



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
H. Martin Lancaster, President

January 15, 2008

**IMPORTANT INFORMATION:
SUPERCEDES CC07-208**

MEMORANDUM

TO: Presidents
Continuing Education Administrators
Instructional Administrators
Business Officers
Student Services Officers
Registrars

FROM: H. Martin Lancaster
NCCCS System President

SUBJECT: Tuition and Fee Waivers Clarification

This memorandum supercedes CC07-208, *Tuition and Fee Waivers Clarification*. The only changes in this memorandum are in Attachment A, *Authorized Groups Eligible for Tuition and Fee Waivers – Quick Reference Guide*, page 2, reference number 34, Administrative Codes, Other, should be blank. Reference number 35, Administrative Codes, Other, should have the reference 02D .0201(k). The remainder of the memorandum is unchanged.

Attached you will find three documents compiled by System Office staff for the purpose of providing colleges with a comprehensive summary of references that clarify policy issues related to tuition and fee waivers. Below are the titles of the documents:

- Attachment A: Authorized Groups Eligible for Tuition and Fee Waivers – Quick Reference Guide
- Attachment B: Policy References for Tuition and Fee Waivers
- Attachment C: Tuition and Fee Waivers – Frequently Asked Questions

It is very important that this information be distributed to all appropriate staff to ensure that only individuals authorized by NC General Statute or NC Administrative Code are granted waivers. There are many college staff currently using unofficial correspondences (memos, emails, workshop handouts) as documentation/approval to grant waivers, especially to groups not specifically mentioned in statute or code. If the interpretation given in those correspondences conflicts with the policies referenced in the above documents, then those correspondences are no longer valid. If you have further questions, please contact Barbara Boyce at boyceb@nccommunitycolleges.edu or 919-807-7158 or Judith Mann at mannj@nccommunitycolleges.edu or 919-807-7108.

Lastly, any new request for tuition and fees waivers for groups not currently authorized by statute or code must be requested directly to the General Assembly by the respective group.

HML:pnm

Attachments (3)

c: Vincent Revels
Barbara Boyce
Judith Mann

CC08-010
Paper Copy/Email

NC Community College System
Authorized Groups Eligible for Tuition and Fee Waivers
Quick Reference Guide

Policy Reference Guide

NC General Statutes

G.S. 115D-5(b)	Tuition Waiver
G.S. 115B-2	Tuition Waiver Authorized
G.S. 115D-39	Student Tuition and Fees – Waiver of Out-of-State Tuition
G.S. 116-143.3	Tuition of Armed Services Personnel and their Dependents
G.S. 116-143.1	Provisions for Determining Resident Status for Tuition Purposes

NC Administrative Codes

23 NCAC 02D .0202(a)(7)	Tuition and Fees for Curriculum Programs
23 NCAC 02D .0202(a)(3)	Learning Laboratory
23 NCAC 02D .0201(k)	Family Relocation Tuition
23 NCAC 02D .0203(a)(5)	Fee Waivers for Extension Programs
23 NCAC 02D .0319	Fee Waivers for the Human Resources Development Program

Authorized Groups

General Statutes		Administrative Codes		
115D-5(b)	Other	02D .0202 (a)(7)	02D .0203 (a)(5)	Other

Public Safety Personnel

1. Volunteer Firemen	X		X	X	
2. Local Fire Department Personnel	X		X	X	
3. Volunteer Rescue and Lifesaving Department Personnel	X		X	X	
4. Local Rescue and Lifesaving Department Personnel	X		X	X	
5. Radio Emergency Associated Citizens Team (REACT) Members ^(a)	X		X	X	
6. Local Law Enforcement Officers	X		X	X	
7. Full-time Custodial Employees of the Department of Corrections ^(b)	X		X	X	
8. Employees of the Department's Division of Community Corrections ^(b)	X		X	X	
9. Employees of the Department' of Juvenile Justice & Delinquency Prevention ^(b)	X		X	X	
10. Members of the North Carolina State Defense Militia	X		X	X	
11. Members of the North Carolina Civil Air Patrol ^(c)				X	
12. Individuals Engaged in Civil Preparedness ^(c)				X	

Captive and Co-Opted Groups

13. Patients in State Alcoholic Rehabilitation Centers	X		X		
14. Clients of Sheltered Workshops	X				
15. Clients of Adult Developmental Activity Programs	X				
16. Students in Health and Human Services (DHHS) Development Programs ^(d)	X				
17. Juveniles Committed to Dept of Juvenile Justice & Delinquency Prevention	X		X		
18. Prison inmates	X		X	X	

High School Students

19. High School Students Taking College Courses (Huskins Bill)	X		X		
20. High School Students Taking College Courses (Concurrent Enrollment)	X		X		
21. Students Enrolled in Middle and Early College High School Programs	X		X		

NC Community College System
Authorized Groups Eligible for Tuition and Fee Waivers
Quick Reference Guide

Authorized Groups

General Statutes		Administrative Codes		
115D-5(b)	Other	02D .0202 (a)(7)	02D .0203 (a)(5)	Other

Community College Groups

22. Students Enrolled in Basic Skills (ABE, GED, AHS, ESL, CED)	X				
23. Students Enrolled in Human Resources Development (HRD) Program ^(d)					02D .0319(a)
24. Students Enrolled in a Learning Laboratory (curriculum program)					02D .0202(a)(3)
25. Trainees Enrolled in Basic Law Enforcement Training w/ Sponsorship Letter ^(d)			X		
26. Trainees Enrolled in the New & Expanding Industry Training (NEIT) Program ^(e)	X				
27. Full-time Community College Staff ^(f)			X	X	

Others

28. Senior citizens who are a Legal Resident of North Carolina and age 65 or Older		115B-2	X	X	
29. Elementary and Secondary School Teachers who take CPR or first aid classes				X	
30. Any child, between 17 and 23 years old, who is a Ward of the State ^(d)		115B-2	X	X	
31. Survivors, spouse and child, of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who was killed or permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. ^(d)		115B-2	X	X	

Non-Residents - Waiver of Out-of-State Tuition to In-State ^(d)

32. Armed Service Personnel and their Dependents		116-143.3			
33. Members of the North Carolina National Guard Unit		116-143.1(h)			
34. North Carolina Residents who lose their legal residence status		116-143.1(i)			
35. Members of families that were transferred to North Carolina by business, industry, or civilian families transferred by the Military		115D-39			02D .0201(k)
36. Out-of-state residents who work for North Carolina employers (employer is charged in-state rate)		115D-39			
37. Refugees who lawfully entered the United States and are living in the State		115D-39			
38. Non-residents of the United States who have resided in North Carolina for a 12-month qualifying period and have filed an immigrant petition		115D-39			
39. A person lawfully admitted to the United States who satisfied the qualifications from the public school and has graduated		115D-39			
40. Non-residents lawfully admitted to the United States and sponsored by a North Carolina nonprofit entity ^(g)		115D-39			

Notes

- ^(a) The REACT team must be under contract to a county as an emergency response agency enrolled in job-specific training courses
- ^(b) Limited to positions that require certification under the rules of the Criminal Justice and Training Standards Commission
- ^(c) Limited to training courses that directly relate to job performance. Additionally, the position title and responsibility must be included in a local Emergency Operation Plan.
- ^(d) Individuals must meet program-specific eligibility requirements
- ^(e) Courses do not earn budget-FTE
- ^(f) Limited to one curriculum or continuing education course per reporting term
- ^(g) Individual, employer, or sponsor must meet specific eligibility requirements

Policy References for Tuition and Fee Waivers

The purpose of this document is to provide community college staff with a comprehensive summary of references used to clarify policy issues related to tuition and fee waivers. **This document is not designed to provide legal advice.**

Attached you will find the full-text and excerpts from general statutes and administrative codes related to tuition and fee waivers. In addition, a summary for NCCCS Numbered Memos related to tuition and fee waivers is provided. Please note that the references found in this document can be found at the following websites:

- NC General Statutes www.ncga.state.nc.us
- NC Administrative Code..... www.oah.state.nc.us
- NCCCS Numbered Memos www.ncccommunitycolleges.edu

Below is the format for this is document:

- Quick Reference Chart Pages 2
- NC General Statutes Pages 3 – 11
- NC Administrative Code..... Pages 12 – 15
- NCCCS Numbered Memo – Summaries Pages 16 – 17

Please Note

This document will be updated annually to include any additions and revisions to statutes, codes and numbered memos.

