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| Policy Number: 4-203 | Policy Name: Requirements to be Considered in Determining an Individual's Residency Classification for Tuition Purposes | |
| Policy Revision Dates: 6/2017, 6/16, 9/15, 6/2014, 11/13, 08/2011, 9/09, 3/07, 12/05, 4/02, 9/00, 6/00, 1/00, 8/99, 8/96, 6/95, 3/95, 4/94, 12/92, 6/92, 11/86, 2/86 | Page 1 | |

4-203 Requirements to be Considered in Determining an Individual's Residency Classification for Tuition Purposes

- A. Residency Classification for tuition purposes is to be determined in accordance with Arizona Law and Board Policy.
- B. Except as provided in board policy, to establish in-state residency for tuition purposes, the individual must demonstrate continuous presence in Arizona and objective intent as described below.
 1. The individual must provide objective evidence of continuous presence in Arizona for 12 months and,
 2. The individual must provide objective evidence of intent to be a resident for tuition purposes of Arizona as demonstrated by the severance of ties to the individual's former state of residence. Intent will be evaluated by the classification officer. No one factor is determinative. Residency classification for tuition purposes must be established by a preponderance of the evidence. Any relevant evidence may be considered, including the following:
 - a. Objective evidence of financial independence. Indicators of financial independence include:
 - i. Place of employment and proof of earnings;
 - ii. Other sources of support;
 - iii. Proof of filing Arizona state income tax returns;
 - iv. Residence claimed on federal income tax returns of applicant and/or parents;
 - v. Veteran status; and
 - vi. Whether claimed as a dependent for income tax purposes by a parent or any other individual for two years immediately preceding the request for residency classification.

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- b. Once established, residency for tuition purposes is not lost due only to the student's receipt of funds from a source outside Arizona.
- c. State in which motor vehicle is registered.
- d. Source of payment for the individual's auto insurance policies.
- e. Date of issuance and state issuing driver's license or state identification card.
- f. Employment history
- g. The transfer of major banking services to Arizona
- h. Applications for loans, scholarships, grants-in-aid, or other such assistance
- i. Voter registration
- j. Place of prior attendance in educational institutions, including high schools, and any information held by such schools affecting domicile
- k. Marital status and work record of registrant and spouse
- l. Change in permanent address on all pertinent records
- m. State in which registered with Selective Service
- n. Military records

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- o. Ownership of real property
 - p. All other materials of whatever kind or source, which may have a bearing on determining domicile or residency.
3. All of the evidence is weighed under the presumption that a non-resident student's presence in Arizona is primarily for the purpose of education and not to establish domicile, and that decisions of an individual as to the intent to establish domicile are generally made after the completion of an education and not before.
 4. Evidence indicating intent must exist at the beginning of and be maintained throughout the 12 month period of continuous presence needed to establish residency classification. Acts or events occurring less than 12 months before the last day of registration may be considered as evidence of the lack of such intent.
 5. A statement of intent by the student should be weighed in light of the fact that the student knows that he or she will realize a substantial reduction in tuition by being classified as a resident for tuition purposes.
 6. Each item presented for determination shall be subject to the classification officer's or review committee's decision as to the weight to be given to it, and such officer or committee shall be the sole judge of the authenticity or truthfulness of any material or statements submitted as supportive evidence. The classification officer may require original or certified copies of documentation.

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7. If a minor applies for classification as a resident and alleges that he or she is an emancipated individual, that individual must also establish that:
 - a. He or she is not living with a parent; and
 - b. There has been a complete severance of the parental relationship to all legal rights and liabilities, including but not limited to care, custody, control, and service.

8. Unless the contrary appears to the satisfaction of the classification officer or review committee making a classification determination, it shall be presumed that:
 - a. No individual has established residency for tuition purposes in Arizona while attending any education institution in Arizona as a full-time student in the absence of objective evidence to the contrary.
 - b. If an individual is absent from Arizona for more than 30 days they must provide objective evidence that they retained their Arizona domicile.

