



North Carolina Residency Campus Responsibility Guide

Revised August 2021



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Introduction

Under the authority of the North Carolina State Education Assistance Authority (SEAA), the Residency Determination Service (RDS) is charged with implementing the laws governing the classification of residence for tuition purposes and state financial aid eligibility. Additional information can be found at www.ncresidency.org.

The purpose of this Campus Resource Guide is to outline the responsibilities remaining on the college campus to monitor and maintain residence classification decisions accurately and effectively.

About the North Carolina State Education Assistance Authority (SEAA)¹

The State Education Assistance Authority provides a number of services to the State of North Carolina, including:

- Assisting State government officials, the University of North Carolina, the North Carolina Community College System, and the North Carolina Independent Colleges and Universities in various matters pertaining to financial aid.
- Administering the coordinated and centralized process for determining residency for tuition and State-funded financial aid purposes that is jointly developed and implemented by The University of North Carolina, the North Carolina Community College System, and SEAA, in consultation with the North Carolina Independent Colleges and Universities.

Please visit the SEAA website at <http://www.ncseaa.edu> for a full list of services provided.

CONTACT INFORMATION

RDS Public Website: www.ncresidency.org

The website has links to the official RDS Guidebook, relevant statutes, FAQs, as well as many informational guides for students and parents.

At the bottom of the home page, there is a link for school administrators. This is a password protected area with additional documentation *for campus use only*.

Login: RDsAdmin | Password: Re\$idency

RDS Call Center (public number): 844-319-3640 | rdsinfo@ncresidency.org

RDS Campus Support (campus staff only): 844-317-0164 | rds@ncresidency.org

SEAA Contact (campus staff only): Gene Ritter, Residency Program Manager
919-248-4662 | gritter@ncseaa.edu

¹ [NCGS 116-201](#)

RDS Role in Residency Determinations and Granting Specific Exceptions

RDS is responsible for determining eligibility for residency for tuition purposes and for state financial aid. In addition, there are also two general statutory exceptions for which RDS will also determine eligibility:

- 1) a non-resident, active-duty military student who is stationed in NC, and their eligible spouse and dependents, and
- 2) a non-resident student who is a member of the North Carolina National Guard.

Eligibility for these exceptions is verified by RDS since they do not require verification of additional criteria to qualify, such as an award of a financial aid benefit for a specific term. Non-resident students who meet the criteria for one of these exceptions will be designated by a determination of non-resident, but eligible for in-state tuition (“O/I”) and be assigned a category code reflecting the type of exception granted.

A campus is not responsible for collecting documentation pertaining to the RDS determination. However, the campus has a role in *tracking continued eligibility* for students in certain categories once enrolled as discussed later in this document.

Campus Role in Handling Other Types of Exceptions

Other exceptions written into law, for example, provisions for non-resident veterans, or a provision for eligible full-time UNC employees, are contingent on verification of one or more specific criteria to determine *current and ongoing eligibility* each term. *For these reasons, they must be handled by the campus.*

Multiple specific legislative exceptions are available to students with respect to residency classifications. These exceptions permit campuses to override a student’s *tuition status* and charge in-state tuition as a benefit to students classified as nonresidents. Eligibility for an exception is specific to the student’s college or university and is not binding on another institution of higher education should the student apply or transfer to a different institution. Because some exceptions are based upon campus-specific conditions, such as enrollment criteria, SEAA and RDS do not assume the role of determining the student’s eligibility for the benefit nor does either entity determine the effective semester, term, or quarter of the benefit. If a student believes he or she may qualify for an exception, waiver, or the statutory grace period, the student should contact their campus for information.

A campus is not responsible for collecting documentation pertaining to the RDS determination. **However, when the campus grants an exception, or recertifies someone in an exception category, it has a responsibility for maintaining the necessary documentation to support the change.** In this case, the campus maintains such records for audit purposes. For certain exceptions discussed in this

Campus Responsibility Guide, IRS regulations² should be consulted with regards to definitions of eligible dependents and age and tax regulations. This information is referenced below in the relevant scenarios. Some benefits carry a tracking responsibility for the campus. There is a section in this Guide which serves as a quick reference for those tracking responsibilities. Eligibility for an exception is not binding on another institution of higher education should the student apply or transfer to a different institution. **Note that non-resident students who receive an exception for in-state tuition are generally not eligible for state financial aid grants that require the student be a resident of NC as defined in statutes.**

TUITION EXCEPTIONS IN LAW (APPLICABLE TO UNC & NCCC SYSTEMS)

Active-Duty Military

1. STATEMENT:

Any active-duty member of the Armed Forces qualifying for admission to an institution of higher education as defined in GS 116-143.1(a)(3) *but not qualifying as a resident* for tuition purposes under GS 116-143.1 shall be charged the in-state tuition rate and applicable mandatory fees for enrollments while the member of the Armed Forces is abiding in this State incident to active military duty in this State. Active-duty members whose permanent residence is in North Carolina, once verified by RDS, do not require an exception.

The student may be the service member, their spouse, or dependent relative meeting the eligibility for this tuition benefit may request, and be granted, benefits *at any time during the term*.

There are very limited provisions for a student whose spouse or parent is active-duty military stationed in another state and whose permanent residence is also outside of North Carolina. These are discussed under the “Veterans” exceptions below since they are covered as an exception under the Veterans Choice Act.

2. AUTHORITY:

NCGS 116-143.3. Tuition of Armed Forces personnel and their dependents.

(a) Definitions. - The following definitions apply in this section:

² Internal Revenue Code is found in [26 USC §152 \(IRC\)](#); Also see [IRS Publication 501](#) and [IRS Publication 17](#).

- (1) The term "abode" shall mean the place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.
 - (2) The term "Armed Forces" shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any reserve component of the foregoing.
 - (3) Repealed by Session Laws 2007-484, s. 15, effective August 30, 2007.
- (b) Any active-duty member of the Armed Forces qualifying for admission to an institution of higher education as defined in GS 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under GS 116-143.1 shall be charged the in-state tuition rate and applicable mandatory fees for enrollments while the member of the Armed Forces is abiding in this State incident to active military duty in this State. In the event the active-duty member of the Armed Forces 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 Forces 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.
- (b1), (b2) Repealed by Session Laws 2004-130, s. 1, effective August 1, 2004.
- (c) Any dependent relative of a member of the Armed Forces 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 Community 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 GS 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 Forces 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 Forces 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.
- (d) The person applying for the benefit of this section has the burden of proving entitlement to the benefit.
- (e) A person charged less than the out-of-state tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefit of GS 116-143.1(g), (h), (i), (j), (k), or (l).

3. CAMPUS RESPONSIBILITIES:

a. The campus is responsible for:

- Tracking a member's continued eligibility at regular intervals based on assignment, reassignments, retirement, or honorable discharge. Intervals to be determined by the institution. Tracking is only required of a student who has a tuition exception (O/I).
 - a. Noting Reassignment Exception: If the active-duty member is reassigned, meaning the member receives a "Permanent Change in Station" or "PCS orders" to a military base or installation outside of North Carolina, the service member and his or her spouse and dependent relatives will continue to be eligible for the in-state tuition rate as long as the service member, spouse, or dependent is continuously enrolled in the degree or other program in which they were enrolled at the time of reassignment. The service member's dependent must continue to be a dependent to qualify for the benefit. The campus is responsible for confirming continuous enrollment and verifying proof of continued dependence, as applicable.
 - b. Noting Retirement Exception: Upon retirement, the covered individual will continue to be eligible for the in-state tuition rate as long as they remain continuously enrolled in the degree or other program in which they were enrolled at the time of retirement. The campus is responsible for confirming continuous enrollment.
 - c. Noting Honorable Discharge Exception: An active-duty member receiving an honorable discharge may continue with the in-state tuition rate if he or she establishes legal residency in North Carolina within thirty days of discharge and is continuously enrolled in the degree or other program in which they were enrolled at the time of discharge. The campus is responsible for confirming continuous enrollment and verifying establishment of North Carolina residency within 30-days.

b. The campus is advised that:

- The burden of proof resides with the student to show eligibility for this benefit.
- IRS regulations³ should be consulted with regards to eligible dependents and age and tax regulations.
- The [statutory grace period](#)⁴ is not applicable to this exception.
- If there has been no change in eligibility, the student may continue with the exception as long as they are enrolled in the same program and the same institution. Changes in enrollment will require a new determination.
- If the service member has a change in permanent duty station to a post outside of NC, *prior to the student's first enrollment and attendance*, they will generally lose eligibility for this exception. However, a *limited provision* was signed into law to allow a high school senior who was already admitted to a college or university in NC based on this exception, but the service member was subsequently transferred prior to the enrollment/start of classes. In

³ Internal Revenue Code is found in [26 USC §152 \(IRC\)](#). Also see [IRS Publication 501](#) and [IRS Publication 17](#).

