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*President & Executive Director*



May 20, 2021

## Memorandum

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

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

### 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.

### Act No. 29 of 2021

Recently in January 2021, Congress passed Public Law 116-315, which again modifies 38 U.S.C. 3679(c). States were required to comply with Public Law 116-315 by no later than August 1, 2021, or risk losing eligibility for all education benefits for the Veteran population of the State.

In response, on May 6<sup>th</sup>, 2021, Governor McMaster signed into law Act 29. This legislation related to tuition and fee assessment for covered individuals receiving specific educational benefits at public institutions in South Carolina. The legislation was required in order for South Carolina to be in compliance with Federal Public Law 116-315. Act 29 amends Section 59-112-50 (C) of the SC Code of Laws, removing three years within discharged limit and making the following categories of veterans and covered individuals eligible for in-state charges:



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- 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).

In summary, the requirement that a covered individual receiving educational benefits enrolled at an institution within three years of discharge has been removed from the S.C Code of Laws.

Please note that Act No. 29 took effect upon signature by the Governor. This means that covered individuals attending terms beginning after May 6, 2021 may be charged an in-state tuition rate. If there are additional questions, please do not hesitate to contact myself ([kwoodfaulk@che.sc.gov](mailto:kwoodfaulk@che.sc.gov)) or Dr. Gerrick Hampton ([ghampton@che.sc.gov](mailto:ghampton@che.sc.gov)).