

01 NCAC 26B.0104 is amended with changes as published in 29:13 NCR 1602 as follows:

01 NCAC 26B .0104 FORMS AND INSTRUCTIONS

The following forms and instructions are used by the Veterans Affairs Commission ~~commission~~ (the "Commission" for purposes of this Subchapter 26B) to administer scholarships for children of war veterans, pursuant to G.S. Chapter 165, Article 4. Forms required of the applicant to complete the scholarship package are located at: <http://www.nc4vets.com/nc-programs> or may be obtained by contacting the North Carolina Division of Veterans Affairs (NCDVA) at 919-807-4250 or by writing to the NCDVA at 1315 Mail Service Center, Raleigh, NC 27699-1315.

(1) ~~Instruction Sheet. Sheet, NCDVA-16. This form describes requirements for application for scholarships administered by the Commission~~ ~~commission and tells when to apply, what forms and information to submit and where they are to be submitted. To be considered for selection by the Commission, an application shall be received in the Assistant Secretary's Office (NCDVA) by deadlines referenced in this Rule. Applicants for scholarships classified as Class II or Class III shall submit scholarship application on or before February 14. Applicants for scholarships classified as IA, IB, or IV as determined by United States Department of Veterans Affairs (USDVA) Certification form (NCDVA-13 if living veteran, and NCDVA-14 if veteran is deceased) shall submit scholarship application by:~~

(a) June 1 in order to be awarded on the following July 1; or

(b) December 1 in order to awarded on the following January 1.

The application shall be mailed to the North Carolina Division of Veterans Affairs 1315 Mail Service Center, Raleigh, NC 27699-1315, or emailed to: ncdva.scholarships@doa.nc.gov.

(2) The applicant shall submit the following documents to the Assistant Secretary's Office (NCDVA) for consideration:

(a) a completed application, NCDVA-17, together with a copy of the public record of applicant's birth;

(b) evidence of veteran's biological or adoptive relationship to applicant (which may be shown on birth certificate, court documents, payment of child support, or DNA test);

(c) a copy of veteran's discharge or notice of separation (DD 214, member copy 4) from the armed services (if available);

(d) a financial questionnaire, NCDVA-18;

(e) the most recent federal income tax return from applicant, applicant's veteran parent, and other parent;

(f) high school transcript through junior year of high school or, if already graduated, complete high school transcript and all college transcripts to date if applicable;

(g) the applicant's scholarship essay questionnaire, NCDVA-23B(2);

1 (h) two recommendations, NCDVA-23B(3); and

2 (i) a copy of any high school and college disciplinary record.

3 (3) The selected applicants (all classes) shall submit the following documents to the Assistant
4 Secretary's Office (NCDVA) no later than June 30 for a scholarship to be awarded on the following
5 July 1 (selected applicants submitting Class IA, Class IB, or Class IV application after June 1 shall
6 submit the following documents on or before December 1 to be awarded the following January 1):

7 (a) a copy of Selective Service registration acknowledgement, if not age 18 by June
8 30, must be received within six months of attaining age 18 (male applicants only);

9 (b) proof of graduation from high school (high school diploma);

10 (c) final complete academic record which shall include a list of high school and
11 college courses taken with corresponding grades earned, cumulative weighted and
12 unweighted grade point average, and attendance and disciplinary records;

13 (d) NCDVA-11, Affidavit – School Declaration Form;

14 (e) a letter of acceptance from the school that the applicant shall attend; and

15 (f) NCDVA-17G, Permission form for access to student's academic records of the
16 college, university, or community college he or she shall attend or attended if
17 previously enrolled.

18 ~~(2) (4) Application Form, Form, NCDVA-17. This form requests information about the applicant including~~
19 ~~date of birth, length of residence in North Carolina, high school attended and college, university, or~~
20 ~~technical institute in North Carolina the applicant plans to attend as well as information about the~~
21 ~~veteran such as [his or her] present legal residence, and other information relative to the veteran's~~
22 ~~current status. [Questions about accomplishments of the applicant or special honors or awards~~
23 ~~received during his or her high school career (and post high school) are also asked.]~~

24 A person seeking a scholarship under G.S. Chapter 165, Article 4, (Scholarships for Children of
25 War Veterans) shall submit a completed application form, NCDVA -17 to the NCDVA which
26 provides:

27 (a) the applicant's first name, middle initial, last name, social security number,
28 address, telephone number, email address, and county of residence;

29 (b) the first name, middle initial, last name, USDVA File number or social security
30 number, and address of applicant's eligible veteran parent;

31 (c) the applicant's date of birth, place of birth (city, county, and state), mother's birth
32 place, the applicant's length of residency in North Carolina, high school attended,
33 and graduation date from high school;

34 (d) the college, university, community college, or technical institute that applicant
35 plans to attend;

36 (e) the legal residence of applicant's eligible veteran parent at time such veteran
37 parent entered the Armed Forces;