The statutes and codes referenced in this document have not been modified; however format has been edited for clarity. Additionally, references in policies that do not relate to tuition waivers have been excluded.

Quick Reference Chart General Statutes and Administrative Codes

Reference	Policy Title and/or Topic	Page
General Statutes		
G.S. 115D-5(b)	Tuition Waiver	3
G.S. 115B-1	Definitions– Employer, Firefighter or Volunteer Firefighter, Law Enforcement Officer, Permanently and Totally Disabled, Rescue Squad Worker, Survivor, Tuition	4
G.S. 58-86-25	Eligible Firemen	4
G.S. 58-86-30	Eligible Rescue Squad Worker	4
G.S. 115B-2	Tuition Waiver Authorized	5
G.S. 115B-3	Rules	5
G.S. 115B-4	Enrollment Computation for Funding Purposes	5
G.S. 115B-5	Proof of Eligibility	6
G.S. 115B-5A	Student to be Credited for Scholarship Value	6
G.S. 115B-6	Misrepresentation of Eligibility	6
G.S. 74E-6 & 74E-8	Company Police Act	7
G.S. 74G-6 & 74G-8	Campus Police Act	8
G.S. 21.1(c)	Campus Law Enforcement Agencies	9
G.S. 17C-2	Definition – Criminal Justice Officers	9
G.S. 153A-217	Definition – Local Confinement Facility	9
G.S. 153A-218	Definition – County Confinement Facility	9
G.S. 127A-80	Definition – NC State Defense Militia	9
G.S. 115D-20(4)	Admission of Persons Less than 16 Years of Age	9
G.S. 116-143.3 (b) & (c)	Tuition of Armed Services Personnel and their Dependents	10
G.S. 116-143.1 (h1)	Provisions for Waiver for North Carolina National Guard Unit	10
G.S. 115D-39	Student Tuition and Fees – Waiver of Out-of-State Tuition	11
NC Administrative Codes		
23 NCAC 02D .0202(a)(7)	Tuition and Fees for Curriculum Programs	12
23 NCAC 02D .0202(a)(3)	Learning Laboratory	12
23 NCAC 02D .0201(k)	Family Relocation Tuition	12
23 NCAC 02D .0203(a)(5)	Fees Waivers for Extension Programs	13
23 NCAC 02D .0319	Fee Waivers for the Human Resources Development Program	13
23 NCAC 02C .0301(b)	Admission to Colleges – BLET Sponsorship	14
14A NCAC 06 .0102(b)	Definition – North Carolina Civil Air Patrol	14
23 NCAC 02D .0325(a)(9)	Occupational Extension Course Repetitions	14
23 NCAC 02D .0325(c)	Occupational Extension Course Repetitions – Senior Citizens	14
23 NCAC 02D .0325(d)	Occupational Extension Course Repetitions – Exceptions	14
23 NCAC 02D .0325(f)	Occupational Extension Instruction Sheltered Workshops/ADAP Centers	15
23 NCAC 02C .0305(f)	Persons Less than 16 Years Old	15
23 NCAC 02C .0305(h)	Self-Supporting course Offerings for Minors	15

G.S. 115D-5(b) Tuition Waiver

The State Board of Community Colleges **may** provide by general and uniform regulations for waiver of tuition and registration fees for the following groups:

Basic Skills Program

- Persons not enrolled in elementary or secondary schools taking courses leading to a high school diploma or equivalent certificate. ⁽¹⁾

Public Safety Personnel

- Volunteer firemen
- Local fire department personnel
- Volunteer rescue and lifesaving department personnel
- Local rescue and lifesaving department personnel
- Radio Emergency Associated Citizens Team (REACT) members ⁽²⁾
- Local law enforcement officers
- Full-time custodial employees of the Department of Correction ⁽³⁾
- Employees of the Department's Division of Community Corrections ⁽³⁾
- Employees of the Department of Juvenile Justice and Delinquency Prevention ⁽³⁾
- Members of the North Carolina State Defense Militia

Captive and Co-Opted Groups

- Patients in State alcoholic rehabilitation centers
- Clients of Sheltered Workshops
- Clients of Adult Developmental Activity Programs (ADAP)
- Students in Health and Human Services (DHHS) Development Programs
- Juveniles of any age committed to the Department of Juvenile Justice and Delinquency Prevention by a court of competent jurisdiction
- Prison inmates

Others

- High school students taking courses at community colleges including students in early college and middle college high school programs
- Trainees enrolled in courses sponsored by New and Expanding Industry Training (NEIT) Program
- Senior citizens ⁽⁴⁾

Notes

- ⁽¹⁾ Includes students enrolled in the following Basic Skills Programs: Adult Basic Education (ABE), General Educational Development (GED), Adult High School (AHS), English as a Second Language (ESL), Compensatory Education (CED).
- ⁽²⁾ The REACT team must be under contract to a county as an emergency response agency enrolled in job-specific training courses.
- ⁽³⁾ Employees must be in positions that require certification under the rules of the Criminal Justice and Training Standards Commission.
- ⁽⁴⁾ Must be a legal resident of North Carolina who have attained the age of 65.

Chapter 115B Tuition Waivers**G.S. 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".

G.S. 58-86-25 Eligible Firemen

"Eligible firemen" shall mean all firemen of the State of North Carolina or any political subdivision thereof, including those performing such functions in the protection of life and property through fire fighting within a county or city governmental unit and so certified to the Commissioner of Insurance by the governing body thereof, and who belong to a bona fide fire department which, as determined by the Commissioner, is classified as not less than class "9" or class "A" and "AA" departments.

"Eligible firemen" shall also mean an employee of a county whose sole duty is to act as fire marshal, deputy fire marshal, assistant fire marshal, or firefighter of the county.

- (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".

G.S. 58-86-30 Eligible Rescue Squad Worker

"Eligible rescue squad worker" means a person who is a member of a rescue or emergency medical services squad that is eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, Inc.

- (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.

G.S. 115B-2 Tuition Waiver Authorized

- (a) The constituent institutions of The University of North Carolina and the community colleges as defined in G.S. 115D-2(2) **shall** permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:
- (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.
 - (5) Any child, if the child (i) is at least 17 years old but not yet 23 years old, (ii) is a ward of North Carolina or was a ward of the State at the time the child reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for services under the Chaffee Education and Training Vouchers Program; but the waiver shall only be to the extent that there is any tuition still payable after receipt of other financial aid received by the student.
- (b) Persons eligible for the tuition waiver under subsection (a) of this section must meet admission and other standards considered appropriate by the educational institution. In addition, the constituent institutions of the University of North Carolina shall accept these persons only on a space available basis.

