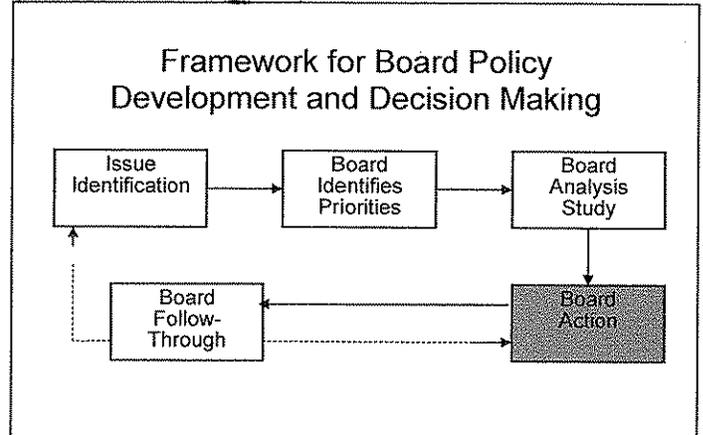


# Iowa State Board of Education

## Executive Summary

January 23, 2014



**Agenda Item:** Iowa Community Colleges' Uniform Policy on Student Residency Status

**Iowa Goal:** Individuals will pursue postsecondary education in order to drive economic success.

**State Board Role/Authority:** The revised residency status policy updates and replaces the State Board's previous policy. The State Board of Education is the State Board for community colleges and has statutory authority under 260c.4(1) to adopt and establish policies relating to community colleges.

**Presenter:** Jeremy Varner, Administrator  
Division of Community Colleges

**Attachments:** 1

**Recommendation:** It is recommended that the State Board adopt the revised policy.

**Background:** The Uniform Policy on Residency Status delineates how community colleges determine student residency for tuition purposes. The policy is being updated to support Governor Branstad's Home Base Iowa initiative by designating veterans, their spouses, and dependents as residents for tuition purposes. The policy also includes several updates pertaining to tuition rates.

## **Iowa Community Colleges' Uniform Policy on Student Residency Status**

### **Section 1—General**

A person who has been admitted to an Iowa community college shall be classified as a resident or as a non-resident for admission, tuition, and fee purposes. A person classified as a resident shall pay resident tuition costs. A person classified as a non-resident shall pay a non-resident tuition cost.

Tuition rates are established by a community college's board of trustees.

- A. Resident Tuition: Tuition for residents may not exceed the lowest tuition rate per semester, or the equivalent, charged by an institution of higher education under the state board of regents for a full-time student. For students of high school age enrolled in a course through a contractual agreement with a school district, the limit on resident tuition shall not apply and the amount of tuition shall be determined by the board of trustees of the community college with the consent of the school board.
- B. Non-resident Tuition: Tuition for non-residents shall not be less than the marginal cost of instruction of a student attending the college.
  - 1. A separate nonresident tuition rate for international students is permissible, provided the rate is reasonable and reflects the cost of appropriate services.
  - 2. A lower tuition for nonresidents is permitted under a reciprocal tuition agreement between a community college and an educational institution in another state, if the agreement is approved by the director of the Iowa Department of Education.
  - 3. Other nonresident tuition rates may be established for specific purposes provided the tuition is greater than the resident tuition rate and not less than the marginal cost of instruction and the arrangement is approved by the director of the Iowa Department of Education.
- C. Online Consortia: A separate tuition rate for residents and nonresidents is permitted under a consortium agreement for distance education coursework between Iowa community colleges, if the agreement is approved by the director of the Iowa Department of Education and tuition is not less than the marginal cost of instruction for nonresident students and does not exceed the lowest tuition rate charged by an institution under the state board of regents for resident students. Additionally, tuition shall not be less than the lowest resident rate or higher than the highest nonresident rate of institutions within the consortium.
- D. Noncredit Courses: Persons who register for non-credit continuing education courses shall be charged course fees determined by course costs and market demand.

A community college shall inform all students about residency status determination, the appeal process, and tuition policies. Information shall be included in appropriate publications such as the college's catalog, registration materials, website, and student handbook. All tuition rates shall be reported to the Iowa Department of Education annually.

### **Section 2—Determination of Residency Status**

In determining a community college resident or non-resident classification, the primary determination is the reason a person is in the state of Iowa. The second determination will

be the length of time a person has resided in Iowa. If a person is in the state primarily for educational purposes, that person will be considered a non-resident. The burden of establishing the reason a person is in Iowa for other than educational purposes rests with the student.

