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JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

OPINION NO. 85-84

March 19, 1985

Hon. Geno Mazzanti, Jr.
State Representative
Route 1, Box 225
Lake Village, AR 71653

Dear Rep. Mazzanti:

This is in response to your opinion request wherein you posed the following inquiry:

Under Act 176, would students who graduate from private schools in Arkansas be eligible to participate in the Governor's Scholarship Program, and would Arkansas students who graduate from out-of-state public or private schools be eligible to participate in the Governor's Scholarship Program?

Act 176 of 1985 amended Act 59 of the First Extraordinary Session of 1983 in two regards, viz:

SECTION 1. Subsection (4) of Section 3 of Act 59 of the First Extraordinary Session of 1983, the same being Arkansas Statute 80-5903(e), is hereby amended to read as follows:

"(e) "Eligible student" means a resident of the State of Arkansas, as defined by the Arkansas Department of Higher Education, who is eligible for admission as a full-time student and declares an intent to matriculate in an approved institution in Arkansas."

SECTION 2. Subsection (b) of Section 5 of Act 59 of the First Extraordinary Session of 1983 (Ark. Stat. Ann. 80-5905(b)), is hereby amended to read as follows:

"(b) the individual is a bona fide resident of the state, as defined by the Department. Preference will be given to students who plan to enter college at the beginning of the academic year directly following their last year of high school attendance."

Both amendments, as you will note, rely materially upon the definition of "resident" as established by the Arkansas Department of Higher Education. That definition is as follows:

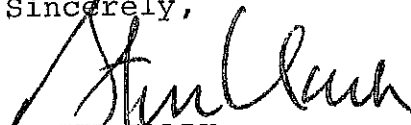
"Arkansas Residency" means that a dependent student's parents must reside within the state for at least six months prior to the deadline date and be classified as residents who pay taxes, vote, and have Arkansas licenses, etc. If a student does not meet these requirements, there are several circumstances under which the student may be classified as an Arkansas resident for Governor's Scholarship purposes. These circumstances are as follows:

- a. If the student has graduated from an accredited high school in Arkansas, the student is considered an Arkansas resident if the student's parent (or guardian) is on active military duty in another state or country but entered upon active duty in the United States military service as a resident of the State of Arkansas, and Arkansas continues to be this person's permanent place of residence.
- b. The student is considered an Arkansas resident if the student graduates from an accredited high school in Arkansas, and the student's parent (or guardian) is stationed and resides in the State of Arkansas while on active duty in the United States military service.

In response to your inquiries then, it is the opinion of this Office that under Act 176 students who graduate from private schools in Arkansas are eligible to participate in the Governor's Scholarship Program and that students who graduate from out-of-state public or private schools are also eligible to participate in the Governor's Scholarship Program as long as they meet the Department of Higher Education's definition of residence.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General C. Randy McNair, III.

Sincerely,


STEVE CLARK
Attorney General

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