G.S. 115B-3 Rules

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

G.S. 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.

G.S. 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 ensure 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 ensure 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.
- (c) The officials of the institutions charged with administration of this Chapter may require proof to verify that a person applying to the institution under G.S. 115B-2(5) is eligible for the benefits provided by this Chapter.

G.S. 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.

G.S. 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 deemed guilty of a Class 3 misdemeanor.

Chapter 74E
Company Police Act

G.S. 74E-6 Oaths, Powers, and Authority of Company Police Officers

- (a) Requirements – An individual who is commissioned as a company police officer must take the oath of office required of a law enforcement officer before the individual assumes the duties of a company police officer. The person in each company police agency who is responsible for the agency's company police officers must be commissioned as a company police officer.
- (b) Categories – The following three distinct classifications of company police officers are established:
- (1) Campus Police Officers – Only those company police officers who are employed by any college or university that is a constituent institution of the University of North Carolina or any private college or university that is licensed or exempted from licensure as prescribed by G.S. 116-15, and who are employed by a campus police agency that was licensed pursuant to this Chapter prior to the enactment of Chapter 74G of the General Statutes.
 - (2) Railroad Police Officers – Those company police officers who are employed by a certified rail carrier and commissioned as company police officers under this Chapter.
 - (3) Special Police Officers – All company police officers not designated as a campus police officer or railroad police officer.
- (c) All Company Police – Company police officers, while in the performance of their duties of employment, have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on any of the following:
- (1) Real property owned by or in the possession and control of their employer.
 - (2) Real property owned by or in the possession and control of a person who has contracted with the employer to provide on-site company police security personnel services for the property.
 - (3) Any other real property while in continuous and immediate pursuit of a person for an offense committed upon property described in subdivisions (1) or (2) of this subsection.

Company police officers shall have, if duly authorized by the superior officer in charge, the authority to carry concealed weapons pursuant to and in conformity with G.S. 14-269(b)(5).

- (d) Campus Police – Campus police officers have the powers contained in subsection (c) of this section and also have the powers in that subsection upon that portion of any public road or highway passing through or immediately adjoining the property described in that subsection, wherever located. The board of trustees of any college or university that qualifies as a campus police agency pursuant to this Chapter may enter into a mutual aid agreement with the governing board of a municipality or, with the consent of the county sheriff, a county to the same extent as a municipal police department pursuant to Chapter 160A.
- (e) Railroad Police – Railroad police officers have the powers contained in subsection (c) and also have the powers and authority granted by federal law or by a regulation promulgated by the United States Secretary of Transportation. Notwithstanding any of the provisions of this Chapter, the limitations on the power to make arrests contained in subsection (c) above, shall not be applicable to railroad police officers commissioned by the Attorney General pursuant to the authority of this Chapter.

G.S. 74E-8 Minimum Standards for Company Police Officers

Applicants for commission as a company police officer and a commissioned company police officer must meet and maintain the same minimum pre-employment and in-service standards as are required for State law enforcement officers by the North Carolina Criminal Justice Education and Training Standards Commission, and must meet and maintain any other pre-employment and in-service requirements set by the Attorney General.

Chapter 74G
Campus Police Act

G.S. 74G-6 Oaths, Powers, and Authority of Campus Police Officers

- (a) Requirements – An individual who is commissioned as a campus police officer must take the oath of office required of a law enforcement officer before the individual assumes the duties of a campus police officer. The person in each campus police agency who is responsible for the agency's campus police officers must be commissioned as a campus police officer.
- (b) Powers and Authority of Officers – Campus police officers, while in the performance of their duties of employment, have the same powers as municipal and county police officers to make arrests for both felonies and misdemeanors and to charge for infractions on any of the following:
- (1) Real property owned by or in the possession and control of the institution employing the officer.
 - (2) Any portion of any public road or highway passing through the real property described in subdivision (1) of this subsection or immediately adjoining it, wherever located.
 - (3) Any other real property while in continuous and immediate pursuit of a person for an offense committed upon property described in subdivision (1) or (2) of this subsection.

In exercising the powers conferred by this subsection, campus police officers shall apply the standards established by the law of this State and the United States.

- (c) Powers and Authority of Institutions – The governing body of any private educational institution that has a campus police agency may:
- (1) Enter into joint agreements with the governing board of any municipality to extend the law enforcement authority of campus police officers into any or all of the municipality's jurisdiction and to determine the circumstances in which this extension of authority may be granted;
 - (2) Enter into joint agreements with the governing board of any county and, with the consent of the sheriff, to extend the law enforcement authority of campus police officers into any or all of the county's jurisdiction and to determine the circumstances in which this extension of authority may be granted; and
 - (3) Enter into joint agreements with the governing board of any other public or private educational institution that has a campus police agency pursuant to this Chapter or pursuant to G.S. 116-40.5 to extend the law enforcement authority of its campus police officers into any or all of the other institution's jurisdiction and to determine the circumstances as to which its extension of authority may be granted.
- (d) Concealed Weapons – Campus police officers shall have, if duly authorized by their campus police agency and by the sheriff of the county in which the campus police agency is located, the authority to carry concealed weapons pursuant to and in conformity with G.S. 14-269(b)(5).
- (e) Public Institutions Option – Notwithstanding any of the provisions of this Chapter, the board of trustees of any constituent institution of The University of North Carolina may elect to have its officers certified under Chapter 17C and Chapter 116 of the General Statutes, and the board of trustees of any community college may elect to have its officers certified under Chapter 17C and Chapter 115D of the General Statutes rather than requesting certification as a campus police agency and campus police commission pursuant to the provisions of this Chapter.

G.S. 74G-8 Minimum Standards for Campus Police Officers

Applicants for commission as a campus police officer and a commissioned campus police officer must meet and maintain the same minimum pre-employment and in-service standards as are required for State law enforcement officers by the North Carolina Criminal Justice Education and Training Standards Commission and must meet and maintain any other pre-employment and in-service requirements set by the Attorney General.

G.S. 21.1(c) – Campus Law Enforcement Agencies

The board of trustees of any community college that establishes a campus law enforcement agency under G.S. 21.1(a) may enter into joint agreements with the governing board of any municipality to extend the law enforcement authority of campus police officers into the municipality's jurisdiction and to determine the circumstances under which this extension of authority may be granted.

G.S. 17C-2 – Definition – Criminal Justice Officers

Criminal justice officers. – The administrative and subordinate personnel of all the departments, agencies, units or entities comprising the criminal justice agencies who are sworn law-enforcement officers, both State and local, with the power of arrest; State correctional officers; State probation/parole officers; State probation/parole officers-surveillance; officers, supervisory and administrative personnel of local confinement facilities; State juvenile justice officers; chief court counselors; and juvenile court counselors.

G.S. 153A-217 – Definition – Local Confinement Facility

"Local confinement facility" includes a county or city jail, a local lockup, a regional or district jail, a juvenile detention facility, a detention facility for adults operated by a local government, and any other facility operated by a local government for confinement of persons awaiting trial or serving sentences except that it shall not include a county satellite jail/work release unit governed by Part 3 of Article 10 of Chapter 153A.

G.S. 153A-218 – Definition – County Confinement Facility

A county may establish, acquire, erect, repair, maintain, and operate local confinement facilities and may for these purposes appropriate funds not otherwise limited as to use by law. A juvenile detention facility may be located in the same facility as a county jail provided that the juvenile detention facility meets the requirements of this Article and G.S. 147-33.40.

