



Title: Louisiana Resident Status
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Louisiana Resident Status

Pursuant to House Concurrent Resolution No. 226 of 1986 and Louisiana Community Technical College System policy, Louisiana Technical College (LTC) implements course of action regarding Louisiana Residency status for tuition purposes.

Policy Reference: House Concurrent Resolution No. 226 of 1986
 LCTCS Policy #2.008 Residency

Review Process:

X	Reviewing Council/Entity	Review Date	Effective Date
X	Student Affairs Officers	11/29/06	
X	Academic Affairs Officers	11/29/06	
X	LTC Regional Directors	06/01/07	
X	Vice President of CTE	06/01/07	06/01/07

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Louisiana Resident Status

Procedures & Specific Information

236.1 SCOPE

Pursuant to House Concurrent Resolution No. 226 of 1986, and in accordance with LCTCS policy #2.008 Residency, Louisiana Technical College (LTC) establishes policy on Louisiana Residency status for tuition purposes.

The student's physical presence within this state for one year must be associated with substantial evidence that such presence was with the intent to establish and maintain a Louisiana domicile. Physical presence within the state solely for educational purposes without substantial evidence of the intent to remain in Louisiana will not be sufficient for resident classification regardless of the length of time within the state.

236.2 DEFINITIONS

236.2.1 *Domicile* - as the term is used in the context of residence regulations, is defined as an individual's true, fixed, and permanent home and place of habitation at which the individual remains when not called elsewhere for labor, studies or other special or temporary purposes, and the place to which the individual returns after an absence.

236.2.2 *Non-Resident student* - for tuition purposes is a student not eligible for classification as a resident under these regulations.

236.2.3 *Resident Student* - for tuition purposes, is one who has abandoned all prior domiciles and has been domiciled in the State of Louisiana continuously for at least one full year (365 days) immediately preceding the first day of classes of the semester/term of enrollment for which resident classification is sought.

236.2.4 *Special or Temporary Resident* - Discreet categories of individuals exempt from payment of non-resident fees if such action is deemed to be in the best interest of Louisiana and approved by the Louisiana Community and Technical College System (LCTCS) Board, or as mandated from time to time by federal or state government.

236.3 ESTABLISHING THE REQUISITE INTENT TO BECOME A LOUISIANA RESIDENT FOR TUITION PURPOSES

236.3.1 The following facts and circumstances, although not necessarily conclusive, may support one's claim for resident classification for tuition purposes:

236.3.1.1 Financial independence from parents residing in another state or country;

236.3.1.2 Reliance on Louisiana resources for financial support;

236.3.1.3 Possession of a valid Louisiana voter registration card for at least one year;

- 236.3.1.4 Designating Louisiana as his or her permanent address on all school and employment records, including military records if one is in the military service;
- 236.3.1.5 Possession of a valid Louisiana driver's license for at least one year;
- 236.3.1.6 Possession of a valid Louisiana vehicle registration;
- 236.3.1.7 Continuous presence in Louisiana during periods when not enrolled as a student;
- 236.3.1.8 Commitments indicating intent to stay in Louisiana permanently;
- 236.3.1.9 Paying Louisiana income taxes as a resident during the past tax year, including income earned outside Louisiana from the date Louisiana domicile was claimed;
- 236.3.1.10 Establishing an abode where one's permanent belongings are kept within Louisiana;
- 236.3.1.11 Licensing for professional practice in Louisiana;
- 236.3.1.12 The absence of the indicia in other states during any period for which domicile in Louisiana is asserted;
- 236.3.1.13 Marriage to a Louisiana resident.

236.3.2 In order to establish financial independence, a student seeking classification as a resident for tuition purposes should meet the following criteria for the current and immediately preceding calendar year:

- 236.3.2.1 That the student has not been claimed as an exemption for state or federal income tax purposes by his or her non-resident parents;
- 236.3.2.2 That the student has not lived in the home of his or her parents for more than a maximum of four weeks for the year after the time at which a Louisiana domicile is claimed;
- 236.3.2.3 That the students primary source of financial support not be derived from Federal or state financial aid programs, scholarships that provide full waiver of tuition/fees, and campus employment.
- 236.3.2.4 Documentary evidence shall be required; all relevant indicia will be considered in the classification determination. The facts suggested above are neither conclusive nor exclusive; each claim shall be determined on its own merits.

