence or age.

c. A survivor who is the unremarried widow or widower of a deceased emergency worker, without regard to the survivor's legal residence or age.

d. The spouse of an emergency worker who became permanently and totally disabled on or after October 1, 1997, as a direct result of a traumatic injury sustained in the line of duty as an emergency worker. Neither the legal residence nor the age of the emergency worker's spouse is material in determining the spouse's eligibility for tuition waiver.

e. A child, at least age 17 but not yet 23, whose parent became permanently and totally disabled on or after October 1, 1997, as a direct result of a traumatic injury sustained in the line of duty as an emergency worker; provided, that the child may apply the waiver to courses for an enrollment period not to exceed 48 months with respect to a baccalaureate degree or, otherwise, for a time period not to exceed the number of months required to complete the educational program for which the child is applying. The legal residence of the child of the disabled parent is not material in determining the child's eligibility for tuition waiver.

3. Academic qualifications. To receive tuition waiver for a given course, a person shall first meet all institutional requirements with respect to institutional admission, course enrollment, and any other standards deemed appropriate by the enrolling institution; provided, that institutional requirements for course enrollment tuition-free under these regulations shall include the requirement that there be space available for enrollment tuition-free in any course for which tuition waiver is sought.

4. Student status. This tuition waiver privilege may apply to courses taken under any student status recognized under institutional policy (e.g., degree candidate, special student, auditor); provided, that tuition waiver shall be available only for courses for which a tuition charge is set and normally levied.

5. Other scholarship awards. If a person who receives tuition waiver under G.S. Chapter 115B as the survivor, spouse, or child of an emergency worker also receives a cash scholarship, from whatever source, paid or payable to the enrolling institution, the amount of the scholarship shall be applied to the credit of the person in payment of expenses incident to the person's attendance at the institution, and, if the terms of the scholarship permit, any balance shall be returned to the student.

6. FTE accounting. Persons attending classes under the tuition-waiver privilege of these regulations shall be counted in the computation of institutional enrollment for funding purposes.

7. Implementation: proof of eligibility. The Chancellor of each constituent institution, or the Chancellor's delegate, shall have authority to make those determinations required under these regulations for application of the tuition-waiver privilege; and the Chancellor, or the Chancellor's delegate, may require such proof as he or she deems necessary to insure that a person applying to the respective institution for tuition waiver is eligible for the benefits provided under these regulations for the pertinent course(s).

With respect to applications for tuition waiver from spouses and children of disabled emergency workers and from survivors of emergency workers, each institution shall include in its required proof of eligibility, the following:

a. To demonstrate a parent-child relationship, submission of a birth certificate, legal adoption papers, or other documentary evidence deemed appropriate by the institution.

b. To demonstrate a marital relationship, submission of a marriage certificate or other documentary evidence deemed appropriate by the institution.

c. To evidence the cause of death of an emergency worker, submission of certification of death from the records of (1) the Department of State Treasurer, (2) the appropriate city or county law enforcement agency that employed the deceased, (3) the administrative agency for the fire department or fire protection district recognized for funding under the Department of State Auditor, or (4) the administrative agency having jurisdiction over any paid firefighters of all counties and cities.

d. To evidence permanent and total disability of an emergency worker, submission of documentation from the North Carolina Industrial Commission deemed necessary by the institution.

8. Timely application. Application for the tuition benefit shall be permitted with respect only to academic terms commencing on or after the date on which the applicant delivers in proper order, an application for the benefit, including all supporting forms, documents, and materials.

9. Crime of misrepresentation. Before a person is accorded tuition waiver pursuant to these regulations, that person shall be informed by the constituent institution to which he or she has applied, of the criminal penalties authorized by G.S. 115B-6 with respect to conviction for (a) willfully misrepresenting eligibility for tuition benefits provided under these regulations or (b) knowingly aiding or abetting an applicant to misrepresent his or her eligibility; namely, that guilt of such acts constitutes a misdemeanor for which the offender, upon conviction thereof, shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than 30 days, or both.

10. Supplemental guidance. The President is authorized to issue such additional guidance and policies, not inconsistent with these regulations, as the President may deem appropriate to assist the institutions to implement G.S. Chapter 115B.

11. Supersession of prior regulations. These regulations supersede those adopted by the Board of Governors on October 14, 1977, with respect to G.S. Chapter 115B.

12. Effective date. These regulations shall be effective retroactively to October 1, 1997.

GENERAL STATUTES CHAPTER 115B

Tuition Waivers.

§ 115B-1. Definitions.

The following definitions apply in this Chapter:

(1) Employer. -- The State of North Carolina and its departments, agencies, and institutions; or a county, city, town, or other political subdivision of the State.