G.S. 127A-80 – Definition – North Carolina State Defense Militia

A State force for discipline and training, into companies, battalions, regiments, brigades or similar organizations, as may be deemed necessary for the defense of the State; to maintain, uniform and equip such military force within the appropriations available; to exercise discipline in the same manner as is now or may hereafter be provided by the laws of the State for the National Guard. Such military force shall be subject to the call or the order of the Governor to execute the law and secure the safety of persons and property, suppress riots or insurrections, repel invasions or provide disaster relief.

G.S. 115D-20 (4) – Admission of persons less than 16 years old

To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Provided, notwithstanding any law or administrative rule to the contrary, local administrative boards and local school boards may establish cooperative programs in the areas they serve to provide for college courses to be offered to qualified high school students with college credits to be awarded to those high school students upon the successful completion of the courses. Provided, further, that during the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.

G.S. 116-143.3 (b) – Tuition of Armed Services Personnel and their Dependents

Any active duty member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S.

116-143.1 shall be charged the in-State tuition rate and applicable mandatory fees for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State. In the event the active duty member of the armed services is reassigned outside of North Carolina or retires, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned. In the event the active duty member of the armed services receives an Honorable Discharge from military service, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member establishes residency in North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is discharged.

G.S. 116-143.3(c) – Tuition of Dependents of Armed Services Personnel

Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of the University of North Carolina and by the State Board of Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services is reassigned outside of North Carolina or retires, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is reassigned or retires. In the event the member of the armed services receives an honorable discharge from military service, the dependent relative shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent relative establishes residency within North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the dependent relative was enrolled at the time the member is discharged.

G.S. 116-143.1(h1) – Provision for Waiver for North Carolina National Guard Unit

Any member of a North Carolina National Guard unit who is a nonresident shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition rate and applicable mandatory fees. This applies to members in a reserve or active duty status.

**G.S. 115D-39 Student Tuition and Fees
Waiver of Out-of-State Tuition to In-State Tuition**

G.S. 115D-39 (a)

Employer Sponsorship

When an employer other than the armed services pays tuition for an employee to attend a community college and when the employee works at a North Carolina business location, the employer shall be charged the in-State tuition rate.

Family Relocation

A community college may charge in-state tuition up to one percent (1%) of its out-of-state students, rounded up to the next whole number, to accommodate the families transferred by business, the families transferred by industry, or the civilian families transferred by the military into the State.

Refugees

A refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State and as a State resident for community college tuition purposes.

Non-residents of the United States

A nonresident of the United States who has resided in North Carolina for a 12-month qualifying period and has filed an immigrant petition with the United States Immigration and Naturalization Service shall be considered a State resident for community college tuition purposes.

G.S. 115D-39 (b)

Non-residents of the United States – Public School Graduate

Any person lawfully admitted to the United States who satisfied the qualifications for assignment to a public school and graduated from the public school to which the student was assigned shall be eligible for the State resident community college tuition rate. This subsection does not make a person a resident of North Carolina for any other purpose.

G.S. 115D-39 (c)

Sponsorship from Nonprofit Entity

A person who is lawfully admitted to the United States and is sponsored by a North Carolina nonprofit entity is eligible for the State resident community college tuition rate. For purposes of this subsection, a North Carolina nonprofit entity is a charitable or religious corporation that is incorporated in North Carolina and that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, or a civic league incorporated in North Carolina that is exempt from taxation under section 501(c)(4) of the Internal Revenue Code.

A nonresident of the United States is sponsored by a North Carolina nonprofit entity if the student resides in North Carolina while attending the community college and the North Carolina nonprofit entity provides a signed affidavit to the community college verifying that the entity accepts financial responsibility for the student's tuition and any other required educational fees.

Any North Carolina nonprofit entity that sponsors a nonresident of the United States under this subsection may sponsor no more than five nonresident students annually under this subsection. This subsection does not make a person a resident of North Carolina for any other purpose.

Tuition and Fees for Curriculum Programs**23 NCAC****02D .0202(a)(7) Tuition Waivers**

- (A) Individuals in the categories set forth in G.S. 115D-5(b) shall be exempt from tuition for specialized training courses only, unless otherwise permitted under this Rule.
- (B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one curriculum or extension course per semester, as well as the summer term, in the system without payment of tuition or registration fee.
- (C) Basic Law Enforcement Training Program (BLET) for law enforcement officers. All law enforcement officers employed by a municipal, county, state, or federal law enforcement agency when taking courses in a state-mandated BLET training program, are exempt from tuition payment. Also, trainees shall be exempt from BLET class tuition if a letter of sponsorship from a state, county, or municipal law enforcement agency is on file at the college. See 23 NCAC 02C .0301(b) for additional information.
- (D) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged tuition.
- (E) High school students taking courses pursuant to Paragraph (c) (concurrent enrollment) and Paragraph (e) (cooperative high school programs) of 23 NCAC 02C .0305 of this Chapter shall not be charged tuition.
- (F) Patients in state alcoholic rehabilitation centers shall not be charged tuition.
- (G) Juveniles committed to the Department of Juvenile Justice and Delinquency Prevention shall not be charged tuition.
- (H) Prison inmates shall not be charged tuition.

23 NCAC**02D .0202(a)(3) Learning Laboratory**

No tuition fees charged.

23 NCAC**02D .0201(k) Family Relocation Tuition**

Community Colleges may charge in-state tuition to certain out-of-state students who are members of families that were transferred to this state by business, industry, or civilian families transferred by the military, for employment. Prior to enrollment, the student shall fulfill the following conditions:

- (1) Demonstrate that his or her family moved to this state within the preceding 12 months;
- (2) Present a letter to the institution from the employer on corporate letterhead stating that the employee, through whom the student claims this benefit, relocated to this state for employment with that business, industry, or military establishment;
- (3) Present proof of his or her familial relationship with the employee unless the student is the employee;
- (4) Live in the same house with the employee unless the student is the employee;
- (5) Present evidence that he or she is financially dependent on the employee through which he or she claims this benefit unless the student is the employee; and
- (6) Comply with the requirements of the Selective Service System, if applicable.

Fees Waivers for Extension Programs**23 NCAC****02D .0203(a)(5) Registration Fee Waivers:**

- (A) Special Extension Training Programs. No registration fees shall be charged students enrolling for special extension training programs that directly relate to job performance set forth in G.S. 115D-5(b).
- (B) College Staff Members. Full-time college staff members employed for a 9, 10, 11, or 12 month term may enroll in one extension or curriculum course per semester without registration fee or tuition charges.
- (C) Individuals meeting the criteria set forth in G.S. 115B-2 shall not be charged registration fees.
- (D) Prison inmates shall not be charged registration fees.
- (E) Elementary and secondary school teachers who take CPR or first aid classes shall not be charged registration fees.
- (F) Members of the North Carolina Civil Air Patrol and individuals engaged in civil preparedness who take special extension training courses that directly relate to their job performance shall not be charged registration fees.

23 NCAC**02D .0319 Fee Waivers for the Human Resources Development Program**

- (a) Tuition and fees for enrollment in courses coded in the Master Course List as Human Resources Development shall be waived if the student enrolling meets at least one of the following criteria:
 - (1) Is unemployed;
 - (2) Has received notification of a pending layoff;
 - (3) Is working and is eligible for the Federal Earned Income Tax Credit (FEITC); or
 - (4) Is working and earning wages at or below two hundred percent (200%) of the federal poverty guidelines.

Courses included in the Master Course List shall address the six core components set forth in Subparagraph (2)(f) of Rule 02E .0101.