236.4 PROOF OF RESIDENCY

236.4.1 *Factors considered in determining Louisiana resident status include, but not limited to:*

- Residence Purchase
- Drivers License
- Leases or Rent Receipts
- State and Federal Income Tax Forms
- Utility Bills
- W-2 Forms
- Vehicle Registration
- Employer or Military Mandated Relocation Orders/DD214

236.5 NON-U.S. CITIZENS

- 236.5.1** In order to admit international students, an LTC campus must be pre-approved by Student Exchange Visitor Information System (SEVIS).
- 236.5.2** All international students accepted for admission will be assessed out-of-state tuition.
- 236.5.3** A student who is a non-U.S. citizen is entitled to be classified as a resident for tuition purposes if the student can demonstrate that he/she has been lawfully admitted to the United States for permanent residence (refugees, persons who are married to a U.S. Citizen, Temporary or Amnesty Aliens, etc), in accordance with all applicable laws of the U.S. and can demonstrate having met these residence regulations of establishing a Louisiana domicile for at least one full year prior to the first day of classes of the semester/term of enrollment for which resident classification is sought.
- 236.5.4** A student who is a non-U.S. citizen and holds the VISA Category A B Government Official, will be immediately eligible for classification as a Temporary Resident while holding such a VISA.
- 236.5.5** A student who is a non-U.S. citizen is entitled to be classified as a Temporary Resident while holding the following VISA and if he/she can demonstrate having met these residence regulations of establishing a Louisiana domicile for at least one full year prior to the first day of classes of the semester/term of enrollment for which resident classification is sought:

VISA Category

- EB treaty or investor
- GB representative of International Organization
- IB foreign Information Media Representative
- KB fiancée, children of U.S. citizen
- LB intra-company transferee/foreign employer

- 236.5.6** Students holding a VISA category A, E, G, I, K, or L, once classified as a Temporary Resident, must show proof of VISA status at each registration period while enrolled and classified as a Temporary Resident.
- 236.5.7** A student who is a non-U.S. citizen and holds one of the following VISA categories is not eligible to establish a Louisiana domicile, nor are they eligible for an exemption of nonresident, unless otherwise permitted by law or other regulations:

VISA Category:

- BB business or visitation purposes
- CB in transit
- DB crewman
- FB academic student
- HB temporary worker
- JB exchange visitor
- MB vocational/non-academic student

236.6 MINORS, DEPENDENTS, AND RESIDENTS

- 236.6.1** The domicile of an unmarried minor (under age of 18) or dependent (see Internal Revenue Code of 1954, Section 152) is regarded to be that of the parent with whom such a minor or dependent maintains his or her place of abode.
- 236.6.2** The domicile of an unmarried minor or dependent that has a parent living cannot be changed by his or her own act or by the relinquishment of parents' rights of control.
- 236.6.3** When the minor or dependent lives with neither parent, domicile is that of the parent with whom the student maintained the last place of abode.
- 236.6.4** The minor or dependent student may establish domicile when both parents are deceased and a legal guardian has not been appointed.
- 236.6.5** When both parents are deceased and a legal guardian has been appointed, the domicile of the minor or dependent student is that of the guardian with whom the student maintains his or her place of abode.
- 236.6.6** When residence of a minor or dependent is derived from the Louisiana residence of the parent, that parent must meet the requirements described elsewhere in this document.
- 236.6.7** When the parent with whom a minor child or dependent student is domiciled can demonstrate that he or she has abandoned out-of-state domiciles and has moved to Louisiana to work and/or establish a domicile in accordance with these residence regulations, the parent, the minor child and the dependent student is eligible for immediate resident classification.
- 236.6.8** When an independent student enrolls who is more than twenty-two years of age can demonstrate that he/she has abandoned out-of-state domiciles and moved to Louisiana to work and/or establish a domicile in accordance with these residence regulations, he/she and/or his or her spouse is eligible for immediate resident classification.

