

Proposed Rulemaking

Title

Promulgated by:

Division of Higher Education

Title 6. Education

Chapter IV. Division of Higher Education, Department of Education

Subchapter B. Scholarships and Grants

Part 375 Rules Governing Residency Classification for State-funded Scholarships at State-Supported Institutions of Higher Education

Subpart 1. Generally

6 CAR § 375.101. Creation.

(a) This part shall be known as the Division of Higher Education's Rules Governing Residency Classification for State-funded Scholarships at State-Supported Institutions of Higher Education.

6 CAR § 375.102. Definitions.

As used in this part:

(1) "Legal resident of Arkansas" means someone that:

(A) Will graduate or has graduated from an Arkansas public school, private school, or home school within nine (9) months of enrolling in the state-supported institution of higher education; or

(B) Resided in Arkansas at least six (6) continuous months prior to applying with the intent to remain.

(i) Mere physical presence in Arkansas is not sufficient to establish residency or demonstrate future intent to remain.

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(2) "State-supported institution of higher education" means a public postsecondary institution or a department in a public postsecondary institution that:

(A) Provides:

(i) An eligible program of training to prepare students for gainful employment in a recognized occupation; or

(ii) A program leading to a baccalaureate degree or a graduate degree;
and

(B) Is accredited by a recognized accrediting agency or association and has continuously held the accreditation for the number of years required by the Division of Higher Education;

6 CAR § 375.103. Residency classification for state-funded scholarships administered by Division of Higher Education.

(a)(1) In making decisions about the residency classification or reclassification of a student for state-funded scholarship purposes, unless otherwise specified by statute, a student shall be classified as an in-state resident for state-funded scholarship purposes only if the student meets the requirements in § -- of this part.

(2) A student who claims in-state residency for purposes of state-funded scholarship eligibility but receives Free Application for Federal Student Aid (FAFSA) verification that he or she is not an in-state resident shall have his or her state-funded scholarship amount reduced or rescinded to reflect the change in residency status.

(3) A member of the United States Armed Forces who is stationed in Arkansas under military orders, along with his or her dependents, is entitled to classification as an in-state resident for state-funded scholarship purposes.

6 CAR § 375.104. Duties and responsibilities of students.

(a)(1) It is the responsibility of each student, at the time of registration, to seek the proper residency classification for state-funded scholarship purposes.

(2) A participating state-supported institution of higher education shall have a process for a student to appeal a residency classification for state-funded scholarship purposes.

(b)(1) A student who knowingly gives false information to establish residency classification for state-funded scholarship purposes shall be subject to dismissal by the state-supported institution of higher education.

(2) An initial classification as an out-of-state student shall not limit the right of a student to be reclassified later as a resident of Arkansas for state-funded scholarship purposes provided that the student can establish proof of legal residence in Arkansas.