

**R. Wes Hayes, Jr.**  
*Chairman*

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*President & Executive Director*



July 7, 2023

## **Memorandum**

From: Dr. Karen Woodfaulk, Director, Office of Student Affairs

To: Financial Aid Directors, Certifying Officials and Residency Officers:

### **Special Education Benefits to Covered Individuals receiving Chapter 35 benefits at S.C. Institutions**

#### **Background:**

Legislation was passed in 2015 (Act No. 11) in response to changes in Federal law pertaining to Section 702 of the Veterans Access, Choice and Accountability Act of 2014. That legislation provided that veterans who were discharged within three years and their covered individuals attending public institutions located in South Carolina, and who are using specific educational benefits, would be charged tuition and fees at an in-state rate. In 2017, Act No. 22, added two new categories of covered individuals who could be charged in-state tuition rates if they met certain conditions. In 2019, Act No. 10 was passed to add certain individuals receiving vocational rehabilitation benefits to the category of covered individuals who could be charged in-state tuition rates if they met certain conditions. In 2021, Act No. 29 removed the limitation of being enrolled within three years of a covered individual's latest discharge, to be charged tuition and fees at an in-state rate.

#### **Act No. 84 of 2023**

In January 2021, Congress passed Public Law 117-68, which again modifies 38 U.S.C. 3679(c). States were required to comply with Public Law 117-68 by no later than August 1, 2022, or risk losing eligibility for all education benefits for the Veteran population of the State.

In response, on June 26, 2023, Governor McMaster signed into law Act 84, the General Appropriations Bill, Fiscal Year 2023-2024. The Act contains Proviso 117.159, which allows higher education institutions to charge covered individuals receiving Chapter 35 benefits at an in-state tuition rate. The proviso was required in order for South Carolina to be in compliance with Federal Public Law 117-68.



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For the 2023-24 academic year, Act 84 makes the following categories of veterans and covered individuals eligible for in-state charges:

- A Veteran using educational assistance under either Chapter 30 (Montgomery G.I. Bill – Active Duty Program) or Chapter 33 (Post-9/11 G.I. Bill), of title 38, United States Code, who lives in the state in which the institution is located (regardless of his/her formal State of residence) and who has served a period of active duty service of 90 days or more.
- Anyone using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) who lives in the state in which the institution is located (regardless of his/her formal State of residence).
- Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same institution. The person must be using educational benefits under either Chapter 30 or Chapter 33, of title 38, United States Code.
- Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)) who lives in the state in which the institution is located (regardless of his/her formal State of residence).
- Anyone using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in the state in which the institution is located (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty.
- Anyone using rehabilitation benefits under (38 U.S.C. § 3102(a)) who lives in the state in which the institution is located (regardless of his/her formal State of residence).
- Anyone using benefits under Chapter 35 for survivors and dependents educational assistance (DEA) under (38 U.S.C. § 3679(c & e)) who lives in the state in which the institution is located (regardless of his/her formal State of residence).

In summary, a covered individual receiving educational benefits under Chapter 35 of title 38, United States Code, while enrolled at an institution is eligible to be charged at the in-state resident rate for tuition and fees for the 2023-24 academic year.

## **Exclusion of Dual Enrollment Coursework After First Year of Attendance for Students Negatively Impacted**

### Background

During the first half of the 2023-24 legislative session, the impact of dual enrollment coursework on the LIFE GPA calculation was discussed. As you know the LIFE GPA calculation is used to determine continued eligibility for the LIFE Scholarship, beginning in the second year. Much of the discussion surrounded the inclusion of dual enrollment, and the impact that a course taken during high school could have on a GPA

calculation that may occur as late as six years after the course was taken in high school. The discussion also addressed the fact that a student and parent enter into an agreement with their high school and higher education institution when taking a dual enrollment course. That student is knowingly and willingly taking a college level course, and that course should be honored and included in that student's college GPA calculation.

In response, on June 26th, 2023, Governor McMaster signed into law Act 84, the General Appropriations Bill, Fiscal Year 2023-2024. The Act contains Proviso 117.183, which states that no monies shall be withheld from a student otherwise eligible for their second year of LIFE Scholarship funding based solely upon a grade earned in a dual enrollment class.

In summary, beginning with the entering freshmen class of 2023, when determining LIFE Scholarship continued eligibility for the 2024-25 academic year, institutions should ensure that when calculating a student's LIFE GPA, dual enrollment coursework should be removed, if the inclusion of that coursework is the sole reason for their ineligibility in Fall 2024. Please make sure that all recipients are notified that when determining their eligibility for their third and fourth years of enrollment, dual enrollment grades and credit hours earned will be included in the calculation for LIFE Scholarship continued eligibility.

**South Carolina National Guard Assistance Program: (SCNG CAP) Removal of one hundred thirty (130) semester hours maximum and the increase of maximum award to twenty-two thousand (\$22,000)**

Per Proviso 117.143 of Act No. 84, the General Appropriations Bill, Fiscal Year 2023-24 (GP: National Guard College Assistance Program), a member of the SC National Guard may qualify for college assistance program grants *for more than one hundred thirty (130) semester hours or related quarter hours*. In addition, the maximum program benefit will be (\$22,000). Service members shall be required to meet all other requirements.

In summary, for FY 2023 -24 (only), the Proviso removed the one hundred thirty (130) semester hours maximum for eligible CAP recipients and increases the SCNG CAP maximum award to twenty-two thousand dollars (\$22,000). If there are any additional questions, please do not hesitate to contact Alfie Mincy at [amincy@che.sc.gov](mailto:amincy@che.sc.gov).

## Summary

Please note that Act No. 84 took effect on July 1, 2023. This means that based on Proviso 117.159, covered individuals attending terms beginning after July 1, 2023, may be charged an in-state tuition rate. In addition, based on Proviso 117.183, institutions should prepare to calculate a first-year student's LIFE GPA to determine if dual enrollment needs to be excluded from the first year. Finally, per Proviso 114.143, SCNG CAP stipulations previously in place have been extended for the upcoming fiscal year. If there are additional questions, please do not hesitate to contact myself ([kwoodfaulk@che.sc.gov](mailto:kwoodfaulk@che.sc.gov)), Ms. Alfie Mincy ([amincy@che.sc.gov](mailto:amincy@che.sc.gov)) or Dr. Gerrick Hampton ([ghampton@che.sc.gov](mailto:ghampton@che.sc.gov)).