

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 3—Higher Educational Residency Determination

PROPOSED AMENDMENT

6 CSR 10-3.010 Determination of Student Residency. The department is adding new subsections (6)(C) and (6)(D) to implement S.B.117 (2013) codified at section 173.1150, RSMo.

PURPOSE: This amendment sets forth the criteria and requirements for decisions by institutions of higher education relating to the residency status of individuals in the process of separating from the United States military.

(6) Members of the Military Forces.

(A) Students shall neither gain nor lose resident status solely as a consequence of military service.

(B) For the purposes of student resident status, military personnel, when stationed within the state of Missouri pursuant to military orders, their spouses, and unemancipated minor or dependent children shall be regarded as holding Missouri resident status. However, a member of the military forces who is specifically assigned, under orders, to attend a Missouri institution of higher education as a full-time student, shall be classified, along with his/her spouse and unemancipated minor or dependent children, as if they had no connection with the military forces.

(C) Any individual who is in the process of separating from any branch of the military forces of the United States with an honorable or a general discharge shall have resident status for purposes of admission and:

1. In-state tuition at any public college or university, if the individual--

A. Demonstrates presence within the state; and

B. Declares residency within the state; or

2. In-state, in-district tuition at any public community college, if the individual—

A. Demonstrates presence within the taxing district; and

B. Declares residency within the taxing district.

(D) The following criteria shall be used by an institution for purposes of determining an individual's status under 6 CSR 10-3.010(6)(C).

1. An individual shall be considered to be in the process of separating from any branch of the military forces at any time after receipt of formal separation orders but prior to one (1) year after receiving an honorable or general discharge.

2. An individual may demonstrate presence and declare residency within the state and/or taxing district through a signed statement indicating the individual currently resides within the state and/or taxing district and intends to make the state of Missouri and/or the taxing district a permanent home.

3. Discharge status shall be determined based on information contained in the Certificate of Release or Discharge from Active Duty (DD 214).

AUTHORITY: sections 173.005.2(7) and 173.1150.3, RSMo Supp. [2012] 2014. Original rule filed Aug. 7, 1978, effective March 17, 1979. Rescinded and readopted: Filed July 3, 1985,

effective Aug. 1, 1986. Amended: Filed Dec. 16, 1988, effective April 1, 1989. Amended: Filed June 15, 2009, effective Dec. 30, 2009. Amended: Filed April 9, 2013, effective Oct. 30, 2013. Amended: Filed September 16, 2015.

PUBLIC COST: This proposed amendment will not cost state agencies more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may submit a statement in support of or in opposition to this proposed amendment to the attention of General Counsel, Missouri Department of Higher Education, PO Box 1469, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.