- (f) the legal residence of applicant's eligible veteran parent at time of application;
- (g) the degree of service connected or non-service connected disability of applicant's eligible veteran parent at time of scholarship application;
- (h) answers to questions regarding the applicant's veteran parent's purple heart medal, if any, MIA or POW status, receipt of United States Department of Veterans Affairs (USDVA) disability compensation or pension, and whether veteran parent is deceased;
- (i) signature and date of applicant and applicant's parent or guardian;
- (j) answers to questions about applicant's accomplishments, special honors, or awards received during high school (and post high school if applicable), submitted in resume format as referenced on NCDVA-17;
- (k) a copy of the public record of applicant's birth, evidence of veteran's biological or adoptive relationship to applicant (which may be shown on birth certificate, court documents, payment of child support or DNA test), and a copy of veteran's discharge or notice of separation, [DD 214, member copy 4] from the armed services, if available; and
- (l) applicant's high school transcript through junior year, ACT or SAT score, a copy of all college transcripts, if applicable, and a copy of disciplinary and attendance records from high school and any other college or technical schools attended (if school does not maintain disciplinary records, then applicant shall attach a statement from high school guidance counselor or college advisor explaining that no such records exist).

~~(3) (5) Financial Questionnaire Questionnaire, NCDVA-18, to Accompany Application for Scholarship accompany application for scholarship. This form contains questions about the value of real and personal property owned by the applicant's parents and income received by the parents from rental property and employment, their disabilities, if any, number of persons in the applicant's immediate family, and other information pertaining to the ability of the applicant's family to contribute to his further education. Questions about accomplishments of the applicant or special honors or awards received during his or her high school career are also asked. [This form contains questions about the applicant's and applicant's parents' liquid assets, liabilities, income and marital status along with information about applicant's disabilities (if any), immediate family member(s) and other information pertaining to the ability of the applicant and applicant's family to contribute to educational expenses.] A person seeking a Class II or Class III scholarship, as defined in G.S. 165-22, shall submit a completed Financial Questionnaire, NCDVA 18, to the NCDVA which provides:~~

- (a) the applicant's veteran parent's first name, middle initial, and last name;
- (b) USDVA file number or social security number of the applicant's veteran parent;

- (c) the applicant's first name, middle initial, last name, and the last four digits of the social security number on Financial Questionnaire, NCDVA-18;
- (d) the applicant, applicant's veteran parent, and other parent shall provide the amount of each of their:
- (i) bonds, mutual funds, but not retirement plans, along with cash, savings, account balances including certificates of deposit;
 - (ii) liabilities (for the purpose of this sub-item, liabilities shall include education and medical expenses of applicant, veteran parent and other parent); and
 - (iii) annual income from wages, salary, USDVA disability compensation, pension, interest, dividends, military retirement, company pension, workman's compensation, net business income or loss from previous calendar year, and net farm income or loss from previous calendar year;
- (e) the applicant's high school or college status, name of university, college, or community college attending, number of semesters completed, and source and amount of funding towards education (i.e. scholarship, grants, student loan, or no financial assistance);
- (f) the relationship, age, and source of funding for any sibling of applicant who is a dependent of applicant's veteran parent while such sibling attends post high school training or college;
- (g) the dated signature of applicant's veteran parent in the space designated on the form; and
- (h) a copy of latest federal tax return of applicant, applicant's veteran parent, and other parent (if required to file taxes). If no return was filed, then applicant shall provide a statement as to the reason no federal tax return is attached.
- (6) Essay Questionnaire ~~[to Accompany Application for Scholarship for Children of War Veterans,]~~ NCDVA-23B (2), to accompany scholarship application. ~~[This form contains questions designed to elicit input from the applicant on reasons he or she should be awarded a scholarship.]~~ A person seeking a Class II or Class III scholarship, as defined in G.S. 165-22, shall submit a completed Essay Questionnaire, NCDVA 23B(2), to the NCDVA which provides:
- (a) the reasons applicant believes he or she should be selected and awarded a scholarship;
 - (b) the first name, middle initial, and last name of applicant's veteran parent;
 - (c) the applicant's first name, middle initial, last name, and the last four digits of the social security number;
 - (d) a list of all schools to which the applicant has both applied and been accepted;
 - (e) a list of schools to which applicant applied and is awaiting an acceptance decision;

- 1 (f) the applicant's desired major or area of study, if known;
- 2 (g) essays to provide insight into applicant's character, reputation, and
- 3 accomplishments by describing:
- 4 (i) how the applicant has prepared for college;
- 5 (ii) why the applicant believes he or she should be selected;
- 6 (iii) a kind act accomplished by the applicant that few people know about;
- 7 (iv) a mistake made by the applicant and what the applicant learned from this
- 8 mistake;
- 9 (v) any other information the applicant wishes the North Carolina Veterans
- 10 Affairs Commission to consider, including but not limited to unusual
- 11 special circumstances affecting grades, absences, outstanding
- 12 achievements, special talents, or interest; and
- 13 (h) the applicant's dated signature.

14 (7) Recommendation Form [to Accompany Application for Scholarship for Children of War Veterans,]

15 NCDVA-23B (3), to accompany scholarship application. [This form requests input from the applicant's

16 recommenders regarding the length of time the recommender has known the applicant, relationship to the applicant,

17 academic standing, disciplinary record, character (such as courage, honesty, kindness, dedication, work ethic) and

18 potential for successful completion of college course of study. Applicants must submit two of these completed

19 recommendation forms, at least one of which must be completed by a teacher or guidance counselor.]

