

Proposed Residency Policy Revisions November 2018

Residency for tuition purposes is controlled by BOR Policy 940.1. This policy was last updated in February 2016. OCHE is recommending the residency policy be revised to clarify OCHE's existing interpretation of the policy and to provide further clarification to students and campuses regarding residency requirements.

Summary

The proposed revisions clarify several items related to establishing residency for tuition purposes, including items related to the time-period for establishing residency, reclassification petitions for students in professional degree program, and the number of credits required for half-time status.

Current BOR policy provides that residency ties to the state must be established for a period of 12-months to qualify for residency. It provides that "an act indicative of intent to become a Montana resident" will begin the 12-month period for domicile; however, campuses have requested clarification on whether each act indicative of intent must be in place for the 12-month period or whether each act need only be met at the end of the 12-month period. The revised language clarifies existing OCHE interpretation by requiring any relevant primary indicator of residency to be established for a period of 12 months. This interpretation is consistent with the residency certification process for the professional student exchange programs, which currently requires applicants to have all residency ties in place for a period of 24-months.

The proposed revisions also impact residency reclassification requests by students in professional degree programs. Currently, these programs maintain a certain mix of in-state and out-of-state students; however, the campuses have recently received numerous requests for residency from students who have completed only one year of a multi-year program as an out-of-state resident. To address this issue, and to ensure that these programs maintain an appropriate mix of students, the proposed revisions would require any out-of-state student to remain in that status throughout the duration of a professional degree program. Therefore, a student admitted as an out-of-state student in year one of a program would not be eligible for residency in subsequent years of the program. For purposes of this policy, a professional degree program is a program of law, pharmacy, or physical therapy. Other states have taken a similar approach, including Utah and Wyoming.

The proposed revisions also address the number of credits for half-time status. Current BOR policy establishes a presumption that any student "registered for in excess of one-half of a normal full-time credit load" is considered to be in the state "primarily for educational purposes." Therefore, this time cannot be counted towards the 12-month period for establishing residency. The policy defines "in excess of one-half of a normal full-time credit load" as 6 credits or less. The proposed revisions would allow a student to take up to 7 credits and still be considered half-time, which is consistent with veteran's educational benefits. The proposed revisions also recognize programs that utilize a block scheduling program and provides that students in these programs may take up to 8 credits for half-time status.

Detailed Description of Proposed Revisions (references correspond to proposed subsections)

- I.B. Adds subsection reference (subsection H) for professional degree programs, explained in more detail below.
- I.C.1. Clarifies the acts enumerated in subsections (a)-(e) of the policy are primary indicators of residency and that one act is not definitive of all acts that may be necessary to establish residency.
- I.C.2. Clarifies that a person seeking residency must file any required resident Montana tax returns for taxable income earned during the period in which residency is claimed and requires evidence of financial independence.
- I.D.2. Requires any primary indicators of residency to be in place for at least 12 months prior to application for new students or prior to the 15th day of the term for reclassification petitions. Clarifies that residency ties must be in place for the entire 12-month period. For example, residency could not be granted if a student registered to vote on day one of the 12-month period and then obtained all other residency ties in month 11. The revisions also allow for a person to comply with Montana law by obtaining a driver's license and vehicle registration within 60 days of relocating to the state and remain eligible for residency.
- I.D.3. Clarifies that a person must relinquish all residency ties to a former state of residence to establish residency for tuition purposes, *i.e.*, voter registration, driver's license, and vehicle registration.
- I.E.4.a. Clarifies that online credits taken at any institution during the 12-month waiting period will be included in the calculation for half-time status.
- I.E.4.b. Increases the number of credits for determining half-time status from 6 to 7 credits to be consistent with requirements for veteran's benefits. Also aligns the change to campuses that utilize block scheduling programs.
- I.G. Clarifies that students applying to professional student exchange programs must have residency ties in place for a period of 24 months. Also provides that students who can demonstrate former residency in Montana need only demonstrate a 12-month period of domicile.
- I.H. Adds a new subsection to provide that students admitted to law, pharmacy, or physical therapy programs will remain classified as out-of-state students for the duration of their enrollment in these programs.
- II.B.3. Clarifies existing OCHE interpretation that residency reclassifications may not apply to previous terms.