

## Student Residency Requirements

**Effective April 1, 1989**

### **Definitions:**

(A) Adult student shall mean any student having attained the age of twenty-one (21) years.

(B) CBHE shall mean the Coordinating Board for Higher Education created by section 173.005, RSMo.

(C) Domicile shall mean presence within a state with an intent of making the state a permanent home for an indefinite period.

(D) Emancipated minor student shall mean any student not having attained the age of twenty-one (21) years and who is not under the care, custody, and support of an individual or individuals having legal custody.

(E) Residency or resident status shall mean that status which is achieved when sufficient proof of a domicile within a state is presented.

(F) Unemancipated minor student shall mean any student not having attained the age of twenty-one (21) years, and under the care, custody, or support of the individual or individuals having legal custody of the students.

### **Adult Students**

If an adult student, not a resident, shall present sufficient proof of the establishment of a domicile within the state of Missouri, this student shall be granted the resident status at the first enrollment following the establishment of the domicile.

### **Unemancipated Minor Students**

The domicile of an unemancipated minor is presumed to be that of the individual or individuals having legal custody of the student. If those having legal custody of the student establish a Missouri domicile, that student shall be granted resident status at the first enrollment following the establishment of the Missouri domicile. Once unemancipated minor students have established resident status under this rule, they may continue to qualify for resident status so long as they remain continuously enrolled, excluding summer terms, in a Missouri institution of higher education even if the individual or individuals having legal custody of the unemancipated minor student ceases to hold Missouri resident status.

### **Emancipated Minor Students**

The domicile of emancipated minor students shall be determined as if they were adults. A minor may become emancipated through marriage, formal court action, abandonment, or positive action of alienation on the part of the minor. In all instances, alienation from care, custody, and support shall be complete and the burden of satisfactory proof of emancipation shall be that of the minor student. Mere absence of the student from the domicile of the individual or individuals having legal custody of that minor student shall not constitute proof of emancipation. In no instance shall a minor student be eligible for emancipation when that student is taken as an income tax deduction by a second party other than a spouse.

### **Members of the Military Forces**

Student shall neither gain nor lose resident status solely as a consequence of military service. 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 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 children, as if they had no connection with the military forces.

### **Non-citizens of the United States**

Students who are not citizens of the United States must possess resident alien status as determined by federal authority prior to consideration for resident status. Aliens present within Missouri as representatives of a foreign government or at the convenience of the United States or Missouri governments and holding G visas shall be entitled

to resident status, except for those who are government-funded students. Aliens and their dependents holding A or L visas may be granted resident status if determined to be individually designated as representatives of their governments and whose education is not government-funded.

### **Public Community Junior College Residency**

Missouri public community junior college districts have legal geographic boundaries within the state and only residents of each district are eligible for the in-district student fee charge. For purposes of establishing district residency, a Missouri resident who resides out-of-district shall meet the same criteria as set forth in this rule for establishing Missouri residency by a person not a resident of Missouri. However, Missouri residency is the only residency requirement germane to student eligibility for financial aid programs restricted to Missouri residents.

### **Factual Criteria in Determination of Resident Status:**

(A) Attendance at an institution of higher education shall be regarded as a temporary presence within the state of Missouri; therefore, a student neither gains nor loses resident status solely by such attendance.

(B) The burden of proof of establishing eligibility for Missouri resident status shall rest with the student.

(C) In determining resident status for the state of Missouri, either of the following shall be sufficient proof of domicile of a person and his/her dependents within the state of Missouri:

1. Presence within the state of Missouri for a minimum of the twelve (12) immediate past, consecutive months coupled with proof of intent to make the state of Missouri a permanent home for an indefinite period; or
2. Presence within the state of Missouri for the primary purpose of retirement, full time employment, full time professional practice, or to conduct a business full time.

(D) In determining whether a student holds an intent to make the state of Missouri a permanent home for an indefinite period, the following factors, although not conclusive, shall be given heavy weight:

1. continuous presence in the state of Missouri during those periods not enrolled as a student; presence within the state of Missouri upon marriage to a Missouri resident and the maintenance of a common domicile with the resident spouse;
2. substantial reliance on sources within the state of Missouri for financial support;
3. former domicile within the state and maintenance of significant connections while absent; and
4. ownership of a home within the state of Missouri.

The twelve (12)-month period of presence within the state, as stipulated in paragraph (8)(C)1. of this rule, in and of itself, does not establish resident status in the absence of the required proof of intent.

(E) The following factors shall be given less weight than those in subsection (8)(D) and include:

1. voting or registration for voting;
2. part time employment; lease of living quarters;
3. a statement of intention to establish a domicile in Missouri;
4. automobile registration or operator's license obtained in Missouri; and
5. payment of income, personal, and property taxes in Missouri.

The factors listed in this subsection have applicability only as they support the intent to make the state of Missouri a permanent home for an indefinite period.

(F) Resident status is one criterion of eligibility for student-grant awards administered by the CBHE. There are additional criteria of eligibility and the establishment of resident status by a student does not guarantee that the student will be awarded a student grant.

(G) The waiver of forgiveness of a nonresident student fee, in full or in part, shall have no bearing on the residency status of a student and shall not be a basis for classification of a nonresident student as a resident.

(H) For those nonresidents who pay Missouri income tax, the nonresident student shall receive a credit against the nonresident student fee in an amount equal to the actual Missouri income tax paid for the previous calendar year except that the remaining fee obligation shall not be less than the amount of the resident student fee. Unemancipated minor students are eligible by reason of payment of Missouri income tax by the nonresident individual or individuals having legal custody of students. Students entering in January shall be regarded as entering in the immediately preceding fall for purposes of determining previous calendar year. For students entering after January, previous year means immediate past calendar year.

**Administration and Compliance:**

(A) Each institution shall establish procedures for the determination of institutional decisions in accordance with this rule. These procedures shall adhere to the guidelines set forth in this rule and to the concepts of procedural fairness and reasonableness to the students, to the institution and to the taxpaying public of the state. The procedures shall provide for at least two (2) levels of institutional appeal review and the last stage of the procedure shall be considered final by the institutions.

(B) Compliance with the guidelines as set forth in this rule is required of institutions of higher education in order to be determined as eligible institutions under student financial aid programs administered by the CBHE and for which student eligibility is restricted to residents. Institutions must be in compliance by August 1, 1986, and earlier compliance is encouraged.

(C) On complaint of any student or other indication of possible institutional noncompliance with the guidelines set forth in this rule, the CBHE may review the eligibility of an institution for student financial aid programs or any other funds administered by the CBHE and may take such actions or make such recommendations relating to the institution's eligibility as the CBHE deems appropriate. These actions shall be consistent with any other administrative rules the CBHE has established pertaining to the review of institutional eligibility.