- (b) Students for whom tuition and fees are waived shall sign a form adopted by the State Board of Community Colleges verifying that they meet one of these criteria.

23 NCAC**02C .0301(b) Admission to Colleges – BLET Sponsorship**

Boards of trustees may adopt policies regulating admission and graduation of students enrolled in courses mandated under G.S. 17C, North Carolina Criminal Justice Education and Training Standards Commission, or G.S. 17E, North Carolina Sheriffs' Education and Training Standards Commission. These policies may limit enrollment to law enforcement officers or persons sponsored by law enforcement agencies and may require a student to maintain sponsorship by a law enforcement agency until completion of the program. Policies adopted pursuant to this Paragraph shall be published and made available to students and prospective students.

14A NCAC**06 .0102(b) Definition – Civil Air Patrol**

The purpose of the North Carolina Wing--Civil Air Patrol is to: engage in search and rescue operations for missing or downed aircraft; operate numerous two-way fixed and mobile transceivers; assist federal, state, and local authorities during natural or man-made disasters; and promote aerospace education.

23 NCAC**02D .0325(a)(9) Occupational Extension Course Repetitions**

Effective July 1, 1993, no budget/FTE shall be generated by occupational extension students after their first repetition of an occupational extension course. Students who take an occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These students shall not generate budget/FTE. The funds collected from these students shall be used by the colleges to offer additional educational courses. This Subparagraph does not apply to fire, rescue, or law enforcement training courses taken by fire, rescue, or law enforcement personnel.

23 NCAC**02D .0325(c) Occupational Extension Course Repetitions – Senior Citizens**

Senior citizens who are legal residents of North Carolina and who wish to enroll in an occupational extension course, shall not be required to pay for taking the course twice. Senior citizens who take an occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These senior citizens shall not generate budget/FTE. The funds collected from these senior citizens shall be used by the colleges to offer additional educational courses.

23 NCAC**02D .0325(d) Occupational Extension Course Repetitions - Exceptions**

Students may repeat occupational extension courses more than once if the repetitions are required for certification, licensure, or recertification. The colleges shall submit annual reports to the State Board of Community Colleges naming the students and the certification, licensure or recertification requirements that necessitated the repetition.

23 NCAC**02D .0325(f) Occupational Extension Instruction at Sheltered Workshops and ADAP Centers**

Occupational extension instruction shall not be offered in sheltered workshops and adult developmental activity centers (ADAP) except sheltered workshops and ADAP centers may contract with the community college to provide occupational extension courses on a self-supporting basis.

23 NCAC**02C .0305(f) Persons Less than 16 Years Old**

Students less than 16 years old who are mature enough to function well in an adult education setting and are intellectually gifted as evidenced by a score in the range from the 92nd percentile to the 99th percentile on an aptitude and an achievement test selected from a list of tests approved by the System Office may be admitted to community colleges. Tests included on the System Office approved list shall be selected from the Mental Measurements Year Book published by the Burds Institute of Mental Measurements. The student shall be ranked by an official of the student's school in the top 10 percent on the following behavioral characteristics: mature, observant, inquisitive, persistent, innovative, analytical, adaptable, leadership, desire to achieve, self-confidence and communications skills. Students less than 16 years old shall not displace adults but may be admitted any term on a space-available basis to any curriculum course one hundred level and above. Students admitted to community colleges under this Paragraph shall pay the same tuition and fees as other curriculum students.

23 NCAC**02C .0305(h) Self-Supporting Course Offerings for Minors**

A college may make available to persons of any age non-credit, non-remedial, enrichment courses during the summer period. These courses shall be self-supporting and shall not earn credit toward a diploma, certificate, or degree at the college or high school.

**Quick Reference Chart
NCCCS Numbered Memos**

Number	Subject	Summary of Memo
CC85-202	Waiver of Tuition and Registration Fees	State Board approves waivers for students enrolled in HRD program and juveniles committed to the Division of Youth Services of the Department of Human Resources (DHHS).
CC89-031	Waiver of Fees for Firefighting, Law Enforcement and Emergency Services Personnel	State Board clarifies its intent regarding provisions in G.S. 115D-5 (b) as it relates to military, civil service and other federal employees in emergency services jobs. The ruling says that these personnel are eligible for fee waivers provided that the permanent duty station is within North Carolina.
CC90-367	Tuition Waiver for Teachers Employed by the Dept of Correction (DOC) and the Department of Human Resources (DHR)	A ruling by the Attorney General's Office determines that since DOC and DHR have been characterized as local educational agencies for the purpose of special education or related services for children with special needs, their teachers were eligible for fee waivers for CPR/First Aide courses.
CC94-284	Clarifications for Course Repeats for Occupational Extension Courses	The System Office provides answers to pertinent questions related to the implementation of the course repeat policy.
CC95-186	Registration Fee Exemption for Public Safety Telecommunicators	State Board approves a request allowing public safety telecommunicators to be fee exempt from job-related courses in the same manner as other rescue and lifesaving personnel. For the purpose of fee waivers a definition was given this profession.
CC98-110	Tuition Waivers	Provides clarifications regarding G.S. 115B that grants waivers to children or spouses of certain emergency workers killed or disabled in the line of duty. It recommends that college pay attention to the requirements for handling a scholarship that is provided for a student who is also eligible for a tuition waiver.
CC99-216	Reporting Tuition Remission Data	Provides clarification on the procedures for reporting tuition and fee waivers to the System Office.
CC02-065	Update in Registration Fee Waivers for Division of Motor Vehicles (DMV) – Sworn Law Enforcement Officers	Provides a list of positions and rank of employees from DMV who are classified as sworn law enforcement officers.
CC03-211	Operating Procedures Manual for Enrollment of High School and Intellectually Gifted and Mature Students in Community College Courses and Programs	Announces the availability of the manual which can be downloaded from the System Office website. On page 26 of the manual, it outlines the tuition and fees associated with the enrollment of these students.
CC05-041	HRD Tuition and Fee Waiver Verification Form	Provides instruction on the new procedures regarding the collection of data for individuals enrolled in HRD courses. Includes the official HRD Tuition and Fee Waiver Verification Form.

Number	Subject	Summary of Memo
CC06-079	In-State Tuition Continues for Hurricane Katrina Evacuees	Grants a waiver for in-state tuition to Hurricane Katrina Evacuees in accordance with Executive Order 82 and the State Board's Resolution.
CC06-151	2006 Tuition and Fee Waiver Guidelines	Provides the revised income eligibility guidelines for fee waivers of the criteria for Federal Earned Income Tax Credit and the federal Poverty Guidelines.
CC06-186	Registration Fee Waivers for Department of Correction Personnel	Provides a list of criminal justice officers classified as "full-time custodial" and employed by the Department of Corrections or Department of Juvenile Justice who are eligible for fee waivers.

Tuition and Registration Fee Waivers Frequently Asked Questions

Below is a list of the most frequently asked questions on tuition and fee waiver issues. What follows are the responses to the questions with references to general statutes, administrative codes, and numbered memos. If you need further clarification, contact the System Office.