- C. Subject to ABOR Policy 4-102, residency can also be established by qualifying under one of the following categories.
 1. The individual is domiciled in Arizona and:
 - a. The domicile of one or both of the individual's parents is in Arizona and
 - b. One or both of the individual's parents are entitled to claim the individual as a dependent child for federal state tax

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purposes (whether or not the parent actually claims the individual as a dependent child).

2. The individual is domiciled in Arizona and
 - a. The individual's spouse has established domicile in Arizona for at least 12 months immediately preceding the last day of registration and the spouse has demonstrated financial independence,
 - b. The individual's spouse is entitled to claim the individual as an exemption for federal and state tax purposes, and
 - c. The individual has provided objective evidence of the spouse's Arizona domicile and financial independence and is entitled to claim the individual as an exemption for income tax purposes.

3. The individual is domiciled in Arizona and is:
 - a. Employed by an employer which transferred the individual to Arizona for employment purposes, or
 - b. The spouse of such an employee, or
 - c. An employee of an Arizona employer who is taking not more than six credit hours solely through electronic course delivery at employer-sanctioned sites in Arizona, when the employer is required to pay additional site fees or transmission costs and
 - d. "Transfer" means an individual who was transferred by his or her employer fewer than 12 months prior to the term in question, is not self-employed or employed in a family-

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owned business not previously operating in Arizona, and can provide proof of payment or reimbursement of moving expenses by his/her employer.

4. The individual is domiciled in Arizona and an employee of a public school district in Arizona and is under contract to teach on a full-time basis, or is employed as a full-time noncertified classroom aide at a public school within that school district. For purposes of this paragraph, the individual is eligible to pay in-state tuition only for courses necessary to complete the requirements for certification by the State Board of Education to teach in a public school district in Arizona. No member of the individual's family is eligible for classification as an in-state student pursuant to this paragraph, although they may qualify under other exceptions.

The universities:

- a. Shall establish uniform procedures to determine whether courses taken by a teacher or classroom aide qualify under this section.
 - b. Shall consider charter schools as public schools consistent with Arizona statutes.
 - c. May apply this section to teachers and classroom aides from private schools where those private schools require that teachers hold Arizona teacher certification.
5. The individual is a member of the armed forces of the United States stationed in Arizona pursuant to military orders or is the spouse or dependent child of that individual who is a member of the armed forces of the United States stationed in Arizona pursuant to military orders at the time the spouse or dependent child is accepted for admission.

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6. The individual is a member of the armed forces of the United States stationed outside of Arizona pursuant to military orders or is the spouse or dependent child of that individual and the individual claimed Arizona as their legal residence for at least twelve consecutive months prior to the last date of registration. The individual claiming residency status under this provision is required to:
 - a. provide a copy of the military form DD-2058 which verifies his or her state of legal residence; and
 - b. if applicable, provide evidence of having filed an Arizona Resident Income Tax Return with the Arizona Department of Revenue for the prior tax year on all income from all sources.

7. The individual meets one of the following the requirements in ABOR policy 4-203(C)(7)(a) or ABOR policy 4-203(C)(7)(b) and (c) as follows:
 - a. The individual holds an honorable discharge from the uniformed services of the United States from either active duty or reserve or National Guard status, or has retired from active duty or reserve or National Guard status. Such individual shall be granted immediate classification as an in-state student and, while continuously enrolled, does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this subsection, includes at least one of the following:
 - i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.

