## Policy 305: Residency Policy

Category: Student Affairs

Covered Individuals: Prospective/Current Students

##### Approved: Draft

### **305.1 Policy**

The policy outlines the process by which tuition rates are charged to students based on state or district residency. It further sets forth guidelines for establishing residency for purposes of student tuition. Residency determination applies to all credit-based tuition and fees charged to students at College of Eastern Idaho by the Registrar’s Office.

### **305.2 Definitions**

**Domicile:** An individual’s true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which he/she expects to return when he/she leaves without intending to establish a new domicile elsewhere.

**Continuously Resided:** Continuously resided means physical presence in the State of Idaho for twelve consecutive months without being absent from Idaho for more than a total of thirty days during the twelve months. Absence from the State for normal vacations, family travel, work assignments, short-term military training, and similar occasions totaling not more than thirty days during the twelve-month qualifying period, in and of itself, will not be regarded as negating the continuous residence of the individual.

**Primarily Education Purpose:** Primarily education purpose means enrollment in 12 or more credits hours in any term during the past twelve months.

**Community College District:** District Residency is not the same as State Residency. A student can have both In-State Residency and be an Out-of-District Resident. District residency is based on the student's county of residence. The CEI community college district is made up of the entire county of Bonneville. CEI is a part of the statewide community college district that includes CWI, CSI, and NIC. These college districts include permanent residents of the following counties:

* Ada
* Bonneville
* Canyon
* Jerome
* Twin Falls
* Kootenai

Homeowners in these counties pay an extra property tax to have a community college in their counties. Students whose permanent residence is in Idaho but outside of these six counties are charged Out-of-District fees instead of paying for the colleges with their property taxes.

Out-of-District fees are charged at a rate of $50 per credit up to $500 per semester in addition to tuition and fees. Any student who is considered Out-of-District will be billed at the beginning of the fall and spring semesters.

**Support:** Support means financial support given to the student during the twelve months preceding the opening date of the term for which resident status is requested. Any student who receives 50% or more of his/her support may demonstrate this by showing that he/she is claimed as a dependent by a parent or legal guardian for income tax purposes or that a parent or legal guardian provides 50% or more of the cost of attending an institution according to the CEI Financial Aid Office or that other similar evidence of parental support exists.

**Armed Forces:** United States Army, Navy, Air Force, Marine Corps, and Coast Guard; it only includes Idaho Guard and Reserves.

### **305.3 Procedures**

# **I. Establishing Resident and Nonresident Tuition and Fees**

Residency determination for tuition purposes is governed by guidelines adopted by CEI and Idaho Codes §§ 33-2110A, 33-2110B, 33-3717B.

Based on information provided by the applicant in the Application for Admission, CEI Admissions Office shall make an initial determination concerning the student’s residency status for tuition purposes (e.g. In-state/out-of-state, in-district/out-of-district). If residency information is missing or incomplete, the Admissions team will contact the student to obtain the missing/incomplete information. If they cannot reach the student a decision will be made based on what has been provided to CEI or a hold will be placed on their account until the information is provided.

The student’s residency status remains unchanged unless the student submits a Residency Redetermination Form with the required documentation to the Registrar’s Office on or before the tenth day of instruction for the fall, spring, summer semesters. A determination is made based on the evidence supplied. Qualifications for residency must be met prior to the first day of the semester for which reclassification is sought.

In general, a student enrolling at CEI shall not be deemed a resident of the community college district, of a county, or the State of Idaho. Unless the student has established domicile within said district, county, or the state, for at least twelve consecutive months prior to the beginning of the term for which the student enrolls.

