

January 16, 2008

ITEM 138-101-C0108

Provisional Revision to Residency Policy 940.1

THAT:

The Regents hereby adopt, on a provisional basis, the following addition to Policy 940.1, Residency, at § (5)(c):

Notwithstanding the terms of this section, former in-state students may be re-classified as in-state without serving a 12-month period of physical domicile in Montana if the student is unable to be present in Montana due to his or her service in an active duty military assignment. The student must demonstrate re-establishment of Montana residency in all other ways required of the policy for a period of 12 months prior to the application for residency. For purposes of this policy, membership in ROTC, in the reserves or in the national guard does not, in itself, qualify as active duty. Active duty military status cannot be achieved by attending school.

Please note that, to qualify for this exception, the person applying for in-state status must meet all of the following requirements: (1) clearly be a former resident of the state; (2) must be actively serving elsewhere in the military; (3) must have relinquished Montana residency; and (4) must do what all other non-residents must do to gain in-state status for a period of 12 months, with the exception of 12 months physical residency.

EXPLANATION:

In order to assist students on active duty military assignments re-establish Montana residency for higher education purposes, Commissioner Stearns is recommending a revision to the Regents' residency policy which will allow former Montana residents who are assigned to active military duty to re-establish residency without the requirement of physical presence in Montana.

This item is proposed for approval on a provisional basis. Consideration of the item for permanent inclusion in the policy will be scheduled for the March 2008 Board of Regents meeting. Approval of this item will allow the new provision to be applied pending review at the March 2008 meeting.

ATTACHMENTS:

None