



September 30, 2021

### **Campus-based exceptions for recipients of Veterans Educational Benefits**

This is to provide some clarification regarding managing campus-based exceptions for billing of an in-state tuition rate for certain recipients of Veterans educational benefits.

The Residency Determination Services (RDS) is responsible for providing a determination as to whether or not a student meets the requirements to be considered a resident for tuition and state grant purposes as set forth in North Carolina General Statutes.

There is no statutory provision that automatically confers in-state residency to a student who is a veteran, or their spouse or dependents. There are, however, specific provisions for some students deemed to be non-residents to be eligible for an exception to allow them to be billed at an in-state tuition rate. One such provision is for a student who is the recipient of an eligible Veterans Administration (VA) military educational benefit.

Eligibility for educational benefits for veterans, including any covered individual, is determined by certification by the VA and is governed by Federal laws. Federal law also directs that a recipient of certain types of awards be billed at the in-state tuition rate ([38 U.S. Code § 3679 as amended](#)).

The types of awards which require an exception be applied for non-resident students are: Chapters 30, 31 and 33. Once an award has been given, the campus must apply the exception, even if retroactive, to the term awarded and track continued eligibility.

Note that there are other types of federal financial awards to veterans and their families covered by Chapter 35 of the code referenced above, and Chapter 1606 or 1607 of Title 10. Federal law does not direct that a tuition rate be changed to in-state for these awards ([38 U.S. Code § 3679](#)). Eligibility for these types of awards would require following guidance of NC state statutes [NCGS 116-143.3A](#). NC laws do not provide a separate provision for students with an award in Chapters 35, 1606 or 1607 to be eligible for an exception. This particular section of NC law was recently reviewed and amended by the NC legislature, to clearly reaffirm that the previous requirement of a 3-year-post discharge window has been eliminated ([HB 78; Session Law 2021-111](#)).

The *RDS Guidebook* and the *North Carolina Residency Campus Responsibility Guide* will be updated in the near future to clarify the information above.