⁴ [NCGS 116-143.1\(l\)](#)

this scenario, the student is eligible to keep the in-state tuition exception as long as they enroll by the fall term following their high school graduation⁵.

- c. The campus maintains all records for audit purposes.

Veterans Choice Act

1. STATEMENT:

A *non-resident* veteran, and eligible spouse or eligible dependent who qualifies for admission to an institution of higher education as defined in GS 116-143.1(a)(3) is eligible to be charged the in-state tuition rate and applicable mandatory fees for enrollment, to the extent required by Section 702 of the Veterans Access, Choice, and Accountability Act of 2014, and subsequent amendments, 38 USC § 3679, without satisfying the 12-month residency requirement under GS 116-143.1. Only non-residents need to be tracked for continued eligibility for a tuition waiver.

Certification of VA benefits is a process separate and apart from RDS and is handled at the campus level. Any student eligible for VA benefits may request certification of and be awarded those benefits at any time during a term, or even retroactively to a previous term.

Note that it is the *awarding and use* of a VA educational award that qualifies the student for the exception for an adjustment to in-state tuition. These benefits are governed by federal laws and the campus should look for the VA award as documentation of eligibility for the waiver and follow guidance from the Department of Veterans Affairs for the management and documentation of these benefits. Students who are not eligible to meet criteria for In-State residency, but who report that they are eligible to use a Veteran's benefit as describe in this section, are coded by RDS as VETEX for campus consideration.

There are some very limited provisions under the Veterans Choice Act for a student whose spouse or parent is *active-duty military stationed in another state and whose permanent residence is also outside of NC*. In this scenario, the student (spouse or dependent) must physically be residing in the same state as the institute of higher learning, in this case NC, to be eligible to enjoy the benefit. Students who indicate to RDS that this situation applies to them will be flagged with a code of ACTVETEX.

Federal Law (Veterans Choice Act) has eliminated, effective August 1, 2021, the previous stipulations about eligibility being tied to a 3-year period after the servicemember's discharge.^{6,7}

⁵ [NC Session Law 2021-9; GS 116.143.3\(c1\)](#)

⁶ [NC Session Law 2021-111](#)

⁷ [GS 116-143.3](#)

2. AUTHORITY:

NCGS 116-143.3A. **Waiver of 12-month residency requirement for certain veterans and other individuals entitled to federal education benefits under 38 USC Chapter 30, 31, 33 or 35.**

(a) Definitions. - The following definitions apply in this section:

- (1) Abode. - Has the same meaning as GS 116-143.3(a)(1).
- (2) Armed Forces. - Has the same meaning as GS 116-143.3(a)(2).
- (3) Veteran. - A person who served active-duty for not less than 90 days in the Armed Forces, the Commissioned Corps of the US Public Health Service, or the National Oceanic and Atmospheric Administration and who was discharged or released from such service.

(b) Waiver of 12-Month Residency Requirement for Veteran. - Any veteran who qualifies for admission to an institution of higher education as defined in GS 116-143.1(a)(3) is eligible to be charged the in-state tuition rate and applicable mandatory fees for enrollment without satisfying the 12-month residency requirement under GS 116-143.1, provided the veteran meets all of the following criteria:

- (1) The veteran applies for admission to the institution of higher education and enrolls following the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the US Public Health Service, or the National Oceanic and Atmospheric Administration.
- (2) The veteran qualifies for and uses educational benefits pursuant to 38 USC Chapter 30, 31, 33 and 35, as administered by the US Department of Veterans Affairs.
- (3) The veteran's abode is North Carolina.
- (4) The veteran provides the institution of higher education at which the veteran intends to enroll a letter of intent to establish residence in North Carolina.

(c) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38 USC Chapter 30, 31, 33 or 35. Any person who is entitled to federal educational benefits under 38 USC Chapter 30 or 38 USC Chapter 33 is also eligible to be charged the in-state tuition rate and applicable mandatory fees for enrollment without satisfying the 12-month residency requirement under GS 116-143.1, if the person meets all of the following criteria:

- (1) The person qualifies for admission to the institution of higher education as defined in GS 116-143.1(a)(3) and, with the exception of individuals described in subsections (c1) and (c2) of this section, enrolls in the institution of higher education following the veteran's discharge or release from the Armed Forces, the Commissioned Corps of the US Public Health Service, or the National Oceanic and Atmospheric Administration.
- (2) The person is the recipient of federal educational benefits pursuant to 38 USC Chapter 30, 31, 33, or 35 as administered by the US Department of Veterans Affairs.
- (3) The person's abode is North Carolina.
- (4) The person provides the institution of higher education at which the person intends to enroll a letter of intent to establish residence in North Carolina.

(c1) Recipients using transferred Post-9/11 GI Bill benefits (38 USC § 3319) while the transferor is on active-duty in the Armed Forces, the commissioned corps of the US Public Health Service, or the National Oceanic and Atmospheric Administration are eligible for the in-state tuition rate, provided the recipient's abode is in North Carolina and the recipient provides the institution of higher education a letter of intent to establish residency in North Carolina.

(c2) Recipients of the Marine Gunnery Sergeant John David Fry Scholarship (38 USC § 3311(b)(9)), whose parent or spouse died in the line of duty, without regard as to whether the death in the line of duty followed a period of active-duty service of 90 days or more, are eligible to receive in-state tuition under this section, provided the recipient's abode is in North Carolina and the recipient provides the institution of higher education a letter of intent to establish residency in North Carolina.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 1. Collecting the appropriate documents as outlined in statute as evidence of the student's qualification for the benefit.
 2. Verifying eligibility and award of a VA educational benefit for the student in order to grant an exception.
 3. Tracking continued eligibility based on the guidance administered by the US Department of Veterans Affairs and continued award funding.
- b. The campus is advised that the statutory grace period⁸ is not applicable.
- c. IRS regulations⁹ should be consulted with regards to age and tax regulations.
- d. If the student subsequently meets the regular requirements for NC residency, they can return to RDS and request a Reconsideration. Any student who meets regular residency criteria would not need to be tracked.
- e. The campus maintains all records for audit purposes.

North Carolina National Guard

1. STATEMENT:

Unlike other military personnel, a *non-resident* North Carolina National Guard (NCNG) member is eligible for in-state tuition rate during the Guard member's period of service even if not on active-duty status. This in-state tuition benefit does not apply to the spouses or dependents of non-resident Guard members unless the Guard member is serving in North Carolina on active-duty. Spouses or dependents of non-resident Guard members can become eligible for in-state tuition when (and only when) the member is activated for National Guard duty in North Carolina, and they

⁸ [NCGS 116-143.1\(l\)](#)

⁹ Internal Revenue Code is found in [26 USC §152 \(IRC\)](#). Also see [IRS Publication 501](#) and [IRS Publication 17](#).

are also residing in NC at the time. Eligibility for this tuition benefit may be requested, and be granted, at any time during the term during the Guard member's period of service. Most NCNG members, in practice, meet the regular residency requirements and do not need to be tracked due to an exception. Only those who receive an exception (O/I) need to be tracked.

