

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 39. Oklahoma National Guard Educational Assistance Program [NEW]

610:25-39-1. Purpose [NEW]

610:25-39-2. Eligibility and applications [NEW]

610:25-39-3. Assistance [NEW]

AUTHORITY:

Oklahoma State Regents for Higher Education; 70 O.S. §§ 3231 and 3206

ADOPTION:

September 8, 2022

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2023, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The State Regents for Higher Education find that a compelling public interest requires the passage of these emergency rules. These emergency rules are necessary to comply with 70 O.S. § 3231. In the absence of emergency rules, the earliest the permanent rule process could be complete is September 14, 2023. The emergency rules will provide temporary guidance to OSRHE staff, institutions of higher education and prospective and enrolled students until such time as the permanent rule process – which will include public comment and potentially a public hearing – is complete.

Section 3231 states that "[the] Oklahoma State Regents for Higher Education shall promulgate rules to implement the provisions of this act..." Therefore, Section 3231 requires OSRHE to establish this program. Allowing a delay in establishing this program until September 14, 2023 could create a "violation of...state law" or create "serious prejudice to the public interest." 75 O.S. § 253(A)(1)(c) & (e). These are both outcomes that the emergency rule provisions of 75 O.S. § 253 allow OSRHE to prevent.

GIST/ANALYSIS:

During the 2022 session, the Oklahoma Legislature approved SB 1418 creating the Oklahoma National Guard Educational Assistance Program. Subject to available funding, the bill authorizes educational benefits equivalent to resident tuition, mandatory fees, and academic service fees, not to exceed 18 credit hours per semester at institutions in the Oklahoma State System of Higher Education. In addition to a maximum of 120 credit hours of undergraduate coursework, the bill authorizes benefits for up to 40 credit hours of graduate coursework toward a master's degree.

SB 1418 also creates the new Oklahoma National Guard Educational Assistance Revolving Fund, a continuing fund not subject to fiscal year limitations consisting of state appropriations, from which the benefits are to be paid by the State Regents.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 39. OKLAHOMA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM

610:25-39-1. Purpose

The purpose of the Oklahoma National Guard Educational Assistance Program is to provide postsecondary educational benefits to eligible Oklahoma National Guard members who enroll in an institution of higher education within the Oklahoma State System of Higher Education.

610:25-39-2. Eligibility and applications

(a) **Initial Eligibility.** To be eligible for the Oklahoma National Guard Educational Assistance Program (Program) assistance, recipients must:

- (1) Be current members of the Oklahoma National Guard (Guard) in good standing as determined by the Guard;
- (2) Have a high school diploma or have completed the General Educational Development (GED) requirements; and
- (3) Have been admitted to and have enrolled in an institution of higher education within the Oklahoma State System of Higher Education.

(b) **Continuing Eligibility.** To retain eligibility for the Program, the Guard member shall:

- (1) Maintain good academic standing and satisfactory academic progress according to the standards of the institution in which the member is enrolled;
- (2) Maintain the requirements for retention and degree completion as established by the institution in which the member is enrolled;
- (3) Maintain a minimum grade point average of 2.0 on a 4.0 scale; and
- (4) Maintain satisfactory participation in the Guard as determined by the Guard.

(c) **Applications.** An eligible Guard member seeking assistance shall submit to the Educational Service Office of the Military Department an application on a form prescribed by the Military Department prior to the semester for which the assistance is sought. The Guard member's Commander or designee shall confirm the member's standing and eligibility to the educational institution in which the member is enrolled. Applications shall be finalized by the following dates:

- (1) Spring Semester – January 31st;
- (2) Fall Semester – August 31st.

610:25-39-3. Assistance

(a) **Assistance amount.** Subject to the availability of funds, the amount of assistance shall be equivalent to the amount of resident tuition, mandatory fees and academic service fees for courses in which the eligible guard member is enrolled. The definitions of "resident tuition," "mandatory fees," and "academic service fees" shall be in accordance with the Oklahoma State Regents for Higher Education policy 4.18.2 "Student Tuition and Fees Policy; Definitions." Provided, for purposes of the Oklahoma National Guard Educational Assistance Program, flight costs and/or flight fees for aviation degree programs will not be considered as "resident tuition," "mandatory fees," or "academic service fees."

(b) **Assistance limitations**

- (1) Assistance may not exceed a maximum of eighteen (18) credit hours per semester;
- (2) Assistance for enrollment in an undergraduate program in pursuit of an associate and/or baccalaureate degree shall not exceed a maximum of one hundred twenty (120) credit hours or the completion of the requirements for a baccalaureate degree, whichever comes first; and

(3) Assistance for enrollment in a graduate program in pursuit of a master's degree shall not exceed a maximum of forty (40) credit hours or completion of the requirements for a master's degree, whichever comes first.

(c) Funding of Assistance

(1) Assistance for an eligible Guard member shall be paid from the Oklahoma National Guard Educational Assistance Revolving Fund (Revolving Fund) by the Oklahoma State Regents for Higher Education (Regents) to the educational institution in which the Guard member is enrolled. By July 1 of each year the Regents shall notify the Adjutant General of the amount of funding in the Revolving Fund.

(2) Funding for assistance for graduate programs will be provided subject to full funding of assistance to eligible Guard members enrolled in undergraduate programs.