# **State of Idaho Residency**

Students who enroll at CEI may qualify for Idaho residency, for tuition purposes, under one or more of the following criteria (documented proof will be required):

* Any student who has one or more parent or parents or court-appointed guardians who are domiciled in the State of Idaho, and the parent, parents, or guardian provide at least fifty percent of the student’s support.
  + To qualify under this section, the parent, parents, or guardian must have maintained a bona fide domicile in the State of Idaho for at least twelve consecutive months prior to the beginning of the term for which the student matriculates.
* Any student, who receives less than fifty percent of the student’s support from a parent, parents, or legal guardians and who has continuously resided and maintained a bona fide domicile in the State of Idaho primarily for purposes other than educational for twelve consecutive months prior to the opening day of the term during which the student proposes to attend the college or university.
* Any student who is a graduate of an accredited secondary school in the state of Idaho pursuant to section [33-119](https://legislature.idaho.gov/statutesrules/idstat/Title33/T33CH1/SECT33-119), Idaho Code, is domiciled in Idaho, and matriculates at an Idaho public institution of higher education within eight years immediately following secondary school graduation regardless of the domicile of the student’s parent or guardian, or any student who completes six years of elementary and secondary education in Idaho, is domiciled in Idaho, and matriculates at an Idaho public institution of higher education within eight years immediately following completion of secondary education.
* The spouse of a person who is classified, or is eligible for classification, as a resident of the State of Idaho for the purpose of attending a college or university.
* A member of the armed forces of the United States who entered service as an Idaho resident and who has maintained Idaho resident status, but is not stationed within the State of Idaho on military orders.
* A member of the armed forces of the United States stationed in the State of Idaho on military orders.
* A member of the Idaho National Guard and Reserves.
* Immigrant alien with "refugee", "asylee", or "conditional entrant" status (or dependent children of such refugee, asylee, or conditional entrant) who comes directly to Idaho/district from a refugee facility or port of debarkation and has not established domicile in another state/district is considered Idaho/district resident for tuition purposes.
* The dependent child of a person who qualifies as a resident, and who receives at least fifty percent (50%) support from such person shall also be a resident student, and shall not lose that resident status if, after he or she enters a college or university in the State of Idaho, the parent or guardian is transferred out of the State of Idaho on military orders.
* A student who is a member of an Idaho Native American Indian tribe, whose traditional and customary tribal boundaries include portions of the State of Idaho or whose Indian tribe was granted reserved lands within the State of Idaho shall be considered an Idaho state resident for purposes of tuition, regardless of current domicile. The following tribes meet these requirements:

(i) Coeur d’Alene Tribe

(ii) Shoshone-Paiute Tribes

(iii) Nez Perce Tribe

(iv) Shoshone-Bannock Tribes

(v) Kootenai Tribe

(vi) Eastern Shoshone Tribe

**II. Establishing District Residency for Tuition and Fees**

# **District Residency**

Once a student is determined to be a resident of the State of Idaho, a further determination is made on district residency. District residency is based on the county of residence. Residents of Ada, Bonneville, Canyon, Jerome, Twin Falls and Kootenai County pay in-district tuition and fees. Students whose permanent residence is in Idaho but outside of Ada, Bonneville, Canyon, Jerome, Twin Falls and Kootenai counties are charged out-of-district fees of up to $500 per semester in addition to in-district tuition and fees.

Idaho counties without a community college district pay the student’s out of-district fees not to exceed five hundred dollars ($500) each semester for a two (2) semester year for a full-time student, up to a maximum of three thousand dollars ($3,000) lifetime liability, provided the student completes and submits the Certificate of Residency form and residency can be verified by the county of residence. If residency is verified by the county, the student is responsible for paying in-district tuition and fees and the balance, if any, of the out-of-district fees above the maximum liability of the county of his/her residence. If verification is not received from the student’s county of residence the student is responsible for out-of-district tuition and fees. Idaho out-of-district students will complete a new Certificate of Residency form each academic year and submit the form to the county in which they reside.

