SENATE BILL 421: CC/In-State Tuition.

2021-2022 General Assembly

Committee:	House Education - Community Colleges. If favorable, re-refer to Rules, Calendar, and Operations of the House	**Date:**	August 12, 2021
Introduced by:	Sens. Craven, Woodard, Barnes	**Prepared by:**	Samantha Yarborough* Staff Attorney
Analysis of:	First Edition		

OVERVIEW: SB 421 would create an exception to allow a recent graduate of a North Carolina public high school to qualify for in-state tuition at the community college for the year following high school graduation if the student was unable to establish residency through the Residency Determination Service due to lack of evidence.

CURRENT LAW: G.S. 115D-39 requires that students attending community colleges must meet in-state residency requirements under G.S. 116-143.1 (requiring one-year of domicile in the State) to receive in-state tuition rates, unless the students meet certain exceptions. Exceptions include:

- Employer-paid tuition for employees working at business in the State.
- Certain out-of-state students whose families were transferred by business, industry, or civilian families transferred by the Armed Forces.
- Certain emergency personnel with permanent duty stations in the State who do not qualify for other waivers for courses to support their organizations' training needs.
- Refugees who have lawfully entered the United States and are living in the State.
- Nonresidents of the United States who have resided in the State for 12 months and have filed an immigration petition.
- Persons lawfully admitted to the United States graduating from a public school in the State.
- Persons lawfully admitted to the United States sponsored by nonprofit entities accepting financial responsibility for the student's tuition and fees.

G.S. 116-143.1 establishes the process for determining resident status to receive in-state tuition, and requires an individual to submit information to the Residency Determination Service (RDS) administered by the State Education Assistance Authority (SEAA) to show proof of residency. To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. There is a presumption that an individual with living parents has the same legal residence, though this can be rebutted by evidence of age and general circumstance, including evidence of graduation from a North Carolina high school.

BILL ANALYSIS: SB 421 would authorize in-state tuition rates at a community college for the school year immediately following a student's graduation from high school for an individual who meets all of the following:

- Is a United States citizen.
- Satisfied the qualifications for assignment to a public school in the State.

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

- Was enrolled in a North Carolina public school unit for the entire final school year before receiving a high school diploma.
- Was unable, due to lack of evidence, to establish residency for tuition purposes through the RDS.

EFFECTIVE DATE: SB 421 would become effective when it becomes law.

BACKGROUND: Under North Carolina common law, an individual under the age of 18 cannot establish domicile independent of the individual's parent, because a minor is non sui juris (lacking the legal capacity to act on his or her own behalf). Thayer v. Thayer, 187 N.C. 573 (1924).

**Kara McCraw, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.*