- A. The registrar or official designated community college office may require written documents, affidavits, or other related evidence deemed necessary to determine why a student is in Iowa. The burden of proof is upon the student.

A student will be required to file at least two documents to determine his/her residency status. No two documents may come from the same source. The following are examples of acceptable documentation.

1. Written and notarized documentation from an employer that the student is employed in Iowa or a signed and notarized statement from the student describing employment and sources of support.
2. Iowa state income tax return.
3. An Iowa driver's license.
4. An Iowa vehicle registration card.
5. An Iowa voter registration card.
6. Proof of Iowa Homestead credit on property taxes.

In all events to be determined a resident of Iowa, the individual must document residing in the state of Iowa for at least 90 days prior to the beginning of the term for which he/she is enrolling.

- B. If a student gives misleading or incorrect information for the purpose of evading payment of non-resident fees, he or she must pay the non-resident fees for each term the student was not officially classified as a non-resident.
- C. These regulations shall be administered by the registrar or office staff designated by the community college. Resident and non-resident tuition rates shall be printed and available in the catalog or another major college publication.

### **Section 3—Residency of Minor Students**

The domicile of a minor shall follow that of the parent with whom the minor resides except where emancipation of said minor can be proven. The word "parent" herein used shall include legal guardian or others in cases where the lawful custody of a minor has been awarded to persons other than actual parents.

A minor living with a resident of Iowa who is legally responsible for the minor shall be granted resident status if the minor has lived with the Iowa resident for at least 90 days immediately prior to enrollment.

The residency status of an emancipated minor shall be based upon the same qualifications established for a person having attained majority.

#### **Section 4—Residency of Students who are not Citizens of the United States**

- A. A person who is a refugee or who is granted asylum by an appropriate agency of the United States must provide proof of certification of refugee or asylum grantee status. A person may be accorded resident status for admission and tuition purposes when the person comes directly, or within a reasonable time, to the state of Iowa from a refugee facility or port of debarkation and has not established domicile in another state.
- B. A person, who has immigrant status, and his or her spouse or dependents, may establish Iowa residency in the same manner as a United States citizen.
- C. A person who has non-immigrant status and who holds a non-student visa, and his or her spouse or dependents, may establish residency in the same manner as a United States citizen. An alien who has non-immigrant status and whose primary purpose for being in Iowa is educational is classified as non-resident. A "student visa" is *prima facie* evidence of non-residency (i.e., in a rare case, a student holding the visa could overcome the presumption of non-residency).
- D. A person who is a resident of an Iowa sister state may be classified as a resident or nonresident, per rules adopted by the college's board of directors.

#### **Section 5—Residency of Federal Personnel and Dependents**

A person, or his/her spouse or dependent child, who has moved into the state of Iowa as the result of military or civil orders from the federal government, and the minor children of such persons, are entitled to immediate Iowa residency status.

#### **Section 6—Veteran's Exemption**

A veteran of military service or national guard, or his/her spouse or dependent child, shall be classified as a resident if the veteran is domiciled in Iowa and one of the following conditions is met:

1. The veteran has separated from a U.S. military force with an honorable discharge or a general discharge, is eligible for benefits, or has exhausted benefits, under the federal Post-9/11 Veterans Educational Assistance Act of 2008 or any other federal authorizing veteran educational benefits program.
2. The individual is an active duty military person, or activated or temporarily mobilized national guard member.

To be eligible for the exemption, a dependent child must be claimed as a dependent on an eligible veteran's internal revenue service tax filing for the previous year.

#### **Section 7—Reclassification of Residency Status**

It is the responsibility of a student to request a reclassification of residency status. If a student is reclassified as a resident for tuition purposes, such classification shall be effective beginning with the next term for which the student enrolls. In no case shall reclassification to residency status be made retroactive for tuition and fee purposes, even though the student could have previously qualified for residency status had the student applied.

#### **Section 8—Appeal**

The decision on the residency status of a student for admission, tuition, and fee purposes may be appealed to a review committee established by the community college. The findings

of the review committee may be appealed to the community college board, whose decision shall be a final administrative decision.

**Section 9—Effective Date**

This policy is effective beginning with the 2014-2015 academic year.