

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**S**

**D**

**SENATE DRS75566-LH-260B (11/21)**

Short Title: Scholarships/Children of Fallen Heroes. (Public)

---

Sponsors: Senators Stevens, and Hartsell.

---

Referred to:

---

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SCHOLARSHIPS TO CHILDREN OF NORTH CAROLINA'S FALLEN HEROES WHO ENROLL AS STUDENTS AT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA OR AT THE STATE'S COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 23A.

"Scholarship Fund for the Children of Fallen Heroes.

**§ 116-209.60. Definitions:**

The following definitions apply to this Article:

- (1) Academic year. – A period of time in which a student in matriculated status is expected to complete the equivalent of at least two semesters' or three quarters' academic work.
- (2) Community college. – Defined in G.S. 115D-2.
- (3) Constituent institution. – Defined in G.S. 116-2.
- (4) Firefighter. – The same as provided in G.S. 58-86-25 for "eligible firemen."
- (5) Law enforcement officer. – The term includes both State and federal law enforcement officers. A State law enforcement officer is an employee or volunteer of the State of North Carolina or one of the State's departments, agencies, or institutions who possesses the power of arrest, who has taken the law enforcement oath administered under the authority of the State as prescribed by G.S. 11-11, and who is certified as a law enforcement officer under the provisions of Chapter 17C of the General Statutes or certified as a deputy sheriff under the

1 provisions of Chapter 17E of the General Statutes. The sheriff of a  
2 county in North Carolina is also a State law enforcement officer for  
3 purposes of this Article. A federal law enforcement officer is an  
4 employee of the United States of America or one of the federal  
5 government's departments, agencies, or institutions who possesses the  
6 power of arrest, who has taken the law enforcement oath administered  
7 under the authority of the United States of America, and whose main  
8 official duties involve crime and juvenile delinquency control or  
9 reduction, or enforcement of the federal criminal laws, including  
10 juvenile delinquency.

11 (6) Matriculated status. – Being recognized as a first-time candidate for an  
12 associate degree, undergraduate degree, or certificate, exclusive of any  
13 course credits earned while in high school, in a defined program of  
14 study at a community college or constituent institution.

15 (7) Rescue squad worker. – The same as provided in G.S. 58-86-30 for  
16 "eligible rescue squad worker."

17 (8) Scholarship Fund. – The Scholarship Fund for the Children of Fallen  
18 Heroes established under this Article.

19 **"§ 116-209.61. Scholarship Fund established.**

20 (a) There is established the Scholarship Fund for the Children of Fallen Heroes.  
21 The purpose of the Scholarship Fund is to provide financial assistance that will cover  
22 higher education costs not covered by other student financial aid programs to any  
23 person who is the child of a law enforcement officer, firefighter, or rescue squad worker  
24 killed in the line of duty and who is an eligible student under this Article.

25 (b) A scholarship awarded to an eligible student under this Article shall be used  
26 to pay all or part of the cost of attendance as provided by this Article. The constituent  
27 institution or community college at which an eligible student enrolls shall determine the  
28 cost of attendance at the constituent institution or community college. The constituent  
29 institution or community college shall provide to the State Education Assistance  
30 Authority the following information: (i) the cost of attendance at the constituent  
31 institution or community college and (ii) the grant aid that a student will receive from  
32 other scholarships, grants, and financial assistance that is in addition to the scholarship  
33 awarded to the student pursuant to this Article.

34 **"§ 116-209.62. Eligibility.**

35 A student is eligible for consideration and shall be awarded a scholarship under this  
36 Article if the student satisfies all of the following criteria:

37 (1) The student is the child of a law enforcement officer, a firefighter, or a  
38 rescue squad worker who was killed in the line of duty and who at the  
39 time of death was a North Carolina resident. A law enforcement  
40 officer, firefighter, or rescue squad worker is deemed to have been  
41 killed in the line of duty if the law enforcement officer, firefighter, or  
42 rescue squad worker was killed as a direct result of a traumatic injury  
43 sustained while in active service or training for active service.

- 1           (2)    The student receives a tuition waiver under G.S. 115B-2(2) of the  
2           General Statutes; however, this subdivision does not apply if the  
3           student is the child of a federal law enforcement officer.
- 4           (3)    The student submitted a free application for federal student aid  
5           (FAFSA) to determine the student's eligibility for all available State  
6           and federal need-based student aid.
- 7           (4)    The student meets enrollment standards by being admitted, enrolled,  
8           and classified as an undergraduate student in a matriculated status on a  
9           full-time basis at either a constituent institution or a community  
10          college.

11    **"§ 116-209.63. Scholarship limitations.**

- 12          (a)    A person may be awarded only one scholarship under this Article.
- 13          (b)    A scholarship awarded under this Article shall not exceed a period of more  
14          than four academic years; however, the academic years need not be consecutive.
- 15          (c)    No educational assistance shall be afforded a person under this Article after  
16          the end of an eight-year period beginning on the date the scholarship is first awarded.  
17          Whenever a person is enrolled in a constituent institution or community college and the  
18          period of entitlement ends while enrolled in a term, quarter, or semester, the period shall  
19          be extended to the end of the term, quarter, or semester, but not beyond the entitlement  
20          limitation of four academic years.
- 21          (d)    Notwithstanding any other provision of this Article, no scholarship awarded  
22          to a person under this Article shall exceed the total cost of attendance at the constituent  
23          institution or community college at which the student is enrolled. Therefore, if a person,  
24          who is eligible for a scholarship under this Article, also receives other scholarships,  
25          grants, or student financial aid, then the constituent institution or community college  
26          shall reduce the amount of the scholarship awarded under this Article by the appropriate  
27          amount so that the sum of all grants, scholarships, and student financial aid received by  
28          the person, including the scholarship under this Article, does not exceed the cost of  
29          attendance for the constituent institution or community college at which the person is  
30          enrolled. The constituent institution or community college shall certify to the State  
31          Education Assistance Authority the amount of the scholarship to be awarded a student  
32          under this Article.

33    **"§ 116-209.64. Administration of Scholarship Fund.**

- 34          (a)    The State Education Assistance Authority shall administer the Scholarship  
35          Fund established under this Article. The constituent institution or community college as  
36          appropriate shall determine whether an applicant qualifies as an eligible student under  
37          this Article and shall notify the State Education Assistance Authority of its  
38          determination. The State Education Assistance Authority shall disburse scholarship  
39          payments for a recipient when the State Education Assistance Authority receives  
40          certification from the enrolling institution of the recipient's eligibility and enrollment.  
41          The State Education Assistance Authority may suspend or revoke scholarships if the  
42          State Education Assistance Authority finds that the recipient does not maintain an  
43          adequate academic status.

1       (b) The State Education Assistance Authority shall report to the Joint Legislative  
2 Education Oversight Committee by December 1, 2009, and by each December 1  
3 thereafter, regarding the Scholarship Fund and the scholarships awarded under this  
4 Article.

5 **"§ 116-209.65. Rules.**

6       The State Education Assistance Authority may adopt rules necessary to implement  
7 this Article."

8               **SECTION 2.** There is appropriated from the General Fund to the  
9 Scholarship Fund for the Children of Fallen Heroes the sum of one hundred thousand  
10 dollars (\$100,000) for the 2008-2009 fiscal year to implement this act.

11               **SECTION 3.** This act becomes effective July 1, 2008, and applies to any  
12 person eligible to receive a scholarship under Article 23A of Chapter 116 of the General  
13 Statutes and who is enrolled in a constituent institution of The University of North  
14 Carolina or at one of the State's community colleges for an academic semester or  
15 academic quarter beginning on or after January 1, 2009.