236.7 MILITARY PERSONNEL

- 236.7.1** An individual on active duty in the Armed Forces currently stationed in Louisiana may be classified as a Temporary Resident upon submission of documentation signed by the unit commander verifying his or her being on active duty and stationed in Louisiana. This classification of Temporary Resident is valid as long as the student remains enrolled and on active duty in Louisiana.
- 236.7.2** A member of the Armed Forces currently stationed in Louisiana on active duty may enroll his/her spouse, minor child, or dependent student as a Temporary Resident. A member of the Armed Forces who was eligible for classification as a resident of Louisiana under these regulations immediately prior to entering the Armed Forces retains the right to enroll himself or herself, spouse, and minor child or dependent student as a resident as long as he or she is in the Armed Forces. However, the right shall expire upon the person being separated from the Armed Forces, and residing continuously for a period of at least five years in another state or outside the state of Louisiana continuously for a period of ten years.
- 236.7.3** When a member of the military who has a spouse, minor child, or dependent student enrolled as a Temporary Resident is transferred out of the state, the student may continue

to attend under this classification as long as the enrollment is continuous.

- 236.7.4** Students classified as Temporary Resident must show proof of his/her or his/her parent's or spouse's military status at each registration period while enrolled and classified as a Temporary Resident.

CLASSIFICATION PROCEDURES

1. The resident status for tuition purposes of an applicant for admission is determined by the appropriate office of the College to which the applicant is seeking admission. The residence status is determined in accordance with these regulations and is based upon evidence provided on the Application for Admission and related documents.
2. Once classified as a non-resident, a student may file an Application for Reclassification from non-resident to resident.
 - a. The application shall be filed with the appropriate office on the respective campus not later than 21 calendar days following the first day of classes of the semester/term for which such reclassification is sought.
 - b. Such application shall include any information or documents required by the campus, together with any supporting evidence, which the student desires to submit.
 - c. The appropriate campus office shall review the Application for Re-classification and notify the student in writing within 21 days of the receipt of the application of the decision.
3. If the decision is to re-classify the student to a resident, the classification shall be effective with the current term and a refund of non-resident fees shall be made (if applicable). If the decision is to not reclassify the student to a resident, the student has the right to appeal the decision.
4. Failure of a student to comply timely with the Application for Reclassification procedure shall constitute a waiver of all claims for reclassification for the applicable term.

APPEALS PROCEDURES

Any student may appeal the decision pursuant to the above classification procedures.

1. The written appeal must be filed not later than 21 calendar days after the notice of such decision is mailed to the student by the appropriate campus office.
2. Such appeal will be forwarded to the Chair of the Residence Appeals Committee or Student Affairs officer by the campus office no later than 21 calendar days after the receipt of the written appeal.

RESIDENCE APPEALS COMMITTEE

The Residence Appeals committee shall:

1. Consist of three members of the college staff appointed by the Regional Director.
2. Function as an appellate body with appropriate legal counsel.
3. Recommend to the Regional Director the reclassification of any student who has appealed his or her classification as a non-resident if the Committee finds from the evidence submitted that the student is entitled to reclassification under these regulations.
4. Review the appeal and notify the student and the campus office in writing within 21 days of the receipt of the appeal of the decision.
5. If the decision is to reclassify the student to a resident, the classification shall be effective with the current term and a refund of non-resident fees shall be made (if applicable).
6. Failure of a student to comply timely with the appeals procedure shall constitute a waiver of all claims for reclassification for the applicable term.
7. Exceptions to this policy may be made by the Regional Director in exceptional cases.

INCORRECT CLASSIFICATION

1. All students classified as residents are subject to reclassification to non-resident and payment of all non-resident fees not paid.
2. If incorrect classification results from false or concealed facts by the student, the student is also subject to college discipline.

Policy Reference: LCTCS Policy #I.2.008 Residency

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