

ADMINISTRATIVE MEMORANDUM

SUBJECT In-State Tuition for North Carolina
Teachers Incident to Courses for
Certification and Professional
Advancement

NUMBER 384

DATE July 22, 1998

This Administrative Memorandum supersedes Administrative Memorandum Number 375 (dated October 22, 1997) and provides expanded guidance with respect to Session Law 1997-443 (effective July 1, 1997, and codified as G.S. 116-143.5), the text of which states:

§ 116-143.5 Tuition of certain teachers.

Notwithstanding G.S. 116-143.1, any teacher or other personnel paid on the teacher salary schedule who (i) has established a legal residence (domicile) in North Carolina and (ii) is employed full-time by a North Carolina public school, shall be eligible to be charged the in-State tuition rate for courses relevant to teacher certification or to professional development as a teacher. (1997-443, s. 8.22(c).)

The statute confers the in-State tuition rate on certain North Carolina teachers, irrespective of their length of legal residence, for courses they may take for teacher certification or professional development as a teacher.

This Administrative Memorandum is intended to reflect the determination (1) that a teacher who has entered into a contract for services that would qualify the teacher for the contemplated tuition benefit may be treated in the same manner as one who has begun to render services under such a contract and (2) that the declaration required under this Administrative Memorandum to verify the existence of certain circumstances underlying eligibility for the tuition benefit may be issued by one other than the applicant's employing principal where assignment to a particular school has not yet been made.

In accordance with its provisions, the statute shall be implemented within the University as follows:

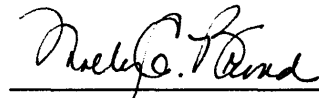
1. An applicant for the benefit of G.S. 116-143.5 must be a teacher or other person paid on the North Carolina teacher salary schedule incident to full-time employment by a North Carolina public school. "Full-time employment" means employment under

which the employee's aggregate of duties qualifies the applicant for membership in the Teachers' and State Employees' Retirement System (TSERS) or would so qualify the applicant if employed on a permanent basis. The applicant must provide a written declaration from the principal of the applicant's employing school verifying the applicant's employment status as a full-time employee paid on the North Carolina teacher salary schedule. An applicant shall be treated as "employed" if, with respect to an eligible public school position, the applicant either (1) has begun rendering employment services or (2) has contracted to render services. If the applicant has not yet been assigned to a specific school, the declaration may be submitted by the superintendent or other knowledgeable official of the school system that has contracted for the applicant's services.

2. The applicant must be a North Carolina legal resident (domiciliary), of any duration, as determined by the enrolling institution with reference to G.S. 116-143.1 and A Manual to Assist the Public Higher Education Institutions of North Carolina In the Matter of Student Residence Classification for Tuition Purposes. 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."
3. The applicant must be found to have established North Carolina legal residence prior to commencement of the course(s) for which the benefit of G.S. 116-143.5 is sought.
4. Any course for which the tuition benefit may be received must be "relevant to teacher certification or to professional development as a teacher." The applicant must provide to the enrolling institution a written declaration to that effect from the principal of the applicant's employing school. If the applicant has not yet been assigned to a specific school, the declaration may be submitted by the superintendent or other knowledgeable official of the school system that has contracted for the applicant's services.
5. 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, declarations, and materials.
6. The constituent institutions shall furnish to each applicant for tuition waiver an application form on which the applicant shall be required to enter at least the following:
 - a. The applicant's name, permanent residuary address, current mailing address, name of each course for which the waiver is sought, the applicant's personal signature, and date of the application.
 - b. A statement that there is attached to the form a written declaration executed by the principal of the public school employing the applicant, or, where school assignment has not yet occurred, the superintendent or other knowledgeable official of the school system that has contracted for the applicant's services, verifying that:

- (1) The applicant is a full-time employee of the declarant's public school or school system such that the applicant qualifies for membership in the Teachers' and State Employees' Retirement System (TSERS), or would so qualify if employed on a permanent basis;
 - (2) The applicant is paid on the North Carolina teacher salary schedule; and
 - (3) Each course (which must be named by the declarant in the declaration) is relevant to the applicant's teacher certification or to professional development as a teacher.
- c. A statement that there is attached to the form a properly completed residence-and-tuition status application for the academic term(s) pertinent to the requested tuition benefit.

Questions concerning this Administrative Memorandum may be addressed to Mr. David N. Edwards, Jr. of this office.



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