2. AUTHORITY:

NCGS 116-143.1(h1) 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 subsection applies to members in a reserve or active-duty status.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 1. Collecting the appropriate documents as evidence of the student's continued qualification for the benefit if the student was determined by RDS to be a non-resident, but eligible for the tuition exception (O/I).
 2. Tracking continued eligibility for tuition benefit based on the member's period of service. RDS will pass on a code of NCNG and tracking flag and date if the student was given a O/I determination.
 3. Verifying the member is activated and residing in North Carolina when the student is a spouse or dependent seeking benefits.
 4. The campus is advised that a statutory grace period is not applicable¹⁰.
 - b. The campus maintains all records for audit purposes.
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¹⁰ [NCGS 116-143.1\(l\)](#)

Specific Exceptions for the UNC System

Full Scholarship

1. STATEMENT:

Full scholarship recipients, other than athletic scholarships¹¹, from entities recognized and approved by the institution are residents of North Carolina for all purposes. *This exception is applicable at UNC institutions only.*

2. AUTHORITY:

NCGS 116-143.6. Full scholarship students attending constituent institutions.

- a) Notwithstanding any other provision of law, if the Board of Trustees of a constituent institution of The University of North Carolina elects to do so, it may by resolution adopted consider as residents of North Carolina all persons who receive full scholarships, unless the scholarship is for athletics, to the institution from entities recognized by the institution and attend the institution as undergraduate students. The aforesaid persons shall be considered residents of North Carolina for all purposes by The University of North Carolina.
- b) The following definitions apply in this section:
 - (1) "Full cost" means an amount calculated by the constituent institution that is no less than the sum of tuition, required fees, and on-campus room and board.
 - (2) "Full scholarship" means a grant that meets the full cost for a student to attend the constituent institution for an academic year.
- c) This section shall not be applied in any manner that violates federal law.
- d) This section shall be administered by the electing constituent institution so as to have no fiscal impact.
- e) In administering this section, the electing constituent institution shall maintain at least the current number of North Carolina residents admitted to that constituent institution. (2005-276, s. 9.27(a); 2010-31, s. 9.25.)

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 - Applying this benefit only to undergraduate students who are receiving full scholarships from entities recognized by the institution.
 - Tracking continued eligibility. If a student is no longer eligible for the full scholarship, the campus must appropriately update the exception fields in their student information system.

¹¹ Note that as of the date of publication of this Guide that the North Carolina legislature is considering legislation to also include athletic full scholarships as being eligible. Campus should verify status of SB 105 – 2021.

- The institution, when granting this exception, must ensure that the requirements for current number of North Carolina residents are maintained (see 2b above).
- b. The campus is advised that the [statutory grace period](#)¹² is not applicable.
- c. The campus maintains all records for audit purposes.

Eligible Full-Time Employees and Their Families

1. STATEMENT:

Permanent full-time employees who are legal residents of North Carolina qualify as residents for tuition purposes but have not maintained legal residency for the required 12 consecutive months prior to residence classification. This exception includes eligible permanent full-time employees of the University of North Carolina System and the UNC Medical Center (also known as UNC Hospitals)¹³. Spouses and dependent children of eligible employees also qualify. *Eligible participants may use this benefit at any UNC system campus as well as at a North Carolina Community College.*

2. AUTHORITY:

NCGS 116-143.1(m)¹⁴. Provisions for determining resident status for tuition purposes.

Notwithstanding subsection (b) of this section, a person who is a full-time employee of The University of North Carolina or is the spouse or dependent child of a full-time employee of The University of North Carolina, and who is a legal resident of North Carolina, qualifies as a resident for tuition purposes without having maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 - Collecting a form or letter on official letterhead from the home institution's Human Resources Department verifying eligible current, permanent full-time employment.
 - Validating permanent full-time employment status on the first day of classes for each of the terms the exception is applied.
 - Verifying marriage if spousal benefits are applicable.
 - Verifying IRS tax dependency if dependent child benefits are applicable.
- b. The campus is advised that:
 - This policy only applies to *legal residents* of NC who are *permanent full-time employees* of the University of North Carolina System, UNC Medical Center (also known as UNC Hospitals), their spouses, and dependent children.

¹² [N.C.G.S 116-143.1\(l\)](#)

¹³ The UNC Medical Center in Chapel Hill comprises N.C. Memorial Hospital, N.C. Children's Hospital, N.C. Neurosciences Hospital, N.C. Cancer Hospital and N.C. Women's Hospital.

¹⁴ [NCGS 116-143.1\(m\)](#)

- IRS regulations¹⁵ should be consulted with regards to definitions of dependency including age and tax regulations.
 - The statutory grace period is not applicable¹⁶.
- c. The campus maintains all records for audit purposes.
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Specific Exceptions for the North Carolina Community College System

The North Carolina General Assembly and the State Board of Community Colleges, subject to its authority granted by the legislature in NCGS §115D-39(a)¹⁷, have determined that certain policy considerations warrant exceptions to the general rules governing in-state tuition.

- Business-Sponsored Students
- Business- and Military-Transferred Families
- Students Sponsored by a Nonprofit Entity
- Certain non-US Citizen North Carolina Public High School Graduates
- Refugees
- Non-Citizen of the United States who has applied for Immigrant Status
- Federal Law Enforcement Officers
- *Certain US Citizen North Carolina Public High School Graduates (*Provisional*)¹⁸

In addition to the categories above, students who meet the criteria for a UNC System exception for full-time employees and their families, provided under a different statute¹⁹, might be eligible receive an exception at a North Carolina Community College.

- UNC System exception for full-time employees and their families

¹⁵ Internal Revenue Code is found in [26 USC §152 \(IRC\)](#). Also see [IRS Publication 501](#) and [IRS Publication 17](#).

¹⁶ [GS 116-143.1\(l\)](#)

¹⁷ [NCGS 115D-39](#)

¹⁸ [SB 421-2021 is at the time of publication awaiting the Governor's final approval.](#)

¹⁹ [NCGS 116-143.1\(m\)](#)

Business-Sponsored Students

1. STATEMENT:

North Carolina law provides a special benefit to *North Carolina employers* choosing to pay the *full cost* of an employee's community college tuition. Even when the employee does not meet the requirements for in-state tuition, the employer pays the tuition at the in-state rate.

2. AUTHORITY:

NCGS 115D-39(a) Student Tuition and Fees

The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in GS 116-143.1 and GS 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the Armed Forces, as that term is defined in GS 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-state tuition rate; provided further, however, a community college may charge in-state tuition to 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 Armed Forces, consistent with the provisions of GS 116-143.3, into the State. Notwithstanding these requirements, 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 under GS 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in GS 116-143.1(a)(2). Also, 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.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 - Collecting documentation verifying that the employee works at the employer's North Carolina business location.
 - Documenting that the NC employer directly paid the *full cost* of the student's tuition and fees for *each term* an exception is applied.
- b. The campus is advised that the burden is on the employer and the student to establish that the business is a North Carolina business.

- c. Individuals with Deferred Action for Childhood Arrivals (DACA) classification or other non-US citizen students who do not currently hold an eligible immigration status *may qualify* for this exception so long as the employer responsible for paying the full tuition charges directly to the college and is located in North Carolina each term that the exception is applied.
- d. The campus maintains all records for audit purposes.

Business- and Military-Transferred Families

1. STATEMENT:

When an individual is transferred to North Carolina by an employer, the individual and the individual's family may be charged the in-state tuition rate when enrolling in a community college without meeting the statutory residency requirements, *specifically the twelve-month duration requirement in NC.*

2. AUTHORITY:

NCGS 115D-39(a) Student Tuition and Fees

The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in GS 116-143.1 and GS 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the Armed Forces, as that term is defined in GS 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-state tuition rate; provided further, however, a community college may charge in-state tuition to 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 Armed Forces, consistent with the provisions of GS 116-143.3, into the State. Notwithstanding these requirements, 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 under GS 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in GS 116-143.1(a)(2). Also, 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.

23 NCAC 02D .0201(k) Authority to Establish Tuition and Fees

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 businesses, industries, 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.