20 A person seeking a Class II or Class III scholarship, as defined in G.S. 165-22, shall submit two

21 completed Recommendation Forms, NCDVA-23B(3), at least one from applicant's guidance

22 counselor or teacher, to the NCDVA which provides:

- 23 (a) an assessment of applicant's scholastic achievements, disciplinary record, and
- 24 comments on applicant's character;
- 25 (b) the first name, middle initial, and last name of applicant's veteran parent;
- 26 (c) the applicant's first name, middle initial, last name, and the last four digits of the
- 27 social security number;
- 28 (d) the first name, middle initial, last name, and relationship to applicant of person
- 29 submitting a recommendation for applicant;
- 30 (e) the length of time the recommender has known the applicant;
- 31 (f) if the recommender is a guidance counselor or designated teacher, then include
- 32 class rank, cumulative grade point average (weighted and unweighted), and
- 33 provide a disciplinary record or describe any disciplinary issues if no disciplinary
- 34 record; and
- 35 (g) a written evaluation of applicant including comments and examples of the
- 36 applicant's character (courage, honesty, kindness, dedication, work ethic).

37 (8) Affidavit-School Declaration, NCDVA-11, (All Classes).

Upon receipt of a blank Affidavit-School Declaration form, NCDVA-11 from the NCDVA, the selected applicant shall return a completed NCDVA-11 form to the NCDVA no later than June 30 (to be awarded a scholarship the following July 1), to notify the NCDVA of which school the applicant would like the scholarship to apply (selected applicants classified as IA, IB, or IV after June 1 shall submit completed Affidavit-School Declaration NCDVA-11 by December 1 to be awarded a scholarship the following January 1). An additional NCDVA-11 may be requested by contacting the NCDVA at 919-807-4250. The selected applicant shall provide the following information on the NCDVA-11:

- (a) the first name, middle initial, and last name of the selected applicant's veteran parent(s);
- (b) the first name, middle initial and last name of the selected applicant;
- (c) the last four digits of the social security number of the selected applicant;
- (d) the name of the school that such selected applicant plans to attend;
- (e) the semester date the selected applicant plans to begin his or her course of study;
- and
- (f) the dated signature of the selected applicant.

(9) Permission for Access to Student Records, NCDVA-17G (All Classes).

Upon receipt of a blank Permission for Access to Student Records form, NCDVA-17G from the NCDVA, the selected applicant shall return a completed NCDVA-17G form to the NCDVA no later than June 30 to be awarded a scholarship the following July 1 (selected applicants classified as IA, IB, or IV after June 1 shall submit completed Permission for Access to Student Records form, NCDVA-17G, by December 1 to be awarded a scholarship the following January 1), to permit the NCDVA access to the student's cumulative grade point average and information about the student's academic standing, including without limitation any probationary status. An additional NCDVA-17G may be requested by contacting the NCDVA at 919-807-4250. The selected applicant shall provide the following information on the NCDVA-17G:

- (a) the first name, middle initial, and last name of the selected applicant;
- (b) the last four digits of the selected applicant's social security number;
- (c) the identification number assigned by the school to the selected applicant;
- (d) the selected applicant's mailing address;
- (e) the selected applicant's email address;
- (f) the selected applicant's telephone number;
- (g) a grant of permission by the selected applicant for the NCDVA to access the cumulative grade point average and academic standing records (including without limitation, any information concerning probationary status) of such selected applicant from the named school that selected applicant plans to attend;

- 1 (h) an acknowledgment that the permission granted by the selected applicant is
2 made with the understanding that any records and information provided by the
3 school attended by the selected applicant may not be made available by the
4 NCDVA to any other agency other than the NCDVA and may only be used in
5 the administration of the selected applicant's scholarship; and
6 (i) the dated signature of the selected applicant.

7
8 *History Note:* Authority G.S. ~~143B-252(4)~~; 143B-399(4); 143B-400

9 *Eff. February 1, 1976;*

10 *Readopted Eff. February 27, 1979;*

11 *Amended Eff. October 1, 2015.*

01 NCAC 26B.0105 is amended **with changes** as published in 29:13 NCR 1603~~2~~ as follows:

01 NCAC 26B .0105 WHERE TO OBTAIN FORMS

~~All forms are on file in and may be obtained from the office of the division of veterans affairs, all district offices, and county veterans service offices.~~

~~All forms are on file in and may be obtained from the office of the division of veterans affairs, all district offices, and county veterans service offices.~~ All forms **[are on file in and]** may be obtained from the Office of the **North Carolina**
Division of Veterans Affairs or **[electronically:] electronically at <http://www.nc4vets.com/nc-program>**.

History Note: Authority G.S. ~~143B-252;~~ 143B-399; **143B-400**

Eff. February 1, 1976;

Readopted Eff. February 27, 1979;

Amended Eff. October 1, 2015.

