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Louisiana
Community
& Technical
College System

265 South Foster Drive
Baton Rouge, LA 70806

Phone: 225-922-2800
Fax: 225-922-1185

www.lctcs.edu

Received
APPROVED

TO: Dr. Monty Sullivan
LCTCS President

FROM: Dr. Emily Campbell
Chief Enrollment Management Officer

Joseph Marin
Chief Operations Officer

SUBJECT: For Review and Advisement: Revisions to LCTCS Policy #2.008,
Residency

DATE: 05/27/2019

FOR REVIEW AND ADVISEMENT:

Recommendation: Staff recommends that the Board approve for review and advisement
the attached revisions to Policy #2.008, "Residency."

Background: The proposed revisions to LCTCS Policy #2.008 are a result of
amendments to the Veteran's Access, Choice, and Accountability Act of 2014, 38 U.S.C.
3679(c) (also known as the "Choice Act"). The Choice Act states that in order for an
institution to remain approved for GI Bill Programs, schools must charge in-state tuition
and fee amounts to "covered individuals," as defined in the Act.

History of Prior Actions: Policy #2.008 was approved by the Board on 03/10/2004.
Revisions to the policy were approved by the Board on 09/11/2015, following the passage
of the Veteran's Access, Choice, and Accountability Act of 2014.

Fiscal Impact: The Policy revisions are estimated to have minimal fiscal impact.

Benefits to the System: If approved, these revisions will ensure that LCTCS institutions
are in compliance with federal law and remain eligible for GI Bill Programs.

Approved for Recommendation to the Board
Dr. Monty Sullivan

6-12-19
Date

**LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM**  
**Policy # 2.008**

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**Title: RESIDENCY**

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Authority: Board Action

Original Adoption: 03/10/2004

Effective Date: 03/10/2004

Last Revision: 09/11/2015

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**Definition of a Resident Student**

Pursuant to House Concurrent Resolution No. 226 of 1986, the following is the definition of a resident student for tuition purposes.

A resident student for tuition purposes is defined as 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. Generally, the first document to present is full-time employment certification for one year prior to reclassification. A non-resident student for tuition purposes is a student not eligible for classification as a resident student under these regulations.

The individual'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. 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. Simply owning property in Louisiana, paying Louisiana state taxes, and establishing voter privileges in Louisiana do not, in themselves, qualify the applicant for Louisiana residency.

Discreet categories of individuals may be defined as special or Temporary Residents and are exempt from payment of non-resident fees if such action is deemed to be in the best interest of Louisiana and approved by the LCTCS Board, or as mandated from time to time by federal or state government. Also, undergraduate students who are non-residents but are enrolled in **only** web-based or other distance learning/electronic delivery courses are not assessed the non-resident fee; this does not apply to contractual programs (e.g. Young Memorial Campus and others who enter into contractual agreements) whereby a certain fee is negotiated for a training service or specialized course offerings where non-resident students are enrolled. Once the applicant has earned the first associate degree at the institution, the applicant may be classified as resident for tuition purposes to pursue subsequent degrees. The dependents of former graduates of the institution may enroll as

residents for tuition purposes, even if the parent is no longer a resident of Louisiana

### **Establishing the Requisite Intent to Become a Louisiana Resident for Tuition Purposes**

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

1. financial independence from parents residing in another state or country;
2. reliance on Louisiana resources for financial support;
3. possession of a valid Louisiana voter registration card for at least one year;
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;
5. possession of a valid Louisiana driver's license for at least one year;
6. possession of a valid Louisiana vehicle registration;
7. continuous presence in Louisiana during periods when not enrolled as a student;
8. commitments indicating an intent to stay in Louisiana permanently;
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;
10. 10. establishing an abode where one's permanent belongings are kept within Louisiana;
11. licensing for professional practice in Louisiana;
12. the absence of the indicia in other states during any period for which domicile in Louisiana is asserted;
13. marriage to a Louisiana resident. (verified by documents such as marriage license, spouse's birth certificate, high school diploma, tax forms, Louisiana employment verification)
14. full-time employment for one year prior to classification of residency.

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:

1. that the student has not been claimed as an exemption for state of federal income tax purposes by his or her non-resident parents;
2. that the student has not lived in the home of his or her parents for more than a maximum of six weeks for the year after the time at which a Louisiana domicile is claimed;
3. that the student's 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.

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.

### **Reciprocity**

LCTCS colleges may reciprocate non-resident tuition rates with contiguous colleges and/or college administrative entities if such tuition and fee circumstances are documented. In no instance can

the assessed tuition rate be below the relevant LCTCS college's resident tuition rate.

### **Non-U.S. Citizens**

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 or 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 prior to the first day of classes of the semester/term of enrollment for which resident classifications is sought.

