Tuition Waiver for Certain Family of Deceased or Disabled Emergency Workers

The General Assembly has provided the privilege of tuition-free enrollment to certain family of deceased or totally disabled emergency workers of this State and directed that the Board of Governors of the University of North Carolina promulgate rules and regulations necessary for the implementation of the statute with respect to the constituent institutions of the University of North Carolina.

1. Definitions.

a. "Educational program" means either:

1. those courses taken within the University of North Carolina in fulfillment of requirements for a degree, certificate, or certification; or

2. any course or aggregation of courses within the University of North Carolina not taken with respect to pursuit of a degree, certificate, or certification.

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

c. "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.

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

e. "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 N.C.G.S. § 11-11, and (c) is certified as a law enforcement officer under the provisions of N.C.G.S. Chapter 17C or is certified as a deputy sheriff under the provisions of N.C.G.S. Chapter 17E; or

2. the sheriff of a county of this State.

f. "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*.

g. "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.

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

i. "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.

j. "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 N.C.G.S. Chapter 115B shall be available only to the following persons:

a. Repealed.

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; however, the tuition waiver shall not be granted with respect to any academic term commencing after remarriage of the widow or widower, or be denied by reason of the elapse of time while the widow or widower is in either enrolled or non-enrolled status.

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. The tuition waiver shall not be denied by reason of the elapse of time while the spouse of the disabled emergency worker is in either enrolled or non-enrolled status. 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 tuition waiver:

1. shall not be extended beyond 48 consecutive calendar months incident to an educational program in pursuit of a baccalaureate degree;

2. shall not be extended beyond the time period necessary to complete the relevant educational program through consecutive regular-term academic semesters, carrying a "normal" (full) academic load, if incident to an educational program in pursuit of a certificate, certification, or a degree other than the baccalaureate degree; and,

3. shall be available for course enrollments after the student reaches age 23 only if the enrollments are part of an educational program in pursuit of a degree,

certificate, or certification, that was begun before the student reached age 23 and all other pertinent requirements of N.C.G.S. Chapter 115B are met.

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 this policy 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 N.C.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 this policy 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 this policy 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 this policy 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. Multiple educational programs.

a. Tuition waivers under N.C.G.S. Chapter 115B may be extended to a student for more than one educational program if the student qualifies for the tuition waiver with respect to each enrollment incident to each educational program.

b. Tuition waivers shall not be afforded to a student with respect to more than one educational program at any one time.

c. Tuition waivers shall not be afforded to a student with respect to simultaneous enrollment at two or more constituent institutions unless each simultaneous enrollment is incident to one educational program.

10. Reapplication. Following enrollment with tuition waiver under any provision of N.C.G.S. Chapter 115B, a student shall reapply for tuition waiver:

a. Incident to enrollment for any succeeding academic year under the same educational program;

b. After any break in enrollment for successive regular-term academic semesters; or,

c. Incident to initial enrollment in any subsequent educational program, irrespective of when in the academic year that program will commence.

11. Crime of misrepresentation. Before a person is accorded tuition waiver pursuant to this policy, that person shall be informed by the constituent institution to which he or she has applied, of the criminal penalties authorized by N.C.G.S. § 115B-6 with respect to conviction for (a) willfully misrepresenting eligibility for tuition benefits provided under this policy 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, may be fined or imprisoned for not more than 30 days, or both.

12. Supplemental guidance. The President is authorized to issue such additional guidelines and regulations, not inconsistent with this policy, as the President may deem appropriate to assist the institutions to implement N.C.G.S. Chapter 115B.

13. Repealed.

14. Repealed.