01 NCAC 26B.0106 is amended with changes as published in 29:13 NCR 16023 as follows:

01 NCAC 26B .0106 DELEGATION OF AUTHORITY

The Veterans Affairs Commission delegates to the Assistant Secretary for Veterans Affairs the responsibility for obtaining information and making recommendations of applications for scholarship awards which the Commission ~~commission~~ administers. The following procedure has been set by the Commission ~~commission~~ for use by the Assistant ~~assistant~~ Secretary ~~secretary~~ in reviewing applications:

- (1) ~~Interested parties may obtain application for scholarship blanks from district service officer, county service officer, or the assistant secretary's office. A sheet of instructions is given to each applicant for a scholarship and assistance is available from the service officer. Interested parties may obtain application for scholarship blanks from district service officer, county service officer, or the assistant secretary's office. A sheet of instructions is given to each applicant for a scholarship and assistance is available from the service officer.~~ Interested parties may obtain application for scholarship blank forms and an instruction sheet from the Assistant Secretary's Office or electronically at <http://www.nc4vets.com/nc-programs>. ~~A assistance is available from veterans service offices.~~ Interested parties and applicants seeking assistance may contact the North Carolina Division of Veterans Affairs (NCDVA) scholarship coordinator at 919-807-4250, or contact a local veteran's service officer at: <http://www.nc4vets.com/personal-services>.
- (2) ~~Completed application together with a copy of the public record of applicant's birth, a copy of veteran's' discharge or notice of separation from the armed service (if available) and letters of recommendation must be mailed to the assistant secretary's office preferably prior to May first.~~ [Completed application, together with a copy of the public record of applicant's birth, evidence of veteran's biological or adoptive relationship to applicant (which may be shown on birth certificate, court documents, payment of child support or DNA test), copy of veteran's discharge or notice of separation from the armed services (if available), authorization for release of information, financial questionnaire, most recent federal income tax return filed, high school transcript and college transcript (through junior year of high school or if already graduated for all semesters attended of high school and college), recommendations and essay submissions, must be received by the Assistant Secretary's Office on or before February 14.]
- (3) ~~Upon receipt of application, the Assistant assistant Secretary's secretary's Office office will request necessary information from the appropriate Veterans Administration office.~~
- (4) (2) ~~Upon receipt of Veterans Administration's certification, such certification, birth certificate and discharge from armed services and other information will be carefully checked to determine if eligibility requirements of the law are met. For purposes of [G.S. 165-20(3)], G.S. 165 (Article 4), [applicant must be under age 25 at] the time of G.S. 165 (Article 4), the time of application for scholarship scholarship [which is] shall be the earlier of: [either:]~~

- (a) the date received in the NCDVA Assistant Secretary's Office as evidenced by NCDVA date stamp or date of electronic communication;
- (b) the US Postal Service date identification; or
- (c) the processing date identification from any other federal or state recognized mail carrier system that delivers mail.

~~(5) If the Veterans Administration certification and other information indicates that residential requirements of the law or the necessary degree of disability is not met, the applicant and district service office officer will be so informed and the applicant will be offered the assistance of the service office officer in submitting further evidence.~~

~~(6) A report of information and investigation will then be required from the district service officer. district service officers will be instructed as to what type of information their reports should contain.~~

~~(7) Reports from district service officers will be sent to the assistant secretary's office.~~

~~(6) The sheet of instructions which is sent to each applicant with application for scholarship forms makes it clear that each applicant is responsible for ensuring that his complete scholastic record is received at the Assistant Secretary's Office, North Carolina Division of Veterans Affairs, Raleigh, North Carolina, as soon as possible after his graduation from high school to be considered in connection with possible scholarship awards. (This applies to all types of scholarship applications.) [For further processing of applications, upon completion, each applicant must provide to the Assistant Secretary's Office a copy of the previous year's federal income tax return and, if male, copy of Selective Service registration acknowledgment. Also, on or before June 30, applicants must provide to the Assistant Secretary's Office a copy of their high school diploma, NCDVA 11 (Affidavit School Declaration), letter of acceptance for the school that applicant seeks to attend, and complete scholastic record (including but not limited to list of high school and college courses taken with corresponding grades earned, cumulative weighted and unweighted grade point average, attendance and disciplinary records). The Instruction Sheet makes it clear that each applicant is responsible for ensuring the Assistant Secretary's Office receives these documents timely.]~~

~~(7)(3)~~ In making recommendations for the award of scholarships in the competitive categories, the ~~Assistant assistant Secretary-secretary~~ for Veterans Affairs will shall consider the disability and other eligibility requirements of each application in accordance with the standards enumerated in G.S. 165-22 and make his or her recommendations to members of the Commission ~~commission~~ based on the following criteria, and importance shall attach in the order named:

- (a) Need. Preference shall be given to the eligible child with the greater financial need. ~~(In cases where the parent has considerable property, attention of the [Commission] commission shall be called to this fact, if such application is recommended for a scholarship award.)~~
- (b) Scholastic Ability. Preference shall be given the eligible child with the higher scholastic award.

(c) Consideration shall be given to the character, reputation, industry, accomplishments, and handicaps (if any) of the eligible child.

(d) All other things being equal, the degree of service connected disability of applicant's qualified veteran parent shall be given preference.