A student who is a non-U.S. citizen and holds the VISA Category A (Government Official), will be immediately eligible for classification as a Temporary Resident for tuition purposes while holding such a VISA.

A student who is a non-U.S. citizen may be entitled to be classified as a Temporary Resident while holding the following VISA and if he or she can demonstrate having met these aforementioned residence regulations of establishing a Louisiana domicile prior to the first day of classes of the semester/term of enrollment for which resident classification is sought:

#### **VISA Category**

E treaty trader or investor

G representative of International Organization

I foreign Information Media Representative

H temporary worker in a "specialty" occupation (H-1 and H-4 may also apply to qualify)

K fiancé, children of U.S. citizen (with proof of marriage to a US citizen)

L intra-company transferee/foreign employer

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.

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 fees, unless otherwise permitted by law or other regulations:

#### **VISA Category:**

B business or visitation purposes

C in transit

D crewman

F academic student

H temporary worker (only general) J exchange visitor

M vocational/non-academic student

## **General Rules Applying to Minors, Dependents, and Residents**

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. The domicile of an unmarried minor or dependent who has a parent living cannot be changed by his or her own act or by the relinquishment of a parent's rights of control. 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. The minor or dependent student may establish domicile when both parents are deceased and a legal guardian has not been appointed. 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. 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.

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. Similarly, when an independent student enrolls who is more than twenty-two years of age, can demonstrate that he or 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 or she and/or his or her spouse is eligible for immediate resident classification.

### **Military Personnel**

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.

A member of the Armed Forces (including Louisiana National Guard and Reserves) currently stationed in Louisiana on active duty may enroll as a Temporary Resident, including his or her spouse, minor child, or dependent student. 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 Forces, but the right shall expire upon the person's being separated from the Armed Forces and residing continuously for a period of at least two years in another state or foreign country.

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, excluding summers.

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.

Louisiana residents and their dependents, who are on active military duty stationed outside of Louisiana as a direct result of their military service, shall be determined to have Temporary Resident student status in Louisiana. Further, former active military personnel and their dependents shall maintain Temporary Resident student status for a period of one calendar year after official separation from military service. After the one year period expires, determination of resident student status for former active military personnel and their dependents shall be governed by the guidelines outlined in the policy above relating to non-military personnel.

### Veterans

In accordance with the Veteran's Access, Choice, and Accountability Act of 2014, 38 U.S.C. 3679(c), as amended, the following individuals shall be charged the in-state rate, or otherwise considered a resident, for tuition and fee purposes for courses, semesters, or terms beginning March 1, 2019:

1. A Veteran using educational assistance under either chapter 30 (Montgomery G.I. Bill – Active –Duty Program) or chapter 33 (Post-9/11 G.I. Bill), of title 38, United States Code, who lives in the State of Louisiana while attending a school located in the State of Louisiana (regardless of his/her formal State of residence) and enrolls in the school within three years of discharge or release from a period of active duty service of 90 days or more.
2. Anyone using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) who lives in the State of Louisiana while attending a school located in the State of Louisiana (regardless of his/her formal State of residence) and enrolls in the school within three years of the transferor's discharge or release from a period of active duty service of 90 days or more.
3. Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge or release, as described above and must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code.
3. Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b) (9)) who lives in the State of Louisiana while attending a school located in the State of Louisiana (regardless of his/her formal State of residence) and enrolls in the school within three years of the Service member's death in the line of duty following a period of active duty service of 90 days or more.
4. Anyone using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in the State of Louisiana (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty.

- ~~4. Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school prior to the expiration of the three year period following discharge, release, or death described above and must be using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code.~~

### **Classification Procedures**

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.

Once classified as a non-resident, a student may file an Application for Reclassification from non-resident to resident. The application shall be filed with the appropriate office on the respective campus not later than 10 working days following the first day of classes of the semester/term for which such reclassification is sought. Such application shall include any information or documents required by the campus, together with any supporting evidence which the student desires to submit.

The appropriate campus office shall review the Application for Re-classification and notify the student in writing of the decision. 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 no reclassify the student to a resident, the student has the right to appeal the decision.

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. The written appeal must be filed not later than 10 working days after the notice of such decision is mailed to the student by the appropriate campus office. Such appeal will be forwarded to the Chair of the Residence Appeals Committee (community colleges), or Vice Chancellor for Student Affairs (LTC campuses), by the campus office no later than 21 calendar days after the receipt of the written appeal.

The Residence Appeals Committee shall consist of at least three members of the college staff appointed by the Chancellor. The Committee shall function as an appellate body with appropriate legal counsel. The Committee shall recommend to the Chancellor or designee 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. The Committee shall 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. 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).

Failure of a student to comply timely with the appeals procedure shall constitute a waiver of all claims for reclassification for the applicable term.

Exceptions to this policy may be made by the Residency Appeal Committee or in special cases by the Chancellor.

### **Incorrect Classification**

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