*The number of students eligible for in-state tuition under this Rule at a college shall not exceed **one percent** of the average number of out-of-state students, rounded up to the next whole number, at the college in the academic year immediately preceding enrollment. Eligible students shall be granted this benefit on a first-come, first-serve basis.*

In addition, note that there are also general provisions for active-duty service members and their spouse and dependents who are stationed in North Carolina. Once verified, RDS can assign a "O/I" determination and they would not need a campus exception.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 - Verifying that the transferred individual physically resides in North Carolina to work in a business located in North Carolina.
 - Collecting written certification by the employer, on corporate letterhead, that the student or some member of the student's family was transferred to North Carolina for employment purposes.
 - Collecting evidence of a familial relationship between a family member and the transferred individual, family member lives in the same residence as the transferred individual and, provides evidence of financial dependence on the transferred individual. (Verifying IRS tax dependency if dependent child is applicable.)
 - Campus verifies that granting of exception falls within limit of 1% of non-residents as outlined above.
 - Must be a legal resident of North Carolina
- b. The campus maintains all records for audit purposes.

Students Sponsored by a Nonprofit Entity

1. STATEMENT:

Certain North Carolina nonprofit entities or religious corporations may sponsor an individual, non-US Citizen *lawfully admitted* into the United States and residing in North Carolina, at the community college in-state tuition rate.

2. AUTHORITY:

NCGS 115D-39(c). Student tuition and fees.

A person sponsored under this subsection who is lawfully admitted to the United States 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 as defined in GS 55A-1-40 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 under Chapter 55A of the General Statutes 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.

3. CAMPUS RESPONSIBILITIES:

a. The campus is responsible for:

- Collecting documentation in the student's name showing *lawful admission* to the United States, such as: Evidence of a US visa in a passport; or a Form I-94 showing admission to the US, or a Form I-797 showing visa information. An unapproved application for asylum or a visa is not sufficient. The student does not need to hold a current status, if they can document lawful admission in the past.
- Verifying that the individual resides in North Carolina and is sponsored by a North Carolina nonprofit entity.
- Collecting a signed affidavit from the nonprofit entity accepting financial responsibility for the individual's tuition and other required educational fees.
- Verifying the nonprofit entity has not sponsored more than five (5) lawfully admitted individuals annually.

b. The campus is advised that:

- Prior residence in North Carolina is not required.

- Individuals with Deferred Action for Childhood Arrivals (DACA) classifications *are not* eligible to receive the benefit of in-state tuition.
 - Eligibility ceases if the student is no longer sponsored by the non-profit entity
- c. The campus maintains all records for audit purposes.

Certain Non-US Citizen North Carolina Public High School Graduates

1. STATEMENT:

A non-United States citizen *lawfully admitted* to the United States who graduates from a North Carolina public school qualifies for the in-state tuition rate at a community college.

2. AUTHORITY:

NCGS 115D-39(b). Student tuition and fees.

Any person lawfully admitted to the United States who satisfied the qualifications for assignment to a public school set out under GS 115C-366 and graduated from the public school to which the student was assigned shall also 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. The statute does not place a time limitation on the applicability of this exception²⁰.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
- Collecting documentation in the student's name showing *lawful admission* to the United States, such as: evidence of a US visa stamped in a passport; or a Form I-94 showing admission to the US, or a Form I-797 showing visa information. An unapproved application for asylum or a visa is not sufficient to show *lawful admission*. The student does not need to hold an eligible current status, if they can show they were lawful admitted in the past.
 - Collecting proof of current residence in North Carolina.
 - Collecting an official high school transcript that shows graduation from a North Carolina public high school.
- b. The campus is advised that there is not a time limitation on this benefit.
- c. The campus maintains all records for audit purposes.

²⁰ For further clarification, see NCCCS Numbered Memo CC21-025 dated 5-17-2021.

Refugees

1. STATEMENT:

A non-United States citizen lawfully admitted to the United States who is classified for immigration purposes as a refugee shall be charged the in-state tuition rate at a community college. The refugee must live in North Carolina but is not required to be domiciled in North Carolina for the twelve-month qualifying period to receive this exception. *Thus, this exception would help a student prior to their meeting the statutory twelve-month duration requirement.*

2. AUTHORITY:

NCGS 115D-39(a) Student Tuition and Fees

The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in GS 116-143.1 and GS 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the Armed Forces, as that term is defined in GS 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-state tuition rate; provided further, however, a community college may charge in-state tuition to 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 Armed Forces, consistent with the provisions of GS 116-143.3, into the State. Notwithstanding these requirements, 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 under GS 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in GS 116-143.1(a)(2). Also, 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.

3. CAMPUS RESPONSIBILITIES

- a. The campus is responsible for:
 - Collecting documentation in the student's name showing *lawful admission* to the United States, such as evidence of admission stamped into student's passport; or a Form I-94 showing admission to the US.
 - Collecting proof of refugee status. Generally, this should be documented in the admission document above. If the category is not documented, a letter or other document from US Customs and Immigration OR an Employment Authorization Card bearing a code of A-03 or A-04 would be evidence of someone holding Refugee status.
 - Collecting proof of current residence in North Carolina.
- b. The campus maintains all records for audit purposes.

Non-citizen of the United States seeking Immigrant Status

1. STATEMENT:

A non-United States citizen *lawfully admitted* to the United States who has resided in North Carolina for a 12-month qualifying period and has *filed* an immigrant petition qualifies as an in-state student for community college tuition purposes. Immigrant petitions are Forms I-130, I-360, or I-140 or I-526 are for individuals *applying for a Lawful Permanent Resident* ("Green Card" holder) status. General residency requirements used by RDS require that the petition must be *approved* and accompanied by a Form I-485.

This exception applies to applicants in this particular situation only and *does not include applications for a different type of immigration status*.

This exception allows for a petition that has been filed with USCIS (Immigration), but not yet approved. If the student holds another eligible immigration status in the meantime, as is frequently the case, that status can be evaluated by RDS prior to the approval of this petition.

2. AUTHORITY:

NCGS 115D-39(a) Student Tuition and Fees

The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in GS 116-143.1 and GS 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided,

however, that when an employer other than the Armed Forces, as that term is defined in GS 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-state tuition rate; provided further, however, a community college may charge in-state tuition to 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 Armed Forces, consistent with the provisions of GS 116-143.3, into the State. Notwithstanding these requirements, 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 under GS 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in GS 116-143.1(a)(2). Also, 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.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 - Collecting documentation showing *lawful admission* to the United States such as evidence of admission stamped into student's passport; or a Form I-94 showing admission to the US.
 - Collecting documentation that the student has filed a *qualifying immigrant petition*. This is typically done on a Form I-797, with a notation of the category (I-130, I-140, I-360 or I-526). Look for a status of receipt at top of form. If the petition has been approved, it might be in the students' best interest to return to RDS for a determination rather than a campus exception; this might make them eligible for residency and for in-state grants.
 - Note that spouses or dependent children are permitted to be included under a blanket petition of a head of household so the student's name might not appear on the petition. In this case, the student would also need to present an accompanying form I-797 showing filing of a I-485 which is *required* for each eligible individual and must bear their name to demonstrate they have been included in the blanket petition for the family.
 - Verifying the 12-month (365 days) qualifying period of residing in NC began at the time that a cluster of domiciliary acts was established. Refer to NCGS 116-143.1.
- b. The campus maintains all records for audit purposes.

Federal Law Enforcement Officers

1. STATEMENT:

A federal law enforcement officer whose permanent duty station is within North Carolina is eligible for in-state tuition at community colleges when enrolled in approved law enforcement training courses.

2. AUTHORITY:

NCGS 115D-39(a1) Student Tuition and Fees

Federal law enforcement officers, firefighters, EMS personnel, and rescue and lifesaving personnel whose permanent duty station is within North Carolina and who do not otherwise qualify for tuition waivers under GS 115D-5(b)(2a) shall also be eligible for the State resident community college tuition rate for courses that support their organizations' training needs and are approved for this purpose by the State Board of Community Colleges.

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 - Verifying permanent duty station in NC.
 - Verifying that the course is an approved law enforcement training course.
- b. The campus maintains all records for audit purposes.

Certain US Citizen North Carolina Public High School Graduates²¹ (Provisional)

****NOTE: at the time of publication (August 2021) this exception is awaiting final approval by the Governor****

1. STATEMENT:

A United States citizen who graduates from a North Carolina public high school who cannot meet the legal criteria to qualify as an in-State resident may qualify for the in-state tuition rate at a community college for the *school year immediately following* the student's high school graduation.