1. What legislative mandates address issues related to fee waivers?
2. What are the authorized groups eligible for tuition and fee waivers?
3. What charges are included in a fee waiver?
4. Are there any reporting requirements for fee waivers?
5. Will colleges earn budget FTE for students who are fee exempt?
6. What type of documentation is required to show proof of eligibility?
7. What happens if a trainee in the BLET program is no longer affiliated with their sponsoring agency?
8. What are the consequences for misrepresenting eligibility for a fee waiver?
9. Are there formal definitions of authorized groups listed under the public safety designation?
10. What are the authorized positions eligible for fee waivers at the Department of Correction?
11. What are the authorized positions eligible for fee waivers at the Division of Motor Vehicles?
12. Is the fee waiver for public safety personnel only applicable to those specified by legislation?
13. Does the fee waiver policy for law enforcement officers and trainees apply to campus and company police?
14. Is the fee waiver limited to specific training courses for public safety personnel?
15. How does the occupational extension course repetition policy relate to fee waivers?
16. Does the occupational extension course repetition policy apply to senior citizens?
17. Does the fee waiver for CPR/First Aid training for teachers apply to both public and private schools?
18. Can community college staff be fee waived for more than one course per reporting period?
19. Are high school students fee exempt from taking continuing education courses?
20. Are persons less than 16 years old fee exempt when taking college courses?
21. Are clients at Sheltered Workshops and ADAP Centers fee exempt for continuing education courses?
22. What is the definition of a survivor and permanently and totally disabled in relation to fee waivers?
23. What are the fee waiver eligibility requirements for a child who is a ward of the state?
24. What is the family relocation tuition policy?
25. How do you credit scholarship value for students receiving fee waivers?
26. Are military and federal employees eligible for fee waivers?
27. What is the termination date for fee waivers for Hurricane Katrina Evacuees?

**Tuition and Fee Waiver
Frequently Asked Questions**

1. What legislative mandates address issues related to fee waivers?

Below are the major legislative policies related to fee waivers. See Attachment B for an expanded list of references along with either full-text or excerpts from general statutes and administrative codes.

NC General Statutes

G.S. 115D-5(b)	Tuition Waiver
G.S. 115B-2	Tuition Waiver Authorized
G.S. 115D-39	Student Tuition and Fees – Waiver of Out-of-State Tuition
G.S. 116-143.3	Tuition for Armed Services Personnel and their Dependents
G.S. 116-143.1	Provisions for Determining Resident Status for Tuition Purposes

NC Administrative Codes

23 NCAC 02D .0202(a)(7)	Tuition Waivers for Curriculum Programs
23 NCAC 02D .0202(a)(3)	Learning Laboratory
23 NCAC 02D .0201(k)	Family Relocation Tuition
23 NCAC 02D .0203(a)(5)	Fee Waivers for Extension Programs
23 NCAC 02D .0319(a)	Fee Waivers for the Human Resources Development Program

2. What are the authorized groups eligible for tuition and fee waivers?

There are forty authorized groups who are eligible for tuition and fee waivers. See Attachment A for a list of those groups.

3. What charges are included in a fee waiver?

“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.” Please note that fee waiver in continuing education refers to the registration fee only.

Reference: G.S. 115B-1(7) Definitions – Tuition

4. Are there any reporting requirements for fee waivers?

Yes, colleges must denote the name of the sponsoring agency, student’s employer, or other authorized group on the student’s registration form or other document deemed appropriate by the college. This information is maintained locally and then reported to the System Office on a semester basis in a report called the Tuition Remission Report. This report is presented to the State Board on an annual basis. See numbered memo CC99-216 for clarification on the procedures for reporting tuition and registration fee waivers to the System Office.

Reference: G.S. 115B-5(a) Proof of Eligibility

5. Will colleges earn budget FTE for students who are fee exempt?

Yes, “Persons attending classes... without the payment of tuition shall be counted in the computation of enrollment for funding purposes.”

Reference: G.S. 115B-4 Enrollment Computation for Funding Purposes

**Tuition and Fee Waiver
Frequently Asked Questions**

6. What type of documentation is required to show proof of eligibility?

While colleges are required to confirm eligibility, it is the responsibility of the individual to provide the proof of eligibility for the fee waiver. Below are the major eligibility criteria. Please note that there may be other program-specific eligibility requirements.

<u>Eligibility Criteria</u>	<u>Proof of Eligibility</u>
Continuing Education: Special Extension training programs that directly relate to job performance Curriculum: Specialized training courses only	Colleges must denote the name of the sponsoring agency, student's employer, or other authorized group on the student's registration form or other document deemed appropriate by the college.
Trainees in the Basic Law Enforcement Training (BLET) Program	Trainees are exempt from BLET class tuition if a letter of sponsorship from a state, county, or municipal law enforcement agency is on file at the college.
Civil Preparedness	An excerpt from a local Emergency Operational Plan (EOP) is acceptable. Please note that the EOP must list the specific job-related position as essential personnel in an emergency situation. See question #9 for more details.
Senior Citizens	Self-certification that the individual is a North Carolina resident 65 +years old.
High School Students	Official documentation showing proof of eligibility from the Chief Administrative Officer of the school.
Educational Services at Captive and Co-Opted Facilities	Captive/Co-Opted Approval Form along with State Board approval letter.
HRD Training Courses	Person must sign a State Board approved form self-certifying that they meet at least one of the following eligibility criteria: 1) is unemployed; 2) has received notification of a pending layoff; 3) is working and is eligible for the Federal Earned Income Tax Credit (FEITC); or 4) is working and earning wages at or below two hundred percent (200%) of the federal poverty guidelines. See numbered memos CC05-041 and CC06-151 for more details.
Community College Staff	Self-certification that the staff member is a full-time employee, and employed for a 9, 10, 11, or 12 month term.
Parent-Child Relationship	A birth certificate, legal adoption papers, or other documentary evidence deemed appropriate by the institution.
Marital Relationship	Marriage certificate or other documentary evidence deemed appropriate by the institution.
Survivor Benefits Verification is based on the death or permanent disability of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker	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, or the administrative agency having jurisdiction over any paid firefighters of all counties and cities.
Permanent and Total Disability	Documentation deemed necessary by the institution from the North Carolina Industrial Commission.
Child, Ward of State	Official documentation from appropriate agency showing proof of eligibility.

**Tuition and Fee Waiver
Frequently Asked Questions**

(question 6, continued)

<u>Eligibility Criteria</u>	<u>Proof of Eligibility</u>
Out-of-state resident seeking waiver for in-state tuition	Documentation that the person meets program-specific eligibility requirements for the waiver. (i.e. military, national guard, family relocation)
Out-of-state resident working at a NC business location	The employer, not the student, must be billed for the tuition fee. Only applies to curriculum programs.
Non-citizen of United States seeking In-state tuition	Legal documentation of lawful admittance to the United States. See G.S. 115D-39 for more details.

References:

G.S. 115B-5 Proof of Eligibility, G.S. 115D-5(b), G.S. 115D-39 Student Tuition and Fees, G.S. 116-143.1 Determining Resident Status, G.S. 116-143.3 Tuition for Armed Service Personnel and Their Dependents, 23 NCAC 02D .0202(a)(7) Tuition Waivers for Curriculum Programs, 23 NCAC 02D .0203(a)(5) Registration Fee Waivers, 23 NCAC 02C.0301(b) Admission to Colleges, and 23 NCAC 02D .0319 Fee Waivers for HRD Program

7. What happens if a trainee in the BLET program is no longer affiliated with their sponsoring agency?

Local boards of trustees may adopt policies regulating admission and graduation of students enrolled in courses mandated under G.S. 17C, North Carolina Criminal Justice Education and Training Standards Commission, or G.S. 17E, North Carolina Sheriffs' Education and Training Standards Commission. These policies may limit enrollment to law enforcement officers or persons sponsored by law enforcement agencies and may require a student to maintain sponsorship by a law enforcement agency until completion of the program. Loss of sponsorship could mean loss of fee waiver eligibility.

