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TITLE: Residency

EFFECTIVE DATE: May 12, 2011

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Policy No. 5.514

Policy Statement

Background

The Board of Supervisors for the Louisiana Community and Technical Colleges System (LCTCS) has established policies and procedures for determining residency for tuition and fee purposes. Eligibility for classification as a Louisiana resident is determined by the Office of Admissions after the completed application for admission. After enrollment, changes in residency status may be updated.

Scope

Baton Rouge Community College students pay differing tuition rates based on their status as a resident or non-resident of Louisiana.

Definition

Resident - 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.

Domicile- 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

Policy

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. 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. 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. Students who are non-residents but are enrolled in only web-based or other distance learning/electronic delivery courses may not be assessed the non-resident fee.



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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:

- has established financial independence from parents living in another state
- financial dependence on parents residing in Louisiana
- possession of a valid Louisiana voter registration card for at least one year
- possession of a valid Louisiana driver's license for at least one year prior to enrolling in Baton Rouge Community College
- continuous presence in Louisiana during periods when not enrolled as a student;
- paying Louisiana full year resident income taxes during the past tax year
- established licensing for professional practice in Louisiana

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:

- that the student has not been claimed as an exemption for state of federal income tax purposes by his or her non-resident parents;
- 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;
- 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

Baton Rouge Community College does not participate in reciprocate non-resident tuition rates.

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



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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



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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.

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 Residency Reclassification from non-resident to resident. The application shall be filed with the Admissions office on not later than 10 working days preceding 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 Director of Admissions office shall review the Application for Re-classification and notify the student of the decision. If the decision is to re-classify the student to a resident, the classification



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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.

Applications received on the first day of the term and afterward will be processed for the next upcoming term.

Applications for Residency Reclassification are not retroactive. 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.

Baton Rouge Community College does not honor the residency status of a transfer institution(s).

Appeals Procedures

Any student may appeal the decision pursuant to the above classification procedures. The written appeal must be filed and submitted to the office of Enrollment Services not later than 10 working days after the notice of such decision to the student. Such appeal will be forwarded to the Baton Rouge Community College Appeals and Exceptions Committee.

The decision made by the Appeals and Exceptions committee is final. The Committee shall review the appeal and notify the student and the campus office 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 Appeal and Exceptions Committee or in special cases by the Vice Chancellor of Student Affairs and Enrollment Management.

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.

Source of Policy: LCTCS Policies Manual
Related Policy: _____
Approved by: 
Chancellor Andrea Lewis Miller

Responsible Administrator: Director of Admissions
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