

# STATE BOARD OF EDUCATION

Consent Agenda

February 15, 2005

**SUBJECT:** Approval of Amended Rule 6A-10.044, Residency for Tuition Purposes

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## **PROPOSED BOARD ACTION**

For approval.

## **AUTHORITY FOR STATE BOARD ACTION**

Section 1009.21 (11), F.S., authorizes the State Board of Education to designate classifications of students as residents or nonresidents for tuition purposes for all institutions governed by section 1009.40 F.S.

## **BACKGROUND INFORMATION**

The residency rule governs residency decisions made by institutions receiving financial aid under section 1009.40, F.S. and public postsecondary institutions governed by section 1009.21, F.S. The rule provides consistency among institutions in making the residency determination by defining which Visa categories are eligible to establish residency for tuition purposes and by specifying certain dates and documents that should be used for making the determination of residency. The Articulation Coordinating Committee has reviewed and approved the rule changes that were recommended by the Residency Committee before submission to the State Board of Education. The Residency Committee is comprised of representatives from the public universities, community colleges and independent institutions, including legal counsels from two institutions.

The proposed rule amendments include:

- Stipulating that institutions to which a student is transferring shall recognize the residency classification of the sending institutions if the classification has been within the last 12 months;
- establish two new Visa categories as eligible to establish residency for tuition purposes;
- identify the Articulation Coordinating Committee as the entity responsible for ensuring consistency among institutions;
- change U.S. Immigration and Naturalization Service to U.S. Bureau of Citizenship and Immigration Services;
- establish the Clerk of Circuit Courts date notarizing receipt of the declaration of domicile as the date that should be used to establish residency;
- require that all reference to federal and state governments shall be interpreted as U.S. federal and state government;
- establish standards for determining dependent and independent All Florida residents;
- stipulate that applicants not classified as All Florida shall be further assessed by the institution;
- list the type of documentation that may be used to assess residency;
- stipulate the dependent or independent status will be based on the student's or his or her parents' most recent tax return;
- clarify that the definition of a legally married person shall be consistent with Chapter 741 Florida Laws;
- stipulate that non-residents who are enrolled full-time and are seeking re-classification

provide documentation which substantiates that he or she or if a dependent his or her mother, father, or guardian are establishing Florida as their primary resident and not as a mere temporary residence incident to the enrollment in higher education;

- provide the authority for local institutions to impose deadlines for the submission of documents;
  - stipulate that notwithstanding the foregoing, institutions shall classify persons as residents for tuition purposes in accordance with Section 1009.21, F.S.; and,
  - provide definitions.
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**Supporting Documentation Included:** Proposed amended Rule 6A-10.044, F.A.C., Residency for Tuition Purposes

**Facilitators/Presenters:** Ms. Connie Graunke, Executive Director, Florida Center for Advising and Academic Support, Division of ARM, Department of Education