~~(8)(4) Upon confirmation of the members of the [Commission] commission, the applicant and other interested parties will be notified as to the disposition made of their application. The Assistant Secretary for Veterans Affairs is shall be authorized to award class Class I and Class IV (unlimited scholarships) (unlimited) scholarships to any other applicant who meets all eligibility requirements under class Class I or Class IV [twice annually] on or about January 1 and July 1. between meetings of the commission. These awards are then ratified by the eommission Commission at its next meeting. meeting following the award by the Assistant Secretary.~~

History Note: Authority G.S. ~~143B-252(4);~~ 143B-399(4); ~~143B-400;~~ 165-22.1(a);
Eff. February 1, 1976;
Readopted Eff. February 27, ~~1979,~~ 1979;
Amended Eff. October 1, 2015.



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

August 20, 2015

William W. Peaslee
Veterans Affairs Commission
Sent via e-mail to Bill.Peaslee@doa.nc.gov

Re: Extension of the Period of Review for Rules 01 NCAC 26B .0104, .0105, and .0106

Dear Mr. Peaslee:

This morning the Rules Review Commission (RRC) extended the period of review for the above-captioned rules, in accordance with G.S. 150B-21.10. They did so in response to a request from the Veterans Affairs Commission (VAC), allowing the VAC additional time to understand RRC staff's comments concerning the rules, make technical changes, prepare any other response to staff's concerns, and submit the rewritten rules for review by the RRC.

Pursuant to G.S. 150B-21.13, when the RRC extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days after granting the extension. Your rules will be on the agenda for the next regularly-scheduled meeting of the RRC, on **September 17, 2015**, and the RRC will act on them no later than its meeting on October 15, 2015.

Should you have any questions regarding the RRC's actions or the rules referenced above, please do not hesitate to contact me.

Sincerely,

Jason Thomas
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, August 07, 2015 1:21 PM
To: Thomas, Jason S
Cc: Burgos, Alexander N; Brincefield, Julie; Tony Braswell (tony@triangleeastrealty.com); Pantano, Ilario G; wendi.amos@gmail.com; Batten, Phillip G
Subject: RE: RRC Requests for Technical Changes - 1 NCAC 26B.0104, .0105, .0106

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Thomas:

Thank you for your email.

Pursuant to NCGS 150B-21.13 the Veterans Affairs Commission (VAC) respectfully requests an extension of time in which the Rules Review Commission (RRC) will review the proposed rules so that the VAC can address the technical changes suggested by the RRC Counsel. Please let me know if a more formal motion is desirable.

As always if you have any questions or concerns please do not hesitate to contact me.

Bill Peaslee
General Counsel
N.C. Department of Administration
1301 Mail Service Center
Raleigh, NC 27699-1301
Telephone (919) 807-2425
Fax (919) 733-9571

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Thomas, Jason S
Sent: Tuesday, July 28, 2015 2:07 PM
To: Peaslee, William W <Bill.Peaslee@doa.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Brincefield, Julie <julie.brincefield@oah.nc.gov>
Subject: RRC Requests for Technical Changes - 1 NCAC 26B.0104, .0105, .0106

Please acknowledge receipt of this email!

Dear Mr. Peaslee:

Please find attached Requests for Technical Changes to the rules submitted by the Veterans Affairs Commission. The RRC will review the rule at its meeting on Thursday, August 20, 2015. The meeting will begin at 10 a.m.

As reflected in the attached document, the rewritten rule is due in our office by close of business on **Tuesday, August 11, 2015.**

Please let me know if you have any questions or concerns regarding the attached document. I am always happy to discuss your rules and requests for technical changes.

Jason Thomas
Rules Review Commission Counsel
Office of Administrative Hearings – Rules Division
919-431-3081

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Veterans Affairs Commission

RULE CITATION: 1 NCAC 26B .0104

DEADLINE FOR RECEIPT: August 11, 2015

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Generally, this rule refers to forms that scholarship applicants are required to use and instructions that they must follow. Such instructions and forms are rules which must be promulgated through rulemaking in compliance with G.S. 150B-18 et seq. Thus, the requirements of these instructions and forms, such as the application deadlines set out in the Instruction Sheet and the specific information that must be provided on each form, should be prescribed in a rule or statute. In addition, it is not clear whether this rule lists all forms that the Commission requires of scholarship applicants – all such forms must be promulgated through rulemaking unless they meet the exception described below.

Pursuant to G.S. 150B-2(8a)d., a form is excluded from the definition of a rule, and need not be promulgated through rulemaking, only if the form's "contents or substantive requirements ... are prescribed by rule or statute." If the contents or substantive requirements of the forms are not prescribed in another rule or statute, please add a detailed list of the contents or substantive requirements of the each form to this rule, perhaps in subparts to each subparagraph. In addition, the rule should also state, with specificity, where the forms may be obtained; for instance, website addresses may be referenced in the rule.

Paragraph (1), lines 6-8, describes the Instruction Sheet. Among other things, this sheet sets out application deadlines, lists mandatory forms, and states other requirements with which all applicants must comply. It appears that only some of these requirements are prescribed in 1 NCAC 26 .0106.

(<http://www.doa.nc.gov/vets/documents/scholarship/NCDA-16InstructionSheet.pdf>).

The contents or substantive requirements of the Instruction Sheet must be prescribed in this rule or in another rule or statute. Failing this, staff will recommend that the RRC object to this rule.

