

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1416

By: David

AS INTRODUCED

An Act relating to higher education; amending 70 O.S. 2021, Section 3247, which relates to in-state status for military personnel and their dependents; providing in-state status for certain persons; updating references; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3247, is amended to read as follows:

Section 3247. A. A student shall be eligible for in-state status regardless of the residency of the student if the student is a:

1. Dependent child or spouse of a person currently serving as a member of the active uniformed services of the United States on full-time active duty status of more than thirty (30) days and for whom Oklahoma is the home of record;

2. Dependent child or spouse of a person currently serving as a member of the military reserve on active duty orders of more than thirty (30) days and for whom Oklahoma is the home of record;

1 3. Person, or spouse or dependent child of a person, currently
2 serving as a member of the uniformed services of the United States
3 who is on full-time active duty for a period ~~of~~ more than thirty
4 (30) days and is stationed or temporarily present in Oklahoma
5 through military orders;

6 4. Person, or spouse or dependent child of a person, who was
7 discharged or released from a period ~~of~~ not fewer than ninety (90)
8 days of active uniformed service, less than five (5) years before
9 the date of enrollment in the course(s) concerned and for whom
10 Oklahoma is the home of record; ~~or~~

11 5. Person who is participating in or has received a partial or
12 full scholarship from the Air Force Reserve Officers' Training
13 Corps, Army Reserve Officers' Training Corps or the Navy/Marines
14 Reserve Officers' Training Corps; or

15 6. Person who is a current member of the Oklahoma National
16 Guard.

17 B. To be eligible for in-state status as provided for in
18 subsection A of this section and to maintain eligibility, the
19 student shall:

20 1. Satisfy admission and retention standards as determined by
21 the Oklahoma State Regents for Higher Education for an institution
22 within The Oklahoma State System of Higher Education; and
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1 2. Have secured admission to and enrolls full-time or part-time
2 in a program of study at an institution within The Oklahoma State
3 System of Higher Education.

4 C. A student who files with the institution within The Oklahoma
5 State System of Higher Education at which the student intends to
6 register a letter of intent to establish residence in the state and
7 who resides in the state while enrolled in the institution shall be
8 eligible for in-state status, regardless of the residency of the
9 student or home of record, if the student:

10 1. Is a person who:

11 a. was discharged or released from a period ~~of~~ not fewer
12 than ninety (90) days of active duty uniformed
13 service, less than five (5) years before the date of
14 enrollment in the course(s) concerned, and

15 b. is pursuing a course of education with educational
16 assistance under Chapter 30 or 33 of Title 38 of the
17 United States Code while living in this state; or

18 2. Is a person who:

19 a. is entitled to assistance under Section 3311(b) (9) or
20 3319 of Title 38 of the United States Code by virtue
21 of a relationship to a person who was discharged or
22 released from a period ~~of~~ not fewer than ninety (90)
23 days of active duty uniformed services, and
24

b. enrolls in the course(s) concerned within five (5) years of the date the related person was discharged or released from a period ~~of~~ not fewer than ninety (90) days of active duty uniformed services.

D. To be eligible for in-state status as provided for in subsection C of this section and to maintain eligibility, the student shall:

1. Satisfy admission and retention standards as determined by the Oklahoma State Regents for Higher Education for an institution within The Oklahoma State System of Higher Education; and

2. Have secured admission to and enrolls full-time or part-time in a program of study at an institution within The Oklahoma State System of Higher Education.

E. A student who meets the eligibility requirements for in-state status shall maintain in-state status if the student remains continuously enrolled at an institution within The Oklahoma State System of Higher Education after the student:

1. As described in ~~paragraphs~~ paragraph 1, 2, or 3 of subsection A of this section is discharged or released from active duty service;

2. As described in paragraph 4 of subsection A of this section or ~~paragraph~~ paragraphs 1 and 2 of subsection C of this section exceeds the five-year period after being discharged or released from active duty uniformed service;

1 3. As described in paragraph 1 of subsection C of this section
2 has exhausted education assistance provided under Chapter 30 or 33
3 of Title 38 of the United States Code; or

4 4. As described in paragraph 2 of subsection C of this section
5 has exhausted education assistance provided under Section 3311(b)(9)
6 or 3319 of Title 38 of the United States Code.

7 F. For purposes of this section, "home of record" means the
8 place where one was living when the person enlisted or was
9 commissioned into the military or reenlisted in the military.

10 G. The Oklahoma State Regents for Higher Education shall
11 develop policies and procedures necessary to implement the
12 provisions of this section.

13 SECTION 2. This act shall become effective July 1, 2022.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health or safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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