Students who enroll at CEI may qualify for district residency, for tuition purposes, under one or more of the following criteria (documented proof will be required):

* A student who is domiciled in the county for at least twelve (12) consecutive months prior to the opening day of the term for which the student matriculates at CEI and who receives less than fifty percent (50%) of his/her support from a parent, parents or legal guardians who are not Idaho/district residents for voting purposes.
* A student who has been domiciled in the county, who has qualified or would otherwise be qualified under the provisions of this policy, and who is away from that county for a period of less than one (1) calendar year and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.
* A student whose parent, parents or court-appointed guardians are domiciled in the county for at least twelve (12) consecutive months prior to the opening day of the term for which the student matriculates and provide more than fifty percent (50%) of the student’s support.
* A student whose spouse is classified, or is eligible for classification, as a resident of the county for tuition purposes.
* A student who is a member of the United States Armed Forces, stationed in the county on military orders.
* A student who is a member of the Idaho National Guard or Reserves.
* A student whose parent, parents or legal guardians are members of the United States Armed Forces and stationed in the county on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose his/her residency status when his/her parents are transferred on military orders.
* A student separated from the United States Armed Forces after at least 90 days of active service.

**III. Request for change to Resident Tuition and Fees**

Establishment of a new domicile in Idaho by a student who formerly domiciled in another state has occurred if the student is physically present in Idaho primarily for purposes other than education and can show satisfactory proof there is not a present intention to relocate outside of the State of Idaho.

A student can prove establishment of domicile for purposes other than education if any of the following were completed for at least twelve (12) months prior to the term the student tries to become a resident student:

* Filing of Idaho state income tax return covering a period of at least twelve months before the term in which the student proposes to enroll as a resident student.
* Permanent full-time employment or the hourly equivalent thereof in the state of Idaho.
* Ownership by the student of the student’s living quarters.

The following, if done for at least twelve (12) consecutive months before the term in which the student proposes to enroll as a resident student, lend support to domiciliary intent and the absence of which indicates a lack of domiciliary intent. By themselves, the following do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than education purposes:

* Proof of rent or lease of a home or apartment in Idaho
* Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other items of personal property for which state registration and the payment of a state tax or fee is required
* Registration to vote for state elected officials in Idaho at a general election
* Holding an Idaho driver’s license
* Evidence of abandonment of a previous domicile
* Establishment of accounts with Idaho financial institutions
* Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile

If the student is not satisfied with the decision made by the Registrar’s Office, he/she can appeal to the Dean of Students and Student Affairs. In some cases, the President has authority to waive any out of state residency requirements. All appeals must be submitted (or postmarked), in writing and accompanied by all required documentation, within ten (10) calendar days after the date of notification of residency decision that is being appealed. Failure to comply shall constitute a waiver of all claims to reclassification for the applicable term.

1. **Residency Audit**

College of Eastern Idaho reserves the right to audit students at any time with regard to eligibility for state/district resident status and to reclassify students who are registered under an improper classification. State/district residency classification or reclassification based upon materially erroneous, false, or misleading statements or omissions by or in support of the applicant shall be set aside retroactively upon the discovery of the inaccuracy of such statements. Any student having paid less than required to CEI because of an incorrect classification or reclassification that is subsequently set aside will repay any and all amounts not properly paid because of the classification or reclassification. If the student concealed information or furnished false or misleading information and was classified incorrectly as a result, he/she will also be subject to appropriate disciplinary and/or legal action.

It shall be the responsibility of the student to notify CEI of possible changes in residency and to furnish all requested documentation in a timely fashion. Students may request a review of their residency status by submitting the Residency Redetermination Form and all required documentation to the Registrar’s Office on or before the tenth day of instruction in the fall, spring, and summer semester. The burden of proof in requesting a change in residency status rests with the student. Within 10-15 working days following the receipt of the student’s Residency Redetermination form, the Registrar’s Office shall issue a decision and notify the student in writing. Students are responsible for paying the tuition and fees owed on their accounts by the established due date. Resident tuition rates shall be effective for the semester in which a student is reclassified to resident status. If residency, state and/or district, is granted after payment was received, the difference will be refunded within 10-15 working days to the student.