Jason S. Thomas
Commission Counsel
Date submitted to agency: July 28, 2015

Paragraph (2), lines 9-14, describes the Application Form. This form requires the applicant to provide certain information, only some of which is prescribed in 1 NCAC 26.0106. (<http://www.doa.nc.gov/vets/documents/scholarship/NCDVA-17Application.pdf>). The contents or substantive requirements of the Application Form must be prescribed in this rule or in another rule or statute. Failing this, staff will recommend that the RRC object to this rule.

Paragraph (3), lines 20-24, describes the Financial Questionnaire. This form requires the applicant to provide certain financial information, only some of which is prescribed in 1 NCAC 26.0106. (<http://www.doa.nc.gov/vets/documents/scholarship/NCDVA-18Financial%20Questionnaire.pdf>). The contents or substantive requirements of the Financial Questionnaire must be prescribed in this rule or in another rule or statute. Failing this, staff will recommend that the RRC object to this rule.

Paragraph (4), lines 25-27, describes the Essay Questionnaire. This form requires the applicant to provide information, none of which is prescribed in 1 NCAC 26.0106. ([http://www.doa.nc.gov/vets/documents/scholarship/NCDVA-23B\(2\)EssayQuestionnaire.pdf](http://www.doa.nc.gov/vets/documents/scholarship/NCDVA-23B(2)EssayQuestionnaire.pdf)). The contents or substantive requirements of the Essay Questionnaire must be prescribed in this rule or in another rule or statute. Failing this, staff will recommend that the RRC object to this rule.

Paragraph (5), lines 28-33, describes the Recommendation Form. This form requires the applicant to provide information, none of which is prescribed in 1 NCAC 26.0106. ([http://www.doa.nc.gov/vets/documents/scholarship/NCDVA-23B\(3\)ScholarshipRecommendation%20Form.pdf](http://www.doa.nc.gov/vets/documents/scholarship/NCDVA-23B(3)ScholarshipRecommendation%20Form.pdf)). The contents or substantive requirements of the Recommendation Form must be prescribed in this rule or in another rule or statute. Failing this, staff will recommend that the RRC object to this rule.

Please delete the citation to G.S. 143B-252(4) as Authority in your History Note, because that statute no longer authorizes the Commission to take any action.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: July 28, 2015

01 NCAC 26B.0104 is amended as published in 29:13 NCR 1602 as follows:

01 NCAC 26B .0104 FORMS AND INSTRUCTIONS

The following forms and instructions are used by the Veterans Affairs Commission ~~commission~~ (the “Commission” for purposes of this Subchapter 26B):

- (1) Instruction Sheet. This form describes requirements for application for scholarships administered by the Commission ~~commission~~ and tells when to apply, what forms and information to submit and where they are to be submitted.
- (2) Application Form. This form requests information about the applicant including date of birth, length of residence in North Carolina, high school attended and college, university, or technical institute in North Carolina the applicant plans to attend as well as information about the veteran such as his or her present legal residence, and other information relative to the veteran's current status. Questions about accomplishments of the applicant or special honors or awards received during his or her high school career (and post-high school) are also asked.
- (3) Financial Questionnaire to Accompany Application for Scholarship. ~~This form contains questions about the value of real and personal property owned by the applicant's parents and income received by the parents from rental property and employment, their disabilities, if any, number of persons in the applicant's immediate family, and other information pertaining to the ability of the applicant's family to contribute to his further education. Questions about accomplishments of the applicant or special honors or awards received during his or her high school career are also asked.~~ This form contains questions about the applicant's and applicant's parents' liquid assets, liabilities, income and marital status along with information about applicant's disabilities (if any), immediate family member(s) and other information pertaining to the ability of the applicant and applicant's family to contribute to educational expenses.
- (4) Essay Questionnaire to Accompany Application for Scholarship for Children of War Veterans. This form contains questions designed to elicit input from the applicant on reasons he or she should be awarded a scholarship.
- (5) Recommendation Form to Accompany Application for Scholarship for Children of War Veterans. This form requests input from the applicant's recommenders regarding the length of time the recommender has known the applicant, relationship to the applicant, academic standing, disciplinary record, character (such as courage, honesty, kindness, dedication, work ethic) and potential for successful completion of college course of study. Applicants must submit two of these completed recommendation forms, at least one of which must be completed by a teacher or guidance counselor.

*History Note: Authority G.S. 143B-252(4); 143B-399(4);
Eff. February 1, 1976;
Readopted Eff. February 27, 1979.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Veterans Affairs Commission

RULE CITATION: 1 NCAC 26B .0105

DEADLINE FOR RECEIPT: August 11, 2015

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

In line 6, please add the website address where the forms may be obtained electronically.

Please delete the citation to G.S. 143B-252 as Authority in your History Note, because that statute no longer authorizes the Commission to take any action.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: July 28, 2015

01 NCAC 26B.0105 is amended as published in 29:13 NCR 1603 as follows:

01 NCAC 26B .0105 WHERE TO OBTAIN FORMS

~~All forms are on file in and may be obtained from the office of the division of veterans affairs, all district offices, and county veterans service offices.~~ All forms are on file and may be obtained from the Office of the Division of Veterans Affairs or electronically.