2. AUTHORITY: *(Provisional)*

NCGS 115D-39(e). Student tuition and fees.

²¹ [SB 421 – 2021 - Provisional](#)

(e) A United States citizen shall be eligible to receive the State resident community college tuition rate for the school year immediately following the student's graduation from high school if all of the following conditions are met:

- (1) The individual satisfied the qualifications for assignment to a public school, as provided in G.S. 115C-366.
- (2) The individual was enrolled in a North Carolina public school unit for the entirety of the final school year before receiving a high school diploma from the public school unit.
- (3) The individual was unable, due to lack of evidence, to establish residency for tuition purposes through the centralized residency determination process administered by the State Education Assistance Authority.

3. CAMPUS RESPONSIBILITIES *(Provisional):*

a. The campus is responsible for:

- Collecting proof of current residence in North Carolina.
- Collecting an official high school transcript that shows graduation from a North Carolina public high school.
- Tracking eligibility for one year beyond high school graduation. Following this year, the student would need to return to RDS for a new determination.

b. The campus maintains all records for audit purposes.

Eligible Full-Time UNC Employees and Their Families

**This exception, while not defined specifically as a NC Community College System exception in NCGS 115D-39, can be applied to students who meet the UNC System's criteria for eligibility at any UNC campus or any NC Community College²².

2. STATEMENT:

Permanent full-time employees who are legal residents of North Carolina qualify as residents for tuition purposes but have not maintained legal residency for the required 12 consecutive months prior to residence classification. This exception includes eligible permanent full-time employees of the University of North Carolina System and the UNC Medical Center (also known as UNC Hospitals)²³. Spouses and dependent children of eligible employees also qualify. *Eligible participants may use this benefit at any UNC system campus and may also use this benefit at North Carolina Community Colleges.*

²² [NCGS 116-143.1\(m\)](#)

²³ The UNC Medical Center in Chapel Hill comprises N.C. Memorial Hospital, N.C. Children's Hospital, N.C. Neurosciences Hospital, N.C. Cancer Hospital and N.C. Women's Hospital.

4. AUTHORITY:

NCGS 116-143.1(m). Provisions for determining resident status for tuition purposes.

Notwithstanding subsection (b) of this section, a person who is a full-time employee of The University of North Carolina or is the spouse or dependent child of a full-time employee of The University of North Carolina, and who is a legal resident of North Carolina, qualifies as a resident for tuition purposes without having maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes.

5. CAMPUS RESPONSIBILITIES:

d. The campus is responsible for:

- Collecting a form statement on official letterhead from the home institution's Human Resources Department verifying current, eligible permanent full-time employment. Note that part-time, or temporary positions, such as work-study or a graduate or teaching assistant are not defined as eligible.
- Validating permanent full-time employment status on the first day of classes each semester
- Verifying marriage if spousal benefits are applicable.
- Verifying IRS tax dependency if dependent child benefits are applicable.

e. The campus is advised that:

- This policy only applies to legal residents of NC who are permanent full-time employees of the University of North Carolina System, UNC Medical Center (also known as UNC Hospitals), their spouses, and dependent children.
- IRS regulations²⁴ should be consulted with regards to definitions of dependency including age and tax regulations.
- A statutory grace period cannot be applied.

f. The campus maintains all records for audit purposes.

²⁴ Internal Revenue Code is found in [26 USC §152 \(IRC\)](#). Also see [IRS Publication 501](#) and [IRS Publication 17](#).

Additional Provisions and Tracking Responsibilities (UNC & NCCCS)

Immigration

1. Statement:

Individuals who are not US citizens but who currently hold certain visa and immigration statuses that grant them the legal ability to establish and maintain a bona fide domicile in this country are subject to the same considerations as US citizens in determining residence status for tuition purposes. Refer to the [RDS Guidebook](#)²⁵ for a list of eligible immigration categories and the types of documentation and evidence required. RDS will screen all non-US Citizens for an eligible immigration status.

Students who hold an indefinite immigration status, such as Lawful Permanent Residents (“Green Card” holders) are *in a non-expiring category and do not need to be tracked*.

Students in two immigration categories need to be tracked:

- 1) those holding time-limited non-immigrant visas; and
- 2) Those who have been designated as having a Temporary Protected Status (TPS).

In these cases, RDS will flag the record and alert the campus of expiration date of current status and the need to track. Other categories do not need to be tracked by the campus as they are indefinite.

2. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 1. Tracking the non-immigrant visa or TPS status. These students have a time-limited benefit, and the student is only eligible during the document’s valid dates of issuance. RDS will pass on a tracking flag for these non-resident aliens (NRALN) and a tracking and expiration dates for these time-limited statuses.
 2. Updating the appropriate fields in the student information system.
 3. If the student presents the campus with documentation of a new visa extension and expiration date, or another eligible status, the campus can collect the documentation and adjust their eligibility. The campus also has the option of sending the student back to RDS for review and a new determination.
 4. Communicating this residency change to the student in writing.
 5. A statutory grace period²⁶ *may* be applied for these students when appropriate.
- b. Maintaining all records for audit purposes.

²⁵ https://ncresidency.cfnc.org/residencyInfo/pdf/RDS_Guidebook.pdf

²⁶ [NCGS 116-143.1\(i\) \(l\)](#)

Statutory Grace Period²⁷

1. STATEMENT:

A 12-month grace period may apply to students who had been determined to be residents by RDS (I/I determination) and have had a change that has affected their continued eligibility. If the student meets certain criteria, they may be granted a grace period and continue to receive in-State tuition for up to 12 months. *Note that students who were granted an exception to the normal residency criteria are NOT eligible for a grace period.*

This provision might be used in two different circumstances:

1) A student who is *currently enrolled* and has a change in their eligibility.

This might occur when the student's permanent residence changes to another State, or a non-US Citizen with a time-limited immigration status, such as a visa or Temporary Protected Status has a break in their valid immigration status.

2) A student who had an In-State determination, is *not currently attending classes*, has moved out-of-State, but moves back to North Carolina within 12 months to reestablish residency.

Depending on the student's situation, this scenario might be handled by RDS and/or at the campus level.

AUTHORITY

NCGS 116-143.1(i). A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in an institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-state tuition rate for a statutory grace period. This grace period shall be measured from the date on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months; provided, that a resident's marriage to a person domiciled outside of North Carolina shall not be deemed a culminating circumstance even when said resident's spouse continues to be domiciled outside of North Carolina; and provided, further, that if the 12-month period ends during a semester or academic term in which such a former resident is enrolled at an institution of higher education, such grace period shall extend, in addition, to the end of that semester or academic term.

NCGS 116-143.1(l) Any person who ceases to be enrolled at or graduates from an institution of higher education while classified as a resident for tuition purposes and subsequently abandons North Carolina domicile shall be permitted to reenroll at an institution of higher education as a resident for tuition purposes without necessity of meeting the 12-month durational requirement of this section if the person reestablishes North Carolina domicile within 12

²⁷ [NCGS 116-143.1\(l\)](#)

months of abandonment of North Carolina domicile and continuously maintains the reestablished North Carolina domicile at least through the beginning of the academic term(s) for which in-state tuition status is sought. The benefit of this subsection shall be accorded not more than once to any one person.

