

Title 6. Education

Chapter IV. Division of Higher Education, Department of Education

Subchapter A. Generally

Part 366. Rules Implementing Act 188 of 1989 (Selective Service)

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Act 188 of 1989 requires that any male student under twenty-six years of age who has been awarded financial assistance that is partially or fully funded by the State of Arkansas, a state agency, or a state-supported institution of higher education must file a Statement of Selective Service Status with his institution certifying that he has complied with the terms of the Military Selective Service Act. The Statement must be filed with the institution before the state-funded financial assistance can be disbursed to the student.

This agenda item presents rules for the implementation of Act 188 of 1989. In compliance with the Administrative Procedures of Act of 1979, a public hearing has been announced to discuss the proposed rules. The hearing is scheduled as part of the July 21 State Board of Higher Education meeting.

The following resolution is suggested:

RESOLVED, That the State Board of Higher Education adopts the rules presented in this agenda item for the implementation of Act 188 of 1989 by the Arkansas Department of Higher Education."

Subpart 1. Generally

6 CAR § 366-101. Implementation of Acts 1989, No. 188.

(a)(1) The Division of Higher Education shall administer Acts 1989, No. 188, "An act to require compliance with the Military Selective Service Act as a requirement to receiving financial assistance in attending an institution of higher education; and for other purposes," within the policies set by the Arkansas Higher Education Coordinating Board.

(2) All formal communications shall be addressed to or signed by the Director of the Division of Higher Education or his or her designee.

(b) When functioning under Acts 1989, No. 188, and subsequent legislation, the Division of Higher Education shall follow the provisions of the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 6-80-102.

6 CAR § 366-102. Student responsibilities.

(a)(1) Any male student under twenty-six (26) years of age who has been awarded financial assistance that is partially or fully funded by the State of Arkansas, a state agency, or a state-supported institution of higher education must file a statement of selective service status with the postsecondary education institution at which he is enrolled certifying that he has complied with the terms of the Military Selective Service Act, 50 U.S.C. § 3801 et seq.

(2) The statement must be filed with the institution before the state-funded financial assistance can be disbursed to the student.

(b)(1) The student must file the statement of selective service status once for each award year.

(2) If the student's status under registration law changes during the award year after he has completed the statement of selective service status, the student is not required to file a new statement for that award year.

Authority. Arkansas Code § 6-80-102.

6 CAR § 366-103. Institutional responsibilities.

(a)(1) An Arkansas postsecondary education institution may not disburse a partially or fully state-funded loan, grant, scholarship, or other financial assistance for educational expenses to a male student under twenty-six (26) years of age unless the student has filed a statement of selective service status with the institution certifying that he is in compliance with the Military Selective Service Act, 50 U.S.C. § 3801 et seq.

(2) The term "disburse" includes crediting state-funded financial assistance funds to a student's account.

(b)(1) Financial assistance programs governed by this requirement include all loans, grants, scholarships, fee waivers, and other financial aid programs funded fully or partially by:

- (A) The State of Arkansas;
- (B) A state agency; or
- (C) A state-supported institution of higher education.

(2) Scholarship programs covered include:

- (A) Academic scholarships;
- (B) Athletic scholarships; and
- (C) Performance scholarships such as:
 - (i) Band;
 - (ii) Music; or
 - (iii) Cheerleading.

(c)(1) The student is required to file a statement of selective service status once for each award year.

(2) However, an institution may waive the requirement for a student to file once each award year if the:

(A) Institution already has on file a statement of selective service status for that student; and

(B) Student's status under registration law has not changed since the institution received the most recently filed statement of selective service.

(d) If the information on the statement of selective service status is inconsistent with other information that is in the possession of the institution, the discrepancy must be resolved before funds are disbursed.

(e) The institution will maintain in a student's file the signed statement of selective service status and any additional documentation and will make those records available upon request to the Division of Higher Education.

Authority. Arkansas Code § 6-80-102.

6 CAR § 366-104. Statement of selective service status.

(a)(1) If the student has completed and signed the statement of registration status on the federal student aid report (SAR), no other signed statement is required for state-funded financial assistance programs.

(2) However, the SAR must be retained in the student's file as evidence of compliance.

(b) The Division of Higher Education considers the following statement as satisfying the requirements of Acts 1989, No. 188:

Statement of selective service status.

___ I certify that I am registered with the United States Selective Service System.

___ I certify that I not required to be registered with the United States Selective Service System because:

___ I am in the armed services on active duty. (Note: Does not apply to members of the Reserves and National Guard who are not on active duty.)

___ I have not reached my eighteenth birthday.

___ I am a permanent resident of the Trust Territory of the Pacific Island (Palau).

____ I am a citizen of the Federated State of Micronesia
or the Marshall Islands.

Signature:

Date:

Social Security Number:

(c)(1) Acts 1989, No. 188, does not require males twenty-six (26) years of age and older or females to sign a statement of selective service status.

(2) Since the federal government does require those groups to sign the federal statement of registration status, the institution may choose to require that all recipients of state-funded financial assistance sign a statement.

(3) Any form that the institution uses to meet the federal statement of registration status requirements will fulfill the requirements for state-funded programs.

Authority. Arkansas Code § 6-80-102.