History Note: Authority G.S. 143B-252; 143B-399;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. September 1, 2015.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Veterans Affairs Commission

RULE CITATION: 01 NCAC 26B .0106

DEADLINE FOR RECEIPT: August 11, 2015

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Paragraph (1), line 12: Please state where the electronically-available forms and instruction sheet can be found, perhaps by citing the appropriate web address.
(<http://www.doa.state.nc.us/vets/benefitslist.aspx?pid=scholarships>)

Paragraph (1), line 12: Please consider stating where a list of the veterans service offices can be found, perhaps by citing an appropriate web address.
(<http://www.doa.state.nc.us/vets/vso-map.aspx>)

Paragraph (2), lines 16-23: Please be sure that all documents required by the Commission are listed in this rule or in another rule or statute – for clarity, please consider listing all such documents in one rule. To further assure clarity, please consider revising this paragraph into a list, perhaps as follows:

- (2) The following documents shall be received by the Assistant Secretary's Office on or before February 14:
- (a) Completed application, together with a copy of the public record of applicant's birth;
 - (b) evidence of veteran's biological or adoptive relationship to applicant (which may be shown on birth certificate, court documents, payment of child support or DNA test);
 - (c) copy of veteran's discharge or notice of separation from the armed services (if available);
 - (d) authorization for release of information
 - (e) financial questionnaire;
 - (f) most recent federal income tax return filed
 - (g) high school transcript and college transcript (through junior year of high school or if already graduated for all semesters attended of high school and college);
 - (h) recommendations; and
 - (i) essay submissions.

In Paragraph (2), line 22, change "must" to "shall"

Jason S. Thomas
Commission Counsel
Date submitted to agency: July 28, 2015

In Paragraph (3), line 24, change “must” to “shall”

In Paragraph (3), line 25, what “necessary information” will the Assistant Secretary’s Office request? Paragraph (4) suggests that it is a certification. In any event, please describe this “necessary information” in Paragraph (3).

In Paragraph (4), line 27, change “will” to “shall”

In Paragraph (4), line 27, please delete the word “carefully”

Paragraph (4), lines 26-28, states that certain documents will be checked but fails to state who will check. Please revise this paragraph to state who will check the documents to assure eligibility.

In Paragraph (5), line 2 (page 2), change “must” to “shall” twice in this line of text.

Paragraph (5), lines 35 (page 1) - 2 (page 2), states that the applicant and district service office “will be so informed” but fails to state who will provide the information. Please revise this paragraph to state who will provide the information referenced in Paragraph (5).

In Paragraph (6), lines 12-20, please consider breaking this into two paragraphs, the first from lines 12-14 and the second from lines 14-20.

In Paragraph (6), line 12, change “must” to “shall”

Paragraph (6), lines 12-14, is confusing and unclear. Does this mean that an application that has been submitted will not be processed until the tax return and Selective Service registration acknowledgement has been submitted? Whatever the intention, please revise this sentence to make it clear who will do what.

In Paragraph (6), lines 14-19, please consider revising this as a new Paragraph (7), listing the required documents, perhaps as follows:

- (7) On or before June 30, applicants must provide to the Assistant Secretary’s Office:
 - (a) a copy of their high school diploma;
 - (b) NCDVA-11 (Affidavit-School Declaration);
 - (c) a letter of acceptance for the school that applicant seeks to attend; and
 - (d) a complete scholastic record (including but not limited to list of high school and college courses taken with corresponding grades earned, cumulative weighted and unweighted grade point average, and attendance and disciplinary records).

Is Paragraph (6), lines 19-20 (beginning with The Instruction Sheet...) necessary? If not, please delete this sentence. If it is needed, please change “applicant is” to “applicant shall be” at the end of line 19.

In Paragraph (7), line 22, change “will” to “shall”

In Paragraph (7), line 34, please clarify whether the “service connected disability” is the disability of the applicant or of the veteran who is related to the applicant.

Jason S. Thomas
Commission Counsel
Date submitted to agency: July 28, 2015

In Paragraph (8), line 36, what does “confirmation” mean? If it means “decision,” please consider using that word instead.

In Paragraph (8), line 37, change “will” to “shall”

In Paragraph (8), line 1 (page 3), change “is” to “shall be”

In Paragraph (8), line 3, change “are” to “shall be”

In Paragraph (8), line 4, please add “following the award by the Assistant Secretary” to the end of the sentence to assure clarity.