2. CAMPUS RESPONSIBILITIES

1) For current students who are classified as residents for tuition purposes and who experience a change in domicile while enrolled:

- a. Assisting the student who is supplying information regarding a change of legal residence by verifying that the student was classified as a resident for tuition purposes and enrolled at the time of change of legal residence.
- b. A student who was admitted with an RDS determination of in-state (I/I) whose eligible immigration status has since expired may be eligible for a grace period prior to receiving a new or renewed immigration status.
- c. Note that students who were granted an exception to the normal residency criteria are NOT eligible for a grace period. This includes any active-duty military exception of O/I or any campus-based exception.
- d. Communicating to RDS when a student has entered a grace period.
 1. Email: <mailto:rds@ncresidency.org>
 2. Subject Line: Statutory Grace Period Notification
 - i. Provide the student's name,
 - ii. RCN,
 - iii. Grace period start date and grace period end date.
- e. Tracking the 12-months of grace period while understanding that this policy is not applicable for the purposes of maintaining a state grant. Students are no longer eligible for state grants during a grace period.
- f. Understanding that at the end of the grace period, the student becomes a non-resident for tuition purposes in the campus Student Information System. The student may seek a residency determination via RDS at any point during the grace period. *A grace period begins on the date of the change in eligibility, not the date the campus learned about the change.*
- g. Communicating residency changes and updates to the student in writing and any applicable campus business offices.
- h. Providing residency information concerning the applicant and the remaining months of eligibility under the grace period. This request for information may be generated by the student or a secondary institution. For example, a secondary institution may contact the initiating school for the dates when the student ceased enrollment, the residency for tuition status at the time enrollment ceased, and the remaining months of in-state tuition under the grace period.

***2) For the applicant who is not currently enrolled but was previously classified as a resident for tuition purposes:**

- a. If the student was previously attending at your institution, but has not broken continuous enrollment, you can place them on a Grace Period and notify RDS (See below). The student will then have the opportunity to return to RDS who will assess that actions have been taken to reestablishes their domicile in North Carolina. The student will eventually need a new determination once any Grace Period expires.
- b. If the student is new to your institution and was attending, or graduated from, another North Carolina University within the past 12 months, they may be eligible for consideration under this provision. In this case the campus would need to request verification that the applicant was classified as a resident for tuition purposes at the time he/she:
 - i. Ceased to be enrolled from an institution in NC while paying in-state tuition and,
 - ii. Abandoned domicile in North Carolina. He or she may reenroll as a resident without having to satisfy the 12-month durational requirements so long as his or her domicile has *been reestablished within 12-months of abandonment*.
 - iii. RDS can assist the campus and the student with this process.
- c. Note that a condition in this case is that they abandoned North Carolina as their home but are seeking to reestablish residency within 12 months of abandonment. The 12-month grace period would need to be calculated. The student would need to provide evidence of steps they have taken to re-establish their domicile in North Carolina. Essentially, this provision removes the burden of a student having to start-over to meet the statutory duration requirement of 12 months. RDS can assist in this process.
- d. Communicating to RDS when a student has entered a grace period.
 1. Email: <mailto:rds@ncresidency.org>
 2. Subject Line: Statutory Grace Period Notification
 - i. Provide the student's name,
 - ii. RCN,
 - iii. Grace period start date and grace period end date.
- e. Understanding that this policy is not applicable for the purposes of maintaining a state grant. Students are not eligible for state grants during a grace period.
- f. Understanding that at the end of the grace period, the student becomes a non-resident for tuition purposes and that the student may seek a residency determination via RDS at any point during the grace period.
- g. Communicating residency updates to the student in writing and any applicable campus business offices. For example, inform the student of the statutory requirements and the terms and conditions of the grace period. The grace period is only used by a student once in a lifetime.
- h. Maintaining all records for audit purposes.

4. RDS Responsibilities for Grace Period

- a. When RDS receives a campus email with grace period information, RDS will:
 - Change the student's classification to non-resident. A grace period is not transferrable to other institutions.
 - Upload the campus correspondence in the student's record, and
 - Make a notation in the RDS system should the student call the Student Help Line and for history in case the student might return to RDS for a new determination.
 - Verify, when necessary, that the student has documentation that they have taken actions to re-establish residency in North Carolina.
- b. RDS will add an exception code into the system (GRCPRD) denoting the active request is in a grace period.

Effective Dates, Expiration Dates and Continuous Enrollment

RDS passes on to the campus an *effective date* and an *expiration date* for each student. RDS uses the date of the student's submitted request as the effective date of the determination on which eligibility is evaluated.

If a student presents a new RDS determination to a campus after the start of classes in a given term, it is the *institution's policy and deadline* that will be used to indicate whether the adjustment in billing rate will be made in the same term or go into effect the following term.

Generally, a RDS determination is given an expiration date 15 months from the date of submission and is valid for a student to enroll in classes that begin on or before this date. If a student does not enroll during this timeframe, a new determination is needed. In a few cases, the expiration date might be less than the standard 15 months. This is due to a situation where a student has a time-limited eligibility, such as an expiring immigration status. If the visa which gives them eligibility expires prior to the typical 15 months expiration date, the date is adjusted by RDS to reflect the expiration of the authorizing visa. For students who hold a time-limited immigration status, tracking information is passed on to a campus with a code of NRALN.

Generally, students do not need to return to RDS for a new determination once they are enrolled and maintain continuous enrollment in the same program. A campus, however, may elect to request any student to return to RDS for a new determination if there is some question about ongoing eligibility.

Continuous enrollment is defined as a student who is enrolled at the same college or university program in consecutive fall and spring semesters. Summer terms are not used in the calculation. After a break in enrollment, the student should complete a new RDS determination to evaluate continued eligibility.

Students who were approved for in-state tuition based on an exception need to be reevaluated periodically by the campus to ensure ongoing eligibility requirements for the exception are met.

Most students who have an active, in-state RDS determination go through an automated process of verification of enrollment at a NC college or university with the National Student Clearinghouse. This process is run twice each year, in May and December. If RDS receives confirmation that the student is currently enrolled at a NC college or university, RDS will automatically extend the expiration date for another 12 months. Thus, unless there is information received to question this, it is assumed that the student is still a resident of North Carolina. This enables students to continue to use the determination to transfer to another institution or to take a course at another college or university as a visiting student without having to return to RDS for a new determination.

Students who receive an exception to the normal residency requirements, such as non-resident, active-duty military stationed in NC, or students receiving a campus-based exception, will not be automatically updated as ongoing eligibility for the exception will need to be verified by the campus. This includes students with time-limited visas with a fixed expiration date as discussed above.

Tuition Waivers

Some categories of students are entitled to a waiver of tuition charges for attendance at public institutions. In these cases, eligible students must still be domiciled in North Carolina in order to be considered for the tuition waiver. Questions of residency and domicile may still arise and should be considered consistent with North Carolina laws governing domicile as discussed elsewhere in this Guide. 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 tuition waivers.

While RDS does not determine eligibility for all of the criteria of a tuition waiver, the RDS determination is used to verify that the student is a resident of North Carolina. It is the campus responsibility to verify additional eligibility criteria.

The following are tuition waivers common to both UNC Institutions and NC Community Colleges. There are, currently at the time of publication of this Guide, other categories that have not yet received legislative approval.

Families of Disabled Law Enforcement/Emergency Workers

1. STATEMENT:

Applies to the spouse or any child, if the child is at least 17 years old but not yet 24 years old, whose

parent, legal guardian, or legal custodian is a law enforcement officer, firefighter, volunteer firefighter, rescue squad worker or correctional officer who is permanently and totally disabled as a direct result of a traumatic injury sustained in the line of duty, who at the time of active service or training was a North Carolina resident, and who has been determined to be permanently and totally disabled for compensation purposes by the North Carolina Industrial Commission.

2. AUTHORITY:

NCGS 115B-2²⁸. Tuition waiver authorized.

(a) The constituent institutions of The University of North Carolina and the community colleges as defined in GS 115D-2(2) shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:

(1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.

(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 24 years old, whose parent, legal guardian, or legal custodian 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) 54 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.

(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. (1975, c. 606, s. 2; 1977, c. 981, s. 2; 1997-505, s. 3; 2003-230, ss. 1, 2; 2005-276, s. 9.30(a); 2009-451, s. 8.11(a); 2010-31, s. 9.26; 2011-241, s. 3; 2015-296, s. 2.)

3. CAMPUS RESPONSIBILITIES:

a. The campus is responsible for:

1. Verifying the age of the child is at least 17 but not yet 24 years of age.
2. Tracking the child's eligibility is for only 54 months while child is seeking a baccalaureate degree or for only the time necessary to completed educational program if child is not seeking baccalaureate degree.
3. Verify parental or spousal relationship.