References:

23 NCAC 02C .0301(b) Admission to Colleges – BLET Sponsorship

8. What are the consequences for misrepresenting eligibility for a fee waiver?

Any person who willfully misrepresents their eligibility for the tuition benefits or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a Class 3 misdemeanor.

Reference: G.S. 115B-6 Misrepresentation of Eligibility

**Tuition and Fee Waiver
Frequently Asked Questions**

9. Are there formal definitions of authorized groups listed under the public safety designation?

Yes, see chart below for references found in general statutes and administrative codes.

Personnel	Description
Employer G.S. 115B-1 (1)	The State of North Carolina and its departments, agencies, and institutions; or a county, city, town, or other political subdivision of the State.
Firefighter / Volunteer Firefighter G.S. 115B -1 (2) G.S. 58-86-25	"Eligible firemen" shall mean all firemen of the State of North Carolina or any political subdivision thereof, including those performing such functions in the protection of life and property through fire fighting within a county or city governmental unit and so certified to the Commissioner of Insurance by the governing body thereof, and who belong to a bona fide fire department which, as determined by the Commissioner.
Law Enforcement Officer G.S. 115B -1 (3) G.S. 74E G.S. 74G G.S. 21.1(b) G.S. 17C G.S. 153A-217 G.S. 153A-218	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. See questions #10, and #13 for more details.
Rescue Squad Worker G.S. 115B -1 (5) G.S. 58-86-30	"Eligible rescue squad worker" means a person who is a member of a rescue or emergency medical services squad that is eligible for membership in the North Carolina Association of Rescue and Emergency Medical Services, Inc.
North Carolina State Militia G.S. 127A-80	A militia, authorized by the Governor, to exercise discipline in the same manner as is now or may hereafter be provided by the laws of the State for the National Guard. Such military force shall be subject to the call or the order of the Governor to execute the law and secure the safety of persons and property, suppress riots or insurrections, repel invasions or provide disaster relief, as may now or hereafter be provided by law for the National Guard or for the State Militia.
North Carolina Civil Air Patrol 14A NCAC 06 .0102(b)	The purpose of the North Carolina Wing--Civil Air Patrol is to: engage in search and rescue operations for missing or downed aircraft; operate numerous two-way fixed and mobile transceivers; assist federal, state, and local authorities during natural or man-made disasters; and promote aerospace education.
Civil Preparedness Designees/First Responder	Authorized groups listed on a local Emergency Operations Plan who are deemed essential personnel in an emergency situation.

**Tuition and Fee Waiver
Frequently Asked Questions**

10. What are the authorized positions eligible for fee waivers at the Department of Correction?

The System Office issued numbered memo CC06-186 for the purpose of listing the authorized positions that meet the definition of a criminal justice officer that requires certification under the rules of the Criminal Justice and Training Standards Commission. Below is a list of personnel categories, see the numbered memo for specific position titles.

- Sworn Law Enforcement Officers
- State Correctional Officer Positions
- State Probation/Parole Officer Positions
- State Probation/Parole Office-Surveillance Positions
- Local Confinement Personnel (see G.S. 153A-217(5) and G.S. 153A-218 for more detail)
- State Juvenile Justice Officer Positions
- Chief Court Counselor/Juvenile Court Counselor Positions

References: G.S. 115D-5(b) Tuition Waiver and G.S. 17C-2 Definitions

11. What are the authorized positions eligible for fee waivers at the Division of Motor Vehicles?

The System Office issued numbered memo CC02-065 for the purpose of listing the authorized positions with the Division of Motor Vehicles classified as sworn law enforcement officers with powers of arrest and thus meeting the eligibility requirements for fee waivers. Below is a list of those positions and rank.

Position	Rank
Law Enforcement Director	Colonel
Law Enforcement Deputy Director	Lt. Colonel
Law Enforcement Assistant Director	Major
Law Enforcement Officer IV	District Captain
Law Enforcement Officer III	Administrative Captain
Law Enforcement II	1 st Lieutenant
Law Enforcement I	Inspector
Vehicle Enforcement Supervisor I	1 st Sergeant
Vehicle Enforcement Supervisor II	2 nd Lieutenant
Vehicle Enforcement Officer I	Officer
Vehicle Enforcement Officer II	Sergeant

**Tuition and Fee Waiver
Frequently Asked Questions**

12. Is the fee waiver for public safety personnel only applicable to those groups specified by legislation?

Yes, colleges should review the list of authorized groups listed in G.S. 115D-5(b), 23 NCAC 02D .0202(a)(7), and 23 NCAC 02D .0203(a)(5), and use it as the basis for determining eligibility. See Attachment A and FAQ questions # 6 and # 8 for more details.

In most cases, public safety personnel must have an affiliation/sponsorship with a state, local, county, municipality, or political subdivision of the State. If a group is not specifically listed, then they **are not** eligible for fee waivers unless they qualify under the provision of the civil preparedness designation. Colleges should consult with the System Office if they have questions.

In addition, over the years, there have been requests from various agencies seeking fee waivers for their employees who provide services during state emergencies or provide training to personnel involved in public safety. Below is a summary of those rulings.

Group	Summary of Ruling
Federal and Military employees	CC89-31 – State Board approves waiver provided their permanent duty station is in North Carolina.
Telecommunicators	CC95-186 – State Board approves waiver if a person meets the definition of a telecommunicator.
Jailers/Detention Officers	System Office approves waiver if the officers work in a facility that meets the definition of a local or county detention facility. See G.S. 17C-2, G.S. 153A-217, and G.S. 153-218.
Forestry Service Staff	The attorney for the System Office made a ruling that five position classifications were eligible for fee exemption: county ranger, assistant county ranger, forest fire equipment operator, district forester, and field staff support (excluding clerical). These positions provide fire and law enforcement services during emergency incidents.

**Tuition and Fee Waiver
Frequently Asked Questions**

13. Does the fee waiver policy for law enforcement officers and trainees apply to campus and company police?

The fee waiver policy does not apply to company police. The fee waiver policy is only applicable to campus police departments if they meet one of the following:

- The definition of “employer” as defined by G.S. 115B-1(1) to be “The State of North Carolina and its departments, agencies, and institutions; or a county, city, town, or other political subdivision of the State.”
- When the local board of trustees of any college or university, who qualifies as a campus police agency enters into a mutual aid agreement to designate the campus police as a municipal police department. This agreement must be approved by the governing board of a municipality or with the consent of the county sheriff. For more details, see G.S. 74E-6(d) or G.S. 115D-21.1.
- If the department is listed on the local Emergency Operations Plan (EOP) as essential personnel in an emergency situation.

Note:

To qualify for a waiver of tuition or fees for Basic Law Enforcement Training (BLET), students must meet the criteria set forth in 23 NCAC 02d .0202 (a)(7)(c), which specifies employment or sponsorship “from a state, county, or municipal law enforcement agency.” Since the Administrative Code is very specific about this limitation, the exceptions above do not apply.

References: G.S. 74-E Company Police Act, G.S. 74G Campus Police Act, and G.S. 21.1(b) Campus Law Enforcement Agencies.

14. Is the fee waiver limited to specific training courses for public safety personnel?

Yes. For curriculum courses, fee waivers are limited to individuals in categories set forth in GS 115D-5(b). Furthermore, exemption from tuition applies to specialized training courses only.

For continuing education, the purpose for taking the course must be either:

- required for a certification, licensure, or recertification;
- related to a responsibility related to the local Emergency Operation Plan; or
- related directly to job performance.