Please delete the citation to G.S. 143B-252(4) as Authority in your History Note, because that statute no longer authorizes the Commission to take any action.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

01 NCAC 26B.0106 is amended as published in 29:13 NCR 1603 as follows:

01 NCAC 26B .0106 DELEGATION OF AUTHORITY

The Veterans Affairs Commission delegates to the Assistant Secretary for Veterans Affairs the responsibility for obtaining information and making recommendations of applications for scholarship awards which the Commission ~~commission~~ administers. The following procedure has been set by the Commission ~~commission~~ for use by the Assistant ~~assistant~~ Secretary ~~secretary~~ in reviewing applications:

- (1) ~~Interested parties may obtain application for scholarship blanks from district service officer, county service officer, or the assistant secretary's office. A sheet of instructions is given to each applicant for a scholarship and assistance is available from the service officer.~~ Interested parties may obtain application for scholarship blank forms and an instruction sheet from the Assistant Secretary's Office or electronically. Assistance is available from veterans service offices.
- (2) ~~Completed application, together with a copy of the public record of applicant's birth, a copy of veteran's discharge or notice of separation from the armed service (if available) and letters of recommendation must be mailed to the assistant secretary's office, preferably prior to May first.~~ Completed application, together with a copy of the public record of applicant's birth, evidence of veteran's biological or adoptive relationship to applicant (which may be shown on birth certificate, court documents, payment of child support or DNA test), copy of veteran's discharge or notice of separation from the armed services (if available), authorization for release of information, financial questionnaire, most recent federal income tax return filed, high school transcript and college transcript (through junior year of high school or if already graduated for all semesters attended of high school and college), recommendations and essay submissions, must be received by the Assistant Secretary's Office on or before February 14.
- (3) Upon receipt of application, the Assistant ~~assistant~~ Secretary's ~~secretary's~~ Office ~~office~~ will request necessary information from the appropriate Veterans Administration office.
- (4) Upon receipt of Veterans Administration's certification, such certification, birth certificate and discharge from armed services and other information will be carefully checked to determine if eligibility requirements of the law are met. For purposes of G.S.165-20(3), applicant must be under age 25 at the time of application for scholarship which is the earlier of either:
 - (a) the date received in the NCDVA Assistant Secretary's Office as evidenced by NCDVA date stamp or,
 - (b) the US Postal Service date identification or,
 - (c) the processing date identification from any other federal or state recognized mail carrier system that delivers mail.
- (5) If the Veterans Administration certification and other information indicates that residential requirements of the law or the necessary degree of disability is not met, the applicant and district

- 1 service ~~office officer~~ will be so informed and the applicant will be offered the assistance of the
2 service ~~office officer~~ in submitting further evidence.
- 3 ~~(6)-~~ A report of information and investigation will then be requested from the ~~district service officer~~.
4 The ~~district service officers~~ will be instructed as to what types of information their reports should
5 contain.
- 6 ~~(7)-~~ Reports from ~~district service officers~~ will be sent to the assistant secretary's office.
- 7 ~~(6)~~ 8) The sheet of instructions which is sent to each applicant with application for scholarship forms
8 makes it clear that each applicant is responsible for ensuring that his complete scholastic record is
9 received at the Assistant Secretary's Office, North Carolina Division of Veterans Affairs, Raleigh,
10 North Carolina, as soon as possible after his graduation from high school to be considered in
11 connection with possible scholarship awards. (This applies to all types of scholarship
12 applications.) For further processing of applications, upon completion, each applicant must provide
13 to the Assistant Secretary's Office a copy of the previous year's federal income tax return and, if
14 male, copy of Selective Service registration acknowledgment. Also, on or before June 30, applicants
15 must provide to the Assistant Secretary's Office a copy of their high school diploma, NCDVA-11
16 (Affidavit-School Declaration), letter of acceptance for the school that applicant seeks to attend, and
17 complete scholastic record (including but not limited to list of high school and college courses taken
18 with corresponding grades earned, cumulative weighted and unweighted grade point average,
19 attendance and disciplinary records). The Instruction Sheet makes it clear that each applicant is
20 responsible for ensuring the Assistant Secretary's Office receives these documents timely.
- 21 ~~(79)~~ In making recommendations for the awarding of scholarships in the competitive categories, the
22 Assistant ~~assistant~~ Secretary ~~secretary~~ will consider the disability and other eligibility requirements
23 of each application in accordance with the standards enumerated in G.S. 165-22 and make his or her
24 recommendations to members of the Commission ~~commission~~ based on the following criteria, and
25 importance shall attach in the order named:
- 26 (a) Need. Preference shall be given to the eligible child with the greater financial
27 need. (In cases where the parent has considerable property, attention of the
28 Commission ~~commission~~ shall be called to this fact, if such application is
29 recommended for a scholarship award.)
- 30 (b) Scholastic Ability. Preference shall be given the eligible child with the higher
31 scholastic award.
- 32 (c) Consideration shall be given to the character, reputation, industry,
33 accomplishments, and handicaps (if any) of the eligible child.
- 34 (d) All other things being equal, the degree of service connected disability shall be
35 given preference.
- 36 ~~(840)~~ Upon confirmation of the members of the Commission ~~commission~~, the applicant and other
37 interested parties will be notified as to the disposition made of their application. The Assistant

1 Secretary for Veterans Affairs is authorized to award class I and IV (unlimited scholarships) to any
2 other applicant who meets all ~~eligibility~~ eligibility requirements under class I or IV -twice annually,
3 on or about January 1 and July 1 ~~between meetings of the commission~~. These awards are then
4 ratified by the Commission ~~commission~~ at its next meeting.

5
6 *History Note: Authority G.S. 143B-252(4); 143B-399(4); 165-22.1(a);*
7 *Eff. February 1, 1976;*
8 *Readopted Eff. February 27, 1979;*
9 *Amended Eff. September 1, 2015.*