²⁸ [NCGS 115B-2](#)

4. Verify the disabled was at the time of active service or training was a North Carolina resident
 5. Verify permanent disability by the North Carolina Industrial Commission.
- b. The campus maintains all records for audit purposes.

Senior Citizens (over the age of 65)

1. STATEMENT:

Any person who is at least 65 years old may audit courses without payment of any registration fee or tuition for the audit so long as approved and space is available. *For this waiver, the statute does not require that the eligible individual be a North Carolina resident.*

2. AUTHORITY:

NCGS 115B-2.2²⁹. Senior citizens may audit classes. Any person who is at least 65 years old may audit courses offered at the constituent institutions of The University of North Carolina and the NC Community Colleges as defined in GS 115D-2(2) without payment of any required registration fee or tuition for the audit provided the audit is approved in accordance with policies adopted by the Board of Governors and the State Board of Community Colleges for their respective institutions, and there is no cost to the State. A person shall be allowed to audit a class under this section only on a space available basis. Persons auditing classes under this section shall not be counted in the computation of enrollment for funding purposes. This section does not apply to audits of courses provided on a self-supporting basis by community colleges. (2017-57, s. 10.12(a).)

3. CAMPUS RESPONSIBILITIES:

- a. The campus is responsible for:
 1. Validating age with appropriate documents as evidence of the student's qualification for the benefit.
 2. Verifying available space in the class.
 3. Verifying that the course is not self-supporting at a community college.
- b. The campus maintains all records for audit purposes.

²⁹ [NCGS 115B.2.2](#)

Survivors of Deceased Law Enforcement/Emergency Workers or Disabled

1. STATEMENT:

Any person whose parent, legal guardian, legal custodian, or spouse: (i) was a law enforcement officer, a firefighter, a volunteer firefighter, a rescue squad worker or correctional officer, (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 benefit is not extended to the widow or widower of a law enforcement officer, firefighter, volunteer firefighter, a rescue squad worker, or correctional officer if the widow or widower has remarried.

2. AUTHORITY:

NCGS 115B-2³⁰. Tuition waiver authorized.

(a) The constituent institutions of The University of North Carolina and the community colleges as defined in GS 115D-2(2) shall permit the following persons to attend classes for credit or noncredit purposes without the required payment of tuition:

(1) Repealed by Session Laws 2009-451, s. 8.11(a), effective July 1, 2009.

(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.

(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. (1975, c. 606, s. 2; 1977, c. 981, s. 2; 1997-505, s. 3; 2003-230, ss. 1, 2; 2005-276, s. 9.30(a); 2009-451, s. 8.11(a); 2010-31, s. 9.26; 2011-241, s. 3; 2015-296, s. 2.)

3. CAMPUS RESPONSIBILITIES:

a. The campus is responsible for:

1. Verifying parental or spousal relationship.
2. Verifying death was while in service or training or from service-connected disability.
3. Verifying the deceased was a North Carolina resident at the time of service or training.

b. The campus maintains all records for audit purposes.

³⁰ [NCGS 115B.2](#)

Ward of the State of North Carolina

1. STATEMENT:

To assist persons who are or were wards of the State of North Carolina (refers to orphans or other children who had been placed in the custody of the State).

2. AUTHORITY:

NCGS 115B-2 (5)³¹. Any child, if the child (i) is at least 17 years old but not yet 24 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. *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.*

3. CAMPUS RESPONSIBILITIES:

a. The campus is responsible for:

1. Verifying the age of the child is at least 17 but not yet 24 years of age.
2. Verifying that a student who is 17 is currently a ward of the state, or if 18 years of age or older was a ward of the state of North Carolina when they turned 18.
3. Tracking the eligibility and noting the benefit ends at age 24.
4. Verifying that the student is currently a legal resident of NC.
5. Note that the waiver only applies to the extent any tuition is payable after receipt of other financial aid.

b. The campus maintains all records for audit purposes.

North Carolina School of Science and Mathematics Graduates (Provisional)³²

****NOTE: at the time of publication (August 2021) this exception is awaiting final legislative approval. The campus should verify status of this provision.*

1. STATEMENT:

To assist persons who are North Carolina residents who are high school graduates of the North Carolina School of Science and Mathematics.

³¹ [NCGS 115B-2 \(5\)](#)

³² SB 105 – 2021

2. AUTHORITY: *NOTE that this is provisional and under legislative review.*

GS § 116-209.80.

Would provide for grant funding-based beginning with graduates in the 2020-2021 school year
Depending on availability of funds, students could receive a tuition waiver for up to full time charges.

3. CAMPUS RESPONSIBILITIES:

- c. The campus is responsible for:
 - 1. Verifying that this provision has been enacted into law as excepted and reviewing the requirements for the waiver.
 - 2. Verifying that the student is an eligible graduate (graduating in 2020-2021 class or later) as attested on an official transcript
 - 3. Verifying that the student is currently a legal resident of NC (RDS determination will suffice)
 - 4. Ensuring that any other eligibility requirements are met.
- d. The campus maintains all records for audit purposes.

High School Students

1. STATEMENT:

Operating under the authority of SEAA, RDS is tasked with making residency eligibility determinations for tuition purposes for students attending *colleges and universities* in North Carolina³³. Since high school students do not incur college or university tuition as part of their regular enrollment in high school courses, there is no requirement for a student to obtain a RDS determination for purposes of attending a NC high school. High School students who are dually enrolled at a college or university *might* require a RDS determination as discussed below.

Some high school students may seek dual enrollment in courses at a college or university. Depending on several factors, these students might need a RDS determination prior to enrolling in the college or university course.

³³ [NCGS 116-143.1](#)

Students who are sponsored by their high school and are concurrently enrolled in courses at a NC Community College as part of the Career and College Promise program are *not required* to obtain a RDS determination. Tuition waivers are handled at the campus level by student type in the *Colleague System*.

High School students who are concurrently enrolled at a UNC institution *are generally required* to obtain a RDS determination. The campus will handle a tuition waiver, if applicable.

High school students applying to take courses at a college or university after their graduation are all required to obtain a RDS determination, even if they were previously exempt as a high school student dually enrolled at a college or university.

There are two high school institutions that are members of the University of North Carolina System. While not required to have their students request a RDS determination, these institutions may elect to do so to inform their decision about their specific residency requirements for admission purposes.

- North Carolina School of Science and Mathematics
- University of North Carolina School of the Arts

2. CAMPUS RESPONSIBILITIES FOR DUALY-ENROLLED STUDENTS:

a. The campus is responsible for:

1. Verifying eligibility of a dually-enrolled high school student for a tuition waiver
2. Tracking continued eligibility and adjusting records pertaining to student classification and billing when the student is no longer dually-enrolled as a high school student.

b. The campus maintains all records for audit purposes.

Summary of Specific Campus Tracking Responsibilities

Tracking continued eligibility in some categories has been identified as a campus responsibility. Therefore, in addition to some of the tuition exceptions and waivers listed in this campus resource guide, there are some legislative requirements for tracking continued eligibility. *A Statutory Grace Period is not applicable unless specifically noted. The campus is responsible for maintaining records for audit purposes.*

Tracking Category	What to Track
1. Active-duty Military Exception	Track continued eligibility for non-residents (O/I) at regular intervals based on assignment, reassignment, retirement, or honorable discharge. Track continuous enrollment. The statutory grace period policy is not applicable.
2. Veterans Choice Act	Track continued months of eligibility for veterans and benefit transfer recipients. The statutory grace period policy is not applicable.
3. North Carolina National Guard	Track period of eligibility for non-residents given a tuition exception (O/I). The statutory grace period policy is not applicable.
4. UNC Full Scholarship	Track continued eligibility at regular intervals based on financial awards. This benefit is for undergrads only. The statutory grace period policy and the continuous enrollment policy is not applicable.
5. Eligible UNC Employee Exception	Track continued eligibility through employment verification. Statutory grace period is not applicable.
6. Immigration (time-limited statuses)	Track continued eligibility of non-immigrants who do not have permanent status: Visas and Temporary Protected Status (flagged as NRALN by RDS) at regular intervals based on immigration documents. <i>The statutory grace period may be applicable</i> and is to be tracked as well.
7. Statutory Grace Period	Track effective start date and end date for the grace period; applicable for one calendar year after the change of event date. Communicate with RDS when putting a student on a grace period. The student is no longer eligible for state grants during the grace period. At any point while in a grace period, students may complete RDS for a new residency determination.
8. NC Community College Exceptions	Review details above in this publication (pages 14-24) for documentation requirements for the particular exception. Some exceptions require eligibility to be reconfirmed each term. The statutory grace period is not applicable to these exception categories.
9. Tuition Waivers	Track continuous enrollment and continued eligibility. The statutory grace period policy is not applicable.