(2) Firefighter or volunteer firefighter. -- The same as provided in G.S. 58-86-25 for "eligible firemen."

(3) Law enforcement officer. -- An employee or volunteer of an employer who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the State as prescribed by G.S. 11-11, and who is certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes or certified as a deputy sheriff under the provisions of Chapter 17E of the General Statutes. "Law enforcement officer" also means the sheriff of the county.

(4) Permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. -- A person: (i) who as a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker suffered a disabling injury while in active service or training for active service, (ii) who at the time of active service or training was a North Carolina resident, and (iii) who has been determined to be permanently and totally disabled for compensation purposes by the North Carolina Industrial Commission.

(5) Rescue squad worker. -- The same as provided in G.S. 58-86-30 for "eligible rescue squad worker."

(6) Survivor. -- Any person whose parent or spouse: (i) was a law enforcement officer, a firefighter, a volunteer firefighter, or a rescue squad worker, (ii) was killed while in active service or training for active service or died as a result of a service-connected disability, and (iii) at the time of active service or training was a North Carolina resident. The term does not include the widow or widower of a law enforcement officer, firefighter, volunteer firefighter, or a rescue squad worker if the widow or widower has remarried.

(7) Tuition. -- The amount charged for registering for a credit hour of instruction and shall not be construed to mean any other fees or charges or costs of textbooks.

§ 115B-2. Tuition waiver authorized.

State-supported institutions of higher education, community

colleges, industrial education centers and technical institutes, shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition; provided, however, that such persons meet admission and other standards deemed appropriate by the educational institution, and provided further that such persons shall be accepted by the constituent institutions of the University of North Carolina only on a spaces-available basis:

(1) Legal residents of North Carolina who have attained the age of 65.

(2) Any person who is the survivor of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker killed as a direct result of a traumatic injury sustained in the line of duty.

(3) The spouse of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty.

(4) Any child, if the child is at least 17 years old but not yet 23 years old, whose parent is a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. However, a child's eligibility for a waiver of tuition under this Chapter shall not exceed: (i) 48 months, if the child is seeking a baccalaureate degree, or (ii) if the child is not seeking a baccalaureate degree, the number of months required to complete the educational program to which the child is applying.

§ 115B-3. Rules and regulations.

The Board of Governors of the University of North Carolina and the State Board of Education shall each, with respect to the institutions governed by it, promulgate rules and regulations necessary for the implementation of the provisions of this Chapter.

§ 115B-4. Enrollment computation for funding purposes.

Persons attending classes under the provisions of this Chapter, without payment of tuition, shall be counted in the computation of enrollment for funding purposes.

§ 115B-5. Proof of eligibility.

(a) The officials of such institutions charged with administration of this Chapter may require such proof as they deem necessary to insure that a person applying to the institution as a senior citizen is eligible for the benefits provided by this Chapter.

(b) The officials of the institutions charged with administration of this Chapter shall require the following proof to insure that a person applying to the institution and who requests a tuition

waiver under G.S. 115B-2(2), (3), or (4) is eligible for the benefits provided by this Chapter.

(1) The parent-child relationship shall be verified by a birth certificate, legal adoption papers, or other documentary evidence deemed appropriate by the institution.

(2) The marital relationship shall be verified by a marriage certificate or other documentary evidence deemed appropriate by the institution.

(3) The cause of death of the law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker shall be verified by certification from the records of the Department of State Treasurer, the appropriate city or county law enforcement agency that employed the deceased, the administrative agency for the fire department or fire protection district recognized for funding under the Department of State Auditor, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities.

(4) The permanent and total disability shall be verified by documentation deemed necessary by the institution from the North Carolina Industrial Commission.

§ 115B-5A. Student to be credited for scholarship value.

If a person obtains a tuition waiver under G.S. 115B-2(2), (3), or (4) and the person also receives a cash scholarship paid or payable to the institution, from whatever source, the amount of the scholarship shall be applied to the credit of the person in the payment of incidental expenses of the person's attendance at the institution, and any balance, if the terms of the scholarship permit, shall be returned to the student.

§ 115B-6. Misrepresentation of eligibility.

Any applicant who willfully misrepresents his eligibility for the tuition benefits provided under this Chapter, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than 30 days, or both.

cc: The Chief Finance Officers
The Chief Student Affairs Officers
The Directors of Admission
The University Attorneys
The State Residence Committee
Dr. George Antonelli
Mrs. Julia Martin
Mr. Grant Wolslagel
Assistant Attorney General Thomas O. Lawton, III