References:

23 NCAC 02D .0202(a)(7)(A) Tuition Waivers and 23 NCAC 02D .0203(a)(5) Fee Waivers for Extension Programs

**Tuition and Fee Waiver
Frequently Asked Questions**

15. How does the occupational extension course repetition policy relate to fee waivers?

The repetition policy states that students who take the same occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. It further states this policy does not apply to fire, rescue, or law enforcement training courses taken by fire, rescue, or law enforcement personnel. While the above statements are true, colleges should note the following:

- Eligibility for a fee waiver does not automatically mean an exemption from the course repetition policy.
- Exemptions to the course repetition policy are based on the student's eligibility and not the course.
- If a person is eligible for a fee waiver, then it could be applied to the same course twice. Upon the third enrollment in the same course, the fee waiver is not applicable.

Note: The only exception to this policy is when the course is taken for the following purposes: certification, licensure, recertification, registry listing, state-qualification, or state-mandated in-service training. Below is a definition of these terms.

Certification	Training required by a governing authority before permission is granted to practice and/or obtain employment in a profession.
Licensure	Training required by a governing authority before permission is granted to practice and/or obtain employment in a profession.
Recertification	Training required, usually within a specific timeframe, to maintain or renew a credential for a professional occupation. This may also be called Continuing Education Units (CEUs) or Continuing Professional Education (CPE).
Registry Listing	Training required by a governing authority responsible for maintaining a list of individuals who have met specific requirements necessary for employment in a profession.
State-Qualified	Training required by an agency as a condition of employment.
State-Mandated In-service Training	Training required by a state agency as a condition of maintaining a profession certification and/or employment.

Finally, while the policy states that the course repetition does not apply to fire, rescue, or law enforcement training courses taken by fire, rescue, or law enforcement personnel, this policy does not permit them to take courses, even though worthwhile, an infinite number of times at no cost unless required for the purposes stated above.

References: 23 NCAC 02D .0325 (a)(9) Occupation Extension Course Repetitions

- Refer to numbered memos CC94-284 and CC95-201 for policies related to multiple courses with the same course ID.

16. Does the occupational extension course repetition policy apply to senior citizens?

Yes, senior citizens who are legal residents of North Carolina and who wish to enroll in an occupational extension course shall not be required to pay for taking the same course twice. Senior citizens who take the same occupational extension course more than twice within a five-year period shall pay their cost for the course based on the amount of funds generated by a student membership hour for occupational extension multiplied by the number of actual hours the class is to be taught. These senior citizens shall not generate budget/FTE. The funds collected from these senior citizens shall be used by the colleges to offer additional educational courses.

Reference: 23 NCAC 02D .0325(c) Occupational Extension Course Repetition

**Tuition and Fee Waiver
Frequently Asked Questions**

17. Does the fee waiver for CPR/First Aid training for teachers apply to both public and private schools?

Yes, the intent of the law was that it was to apply to elementary and secondary teachers in both public and private schools. Please note that only teachers are eligible for the fee waiver; not principals, teacher assistants, or other school personnel. Additionally, the fee waiver is only applicable to the CPR/First Aid course.

The System Office issued numbered memo CC90-367 for the purpose of clarifying whether teachers employed by the Department of Corrections and the Department of Human Resources (now Department of Health and Human Services) are eligible for fee waivers for CPR/First Aid training. The ruling was that these agencies met the definition of a local education agency for the purpose of providing education and related services for children with special needs and hence eligible for fee waivers.

Reference: 23 NCAC 02D .0203(a)(5)(E) Registration Fee Waivers

18. Can community college staff receive fee waivers for more than one course per reporting period?

No, they may enroll in one extension or curriculum course per reporting period without being charged a registration fee or tuition charges. Please note that the fee waiver is only extended to full-time college staff members employed for a 9, 10, 11, or 12 month term.

References:

23 NCAC 02D .0202(a)(7)(B) Tuition Waivers for Curriculum Programs and 23 NCAC 02D .0203(a)(5)(B) Registration Fee Waivers

19. Are high school students fee exempt when taking continuing education courses?

No, students meeting the eligibility requirements for admissions pursuant 23 NCAC 02C .0305(c) can enroll in continuing education courses, but they must pay the applicable registration fee. Please note that if they meet program-specific requirements for enrolling in curriculum courses, they may be eligible for fee waivers.

References:

G.S. 115D-5(b) Tuition Waiver, 23 NCAC 02D .0202(a)(7)(E) Tuition Waivers for Curriculum Programs, and Numbered Memo CC03-211 Operating Procedures Manual for Enrollment of High School and Intellectually Gifted and Mature Students in Community College Courses and Programs

20. Are persons less than 16 years old fee exempt when taking college courses?

No. Persons who meet the eligibility requirements for intellectually gifted and mature students under 16 years old, may enroll in curriculum and continuing education courses, but they must pay the applicable tuition or registration fee.

During the summer reporting term, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges. As such, these persons are not fee exempt.

References:

G.S. 115D-20(4) Admission Requirements, 23 NCAC 02C .0305 Services to Minors and Numbered Memo CC03-211 Operating Procedures Manual for Enrollment of High School and Intellectually Gifted and Mature Students in Community College Courses and Programs

**Tuition and Fee Waiver
Frequently Asked Questions**

21. Are clients at Sheltered Workshops and ADAP Centers fee exempt for continuing education courses?

No, occupational extension instruction shall not be offered in sheltered workshops and adult developmental activity centers (ADAP), except sheltered workshops and ADAP centers may contract with the community college to provide occupational extension courses on a self-supporting basis.

Reference: 23 NCAC 02D .0325(f) Occupational Extension Instruction

22. What is the definition of survivor and permanently and totally disabled in relation to fee waivers?

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.

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.

Reference: G.S. 115B-1 Definitions

23. What are the fee waiver eligibility requirements for a child who is a ward of the state?

Any child, if the child (i) is at least 17 years old but not yet 23 years old, (ii) is a ward of North Carolina or was a ward of the State at the time the child reached the age of 18, (iii) is a resident of the State; and (iv) is eligible for services under the Chaffee Education and Training Vouchers Program; but the waiver shall only be to the extent that there is any tuition still payable after receipt of other financial aid received by the student.

Reference: G.S. 115B-2(a)(5) Tuition Waiver Authorized

24. What is the family relocation tuition policy?

Community Colleges may charge in-state tuition to certain out-of-state students who are members of families that were transferred to this state by businesses, industries, or civilian families transferred by the military, for employment. For program-specific requirements, go to 23 NCAC 02D .0201(k)

Reference: 23 NCAC 02D .0201(k) Family Relocation Tuition

**Tuition and Fee Waiver
Frequently Asked Questions**

25. How do you credit scholarship value for students receiving fee waivers?

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. Persons identified under G.S. 115B-2(2), (3), or (4) are Survivors, spouse and child, of a law enforcement officer, firefighter, volunteer firefighter, or rescue squad worker who was killed or permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty. See numbered memo CC98-110 for more details.

Reference: G.S. 115B-5A Student to be Credited for Scholarship Value

26. Are military and federal employees eligible for fee waivers?

In numbered memo CC89-031, the State Board clarifies its intent regarding provisions in G.S. 115D-5 (b) as it relates to military, civil service and other federal employees in emergency services jobs. They ruled that these personnel are eligible for fee waivers provided that their permanent duty station is within North Carolina.

27. What is the termination date for fee waivers for Hurricane Katrina Evacuees?

In accordance with Executive Order 82 and the State Board's Resolution, Hurricane Katrina Evacuees were granted a waiver for in-state tuition. This waiver will stay in effect until the Governor terminates the executive order.