RDS System Category and Exception Codes

RDS utilizes two types of codes in sending information about its determinations to campuses.

Category Codes

Category codes point to the criteria used based on the student’s information in making the determination. Note that in an Initial Consideration these codes will not change as the majority of these requests are handled electronically and do not come in for staff review. A discrepancy such as “eligible meets threshold” category and getting a non-resident (O/O) validation, is usually due to information not validating electronically with state agencies and/or the student not provided requested documentation. RDS will change the codes if necessary, to reflect criteria used in determinations for Reconsideration and Appeal requests that come in for staff review.

Exception Codes

If a student does not appear to meet eligibility requirements for in-state residency, the system asks a series of questions to see if the student claims eligibility for specific exceptions (such as Veteran; UNC Employee, etc.). If the student indicates eligibility for one of these, RDS passes on an *informational flag*. The campus would be responsible for verifying eligibility for these exceptions. If a student does not report this information to RDS, such as someone using a Veterans educational benefit, the campus can still award any exception for which the student qualifies.

RDS CATEGORY CODES

Category Code	Description	Message	Likely Determination*
ELGA1	Eligible based on Appeal 1 committee Review	Based on an RDS appeal/review, the student is now a resident for tuition purposes.	I/I; O/I
ELGA2	Eligible based on Appeal 2 committee Review	The Statewide Residency Committee determined the student to be a resident for NC tuition purposes.	I/I; O/I
ELIGMILTDEP	Eligible military parent	The student is a NC resident for tuition purposes based on their parent's active military eligibility status.	I/I

ELIGMILITSLF	Eligible military self	The student is a NC resident for tuition purposes based on their active military eligibility status.	I/I
ELIGMILITSP0	Eligible military spouse	The student is a NC resident for tuition purposes based on their spouse's active military eligibility status.	I/I
ELIGSPOUSE	Eligible based on spousal benefit	The student is a NC resident for tuition purposes based on their eligibility for the NC spousal benefit.	I/I
ELIGTHRES	Eligible meet threshold	The student is a NC resident for tuition purposes.	I/I
ELIGWOSNC	Eligible Ward of State	The student is a NC resident for tuition purposes based on their eligibility as a Ward of the State.	I/I
FIVEYR	Eligible for Five year Exception	The student is a NC resident for tuition purposes based on their eligibility for the five-year rule.	I/I
INELASSYL	Ineligible Asylee	The student is a NC non-resident for tuition purposes due to an ineligible asylee status.	O/O
INELFIVEYR	Ineligible not able to demonstrate five years	The student is a NC non-resident for tuition purposes based on their inability to prove the five-year rule.	O/O
INELFSS	Ineligible, failing financial self-sufficiency	The student is a NC non-resident for tuition purposes based on their inability to prove financial independence from parent(s)	O/O
INELGA1	Ineligible based on Appeal 1 committee Review	The student remains a non-resident based on the information provided to RDS in the appeal.	O/O
INELGA2	Ineligible based on Appeal 2 committee Review	The Statewide Residency Committee determined the student to be a non-resident for NC tuition purposes.	O/O
INELGDURA	Ineligible duration	The student is a NC non-resident for tuition purposes due to the limited duration information provided to RDS.	O/O
INELGREEN	Ineligible green card	The student is a NC non-resident for tuition purposes due to an ineligible green card.	O/O

INELGVISA	Ineligible visa	The student is a NC non-resident for tuition purposes due to an ineligible visa.	O/O
INELIDOUT	Ineligible no identity	The student is a NC non-resident for tuition purposes due to the limited identity information provided to RDS in order to electronically validate information.	O/O
INELMILITDEP	Ineligible military parent	The student is a NC non-resident for tuition purposes based on their parent's ineligibility for not having active military status.	O/O
INELMILITSLF	Ineligible military self	The student is a NC non-resident for tuition purposes based on their ineligibility for not having active military status.	O/O
INELMILITSP0	Ineligible military spouse	The student is a NC non-resident for tuition purposes based on their spouse's ineligibility for not having active military status.	O/O
INELNCADD	Ineligible address	The student is a NC non-resident for tuition purposes due to the limited address information provided to RDS.	O/O
INELNCTAX	Ineligible tax criteria	The student is a NC non-resident for tuition purposes due to the limited tax information provided to RDS.	O/O
INELNONCZ	Ineligible Non-US based	The student is a NC non-resident due to the inability to provide capacity for NC tuition and State Aid purposes.	O/O
INELPRAPP	Ineligible Permanent Resident Applicant	The student is a NC non-resident for tuition purposes due to an ineligible permanent resident applicant status.	O/O
INELRC	Ineligible based on reconsideration review	The student remains a non-resident based on the information provided in the RDS reconsideration request.	O/O
INELREFUGE	Ineligible refugee	The student is a NC non-resident for tuition purposes due to an ineligible refugee status.	O/O

INELTEMPPS	Ineligible temporary protected status	The student is a NC non-resident for tuition purposes due to an ineligible temporary protected status.	O/O
INELTHRES	Ineligible no threshold	The student is a NC non-resident for tuition purposes due to the limited information provided to RDS.	O/O
INELWOSNC	Ineligible ward of state	The student is a NC non-resident for tuition purposes. The student indicated they are a Ward of the State. They are not a Ward of the State of North Carolina.	O/O
NONCLAIM	Not claiming residency	The student did not claim residency.	O/O
RESXMILITDEP	Exemption military parent	The student is a non-resident, but their parent is currently assigned, or has orders, to a NC military installation and is eligible to receive in-state tuition as a non-resident.	O/I
RESXMILITSLF	Exemption military self	The student is a non-resident but is currently assigned, or has orders, to a NC military installation and is eligible to receive in-state tuition as a non-resident.	O/I
RESXMILITSP0	Exemption military spouse	The student is a non-resident, and their spouse is currently assigned, or has orders, to a NC military installation, and is eligible to receive in-state tuition as a non-resident.	O/I
NCNG	North Carolina National Guard	This student is an active member of the North Carolina National Guard.	I/I; O/I
* Category codes in an initial consideration (IC) will not change. You may see a code of ELIGHTHRES with O/O - student could have failed validation, failed to turn in documentation, etc.			
* Category codes are updated in an RC and Appeal to reflect the final determination			

RDS EXCEPTION CODES

Exception Code	Description	Detailed Description
ACTVET	Active Military Choice Act	This university and community college exception is applied to all students with active military parent(s) who are assigning Choice Act educational benefits.
EMPPD	NC Business Payer	This community college exception code is assigned to students whose NC employer is paying his/her community college tuition.
EMPTX	NC Transferee	This community college exception code is assigned to students whose employer has transferred the student to NC.
GRCPRD	Grace Period	This code is assigned when a campus notifies RDS that a student has entered a grace period on their campus. The student's classification will be changed to non-resident and the grace period exception assigned.
NCHSG	High School	This community college exception code is assigned to non- US citizen NC high school graduates.
NCWOS	Ward of State	This code is assigned to current/former wards of the state of North Carolina.
NRALN	Non-resident Alien	This community college exception code is assigned to non-residents of the US who have resided in NC for 12 or more months and have filed an I-130, I-140, I-360, or I-526 with the US Citizenship and Immigration Service.
RFGEE	Refugee	This community college exception code is assigned to refugees.
UNEMP	UNC Exception	This university and community college exception code is assigned to students who appear to qualify for the UNC system exception for faculty and staff and their families.
VETEX	Veteran	This university and community college code is assigned to all students who state they qualify.