

# ADMINISTRATIVE MEMORANDUM

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**SUBJECT** Selective Service Registration as a Prerequisite  
to Receipt of State-Supported Student Financial Aid

**NUMBER** 286

**DATE** March 12, 1990

Chapter 618, 1989 Session Laws of the General Assembly, established the requirement that persons seeking State-supported (State-funded) student financial aid have complied with the registration requirements of the Military Selective Service Act. A similar requirement exists under federal law with respect to federally funded student financial aid (Public Law 97-252). Attached to this Administrative Memorandum are the regulations adopted by the Board of Governors on March 9, 1990, to implement the North Carolina law, as well as a copy of the law itself (codified as G.S. 143B-421.1).

Please be aware that the Board of Governors recently adopted regulations quite similar to these to implement the requirement of Selective Service Act compliance as a prerequisite to University employment, which is also established by G.S. 143B-421.1. (See Memorandum to the Chancellors from Betsy Bunting, dated January 19, 1990.) These two sets of regulations and accompanying form for certifying Selective Service Act compliance are similar, but not identical. Each set should be used in the appropriate context and not interchanged.

Please see that these regulations are implemented at your institution. Questions concerning this Administrative Memorandum may be addressed to Mr. David Edwards of this office.

  
C. D. Spangler, Jr.

Attachments

REGULATIONS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF  
NORTH CAROLINA  
CONCERNING COMPLIANCE WITH THE SELECTIVE SERVICE ACT  
AS A REQUIREMENT TO RECEIVE CERTAIN STUDENT FINANCIAL ASSISTANCE

In accordance with the provisions of Chapter 618, 1989 Session Laws of the General Assembly (codified as G.S. 143B-421.1), the Board of Governors of The University of North Carolina hereby adopts the following regulations concerning the requirement that recipients of certain student financial assistance be in compliance with the Military Selective Service Act (50 United States Code Appx. Sec. 453).

1. Student financial assistance covered. These regulations govern eligibility of students to receive from or through The University of North Carolina scholarships supported by the State of North Carolina, financial assistance under programs funded by the State of North Carolina for post-secondary education, and loans insured by any agency of the State of North Carolina, including that student financial assistance authorized under G.S. Chapter 116, Article 23 (State Education Assistance Authority). This coverage pertains whether the specified financial assistance is applied to enrollment at a public or a nonpublic institution.

2. Prerequisite to receipt of covered assistance. Every applicant for State-supported student financial assistance governed by these regulations shall, before receiving such assistance, properly complete and submit to the institution or agency responsible for disbursing the financial assistance a statement certifying either (1) that the applicant is not required to be registered under the Military Selective Service Act, indicating the reason therefor, or (2) that the applicant is so registered. This certification shall be in a form consistent with the Appendix to these Regulations.

3. Noncompliance. If an applicant fails to render the necessary certification in timely and proper manner, the applicant shall be notified that a proposed finding of ineligibility for the identified financial aid will be finalized unless, within 45 days of such notification, the applicant provides information that establishes the applicant to be in compliance with the registration requirements of the Military Selective Service Act.

4. Contest of proposed finding of ineligibility. An applicant notified of a pending finding of ineligibility for the specified student financial aid may present to the official issuing the notice documentary or oral evidence to prove that the applicant is, in fact, in compliance with the registration requirement of the Military Selective Service Act by reason either of registration thereunder or exemption therefrom. The official issuing the notice of a pending finding of ineligibility may allow the applicant the opportunity for a hearing to challenge the proposed finding of ineligibility.

5. Burden of proof to establish eligibility. An applicant for receipt of State-supported student financial assistance must establish by a preponderance of the evidence one of the following:

- a. That the applicant is registered under the Military Selective Service Act;
- b. That the applicant is not required to be registered under the Military Selective Service Act; or
- c. That the requirement for the applicant to register has terminated or become inapplicable to the applicant and that the failure of the applicant to register was not a knowing and willful failure to register.

6. Effective date. These regulations are effective with respect to financial aid committed on or after October 1, 1989.

Adopted March 9, 1990

APPENDIX

STATEMENT OF SELECTIVE SERVICE REGISTRATION COMPLIANCE

(Check A or B)

A.  I certify that I am not required to be registered with the Selective Service System because (check one):

I am female.

I am in the armed services on active duty. (Note: Members of the Reserves and National Guard are not considered on active duty.)

I am under the age of eighteen years.

I was born before 1960.

I am a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

B.  I certify that I am registered with the Selective Service System.

Name (Print) \_\_\_\_\_

Signature \_\_\_\_\_

Date: \_\_\_\_\_

## Part 19A. Selective Service Registration.

### § 143B-421.1. Selective Service registration.

(a) A person who is required under 50 United States Code Appx. § 453 (Military Selective Service Act) to present himself for and submit to registration and fails to do so in accordance with any proclamation or any rule or regulation issued under this section, shall be ineligible for:

- (1) Employment by or service for the State, or a political subdivision of the State, including all boards and commissions, departments, agencies, institutions, and instrumentalities.
- (2) State-supported scholarships, programs for financial assistance for postsecondary education, or loans insured by any State agency, including educational assistance authorized under Article 23 of Chapter 116 of the General Statutes.

(b) It shall be the duty of all persons or officials having charge of and authority over either the hiring of employees or granting of educational assistance, as described in this section, to adopt rules and regulations which shall require applicants to indicate on a form whether they are in compliance with the registration requirements described in subsection (a). Rules and regulations issued under the authority of this section shall provide that an applicant be given not less than 30 days after notification of a proposed finding of ineligibility for employment or benefits to provide the issuing official with information that he is in compliance with the registration requirements described in subsection (a). The issuing official may afford such person an opportunity for a hearing to establish his compliance or for any other purpose.

(c) A person may not be denied a right, privilege, or benefit under State law by reason of failure to present himself for and submit to registration under 50 U.S.C.S. Appx. § 453 if:

- (1) The requirement for the person to so register has terminated or become inapplicable to the person; and
- (2) The person shows by a preponderance of the evidence that the failure of the person to register was not a knowing and willful failure to register. (1989, c. 618.)