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- iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or source relevant to domicile or residency status.
- b. An individual who meets any of the requirements prescribed in ABOR policy 4-203(C)(7)(c) shall be granted immediate classification as an in-state student and does not lose in-state student classification if the individual has demonstrated objective evidence of intent to be a resident of this state that, for the purposes of this subsection, includes at least one of the following:
- i. Registration to vote in Arizona.
 - ii. An Arizona driver license.
 - iii. Arizona motor vehicle registration.
 - iv. Employment history in Arizona.
 - v. Transfer of major banking services to Arizona.
 - vi. Change of permanent address on all pertinent records.
 - vii. Other materials of whatever kind or source relevant to domicile or residency status.
- c. An individual who meets any of the following requirements is entitled to immediate classification as an in-state student if that individual has demonstrated objective evidence of intent to be a resident of this state as prescribed in ABOR policy 4-203(C)(7)(b):
- i. The individual is a veteran as defined in title 38 of the United states code who, while using educational assistance under 38 United States Code chapter 30

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or 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents within three years after the veteran's discharge from active duty service of ninety or more days or who remains continuously enrolled beyond the three-year period following the discharge of the veteran.

- ii. The individual does not meet the requirements prescribed in paragraph iii or iv of this subsection and, while using educational assistance under 38 United States Code chapter 30 or 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents within three-years after the veteran's discharge from active duty service of ninety or more days or remains continuously enrolled beyond the three year period following the discharge of the veteran.
- iii. The individual, while using benefits under the marine gunnery Sergeant John David Fry Scholarship prescribed in 38 United States Code section 3311(b)(9), enrolls in a university under the jurisdiction of the Arizona Board of Regents.
- iv. The individual, while using transferred post-911 G.I. Bill benefits pursuant to 38 United States Code section 3319 during a time in which the transferor is a member of the uniformed services serving on active duty, enrolls in a university under the jurisdiction of the Arizona Board of Regents.
- v. The individual is otherwise described in 38 United States Code section 3679(c).

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8. Subject to the requirements of ABOR Policy 4-102:
 - a. The individual is an enrolled member of an Indian tribe recognized by the United States Department of Interior whose reservation land lies wholly or partially in Arizona and extends into another state and is a resident of the reservation.
 - b. For purposes of residency classification, enrollment as a tribal member in a federally recognized Arizona tribe will be sufficient to establish residency for tuition purposes.

9. The individual is domiciled within 75 miles of the Arizona border in Clark County, Nevada or Washington or Kane Counties, Utah, or in San Bernardino, Imperial, or Riverside Counties in California, including the cities of Needles, Blythe, El Centro, Brawley, and Winter Haven, and is enrolling in a total of no more than 6 credit hours per semester offered in Mohave, La Paz, or Yuma Counties, Arizona by a university under the jurisdiction of the Arizona Board of Regents; or the individual is domiciled within 75 miles of the Arizona border in Grant, Hidalgo, or Luna Counties in New Mexico and is enrolling in a total of no more than 6 credit hours per semester offered in Cochise County, Arizona by a university under the jurisdiction of the Arizona Board of Regents. This program is designed to reduce excess capacity; therefore, the Presidents of the universities shall assure that classifying the individual as a resident in their respective programs do not result in denying course offerings to Arizona residents or result in additional expenditures being required for course offerings.

10. The individual is a doctoral graduate student who is a candidate for a degree, having completed all requirements for the degree except the dissertation, and who qualified as a resident student immediately prior to being eligible to begin his or her dissertation.

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11. The individual is a graduate assistant or graduate associate at a university under the jurisdiction of the Arizona Board of Regents whose assigned teaching or research responsibilities meet the guidelines established by the university for designation as a resident student.
 12. The individual has participated in the AmeriCorps program or the Volunteers in Service to America program for at least one year in Arizona.
- D. Subject to ABOR Policy 4-102 an individual who does not hold a visa that requires the individual to maintain a foreign domicile or that otherwise prohibits establishing domicile in Arizona shall be classified as a resident if the individual can establish that on or before the last day of registration the individual satisfied one of the following criteria:
1. Meets the requirements for classification as a resident for tuition purposes, or
 2. Qualifies as a resident refugee student by virtue of having been granted refugee status in accordance with all applicable laws of the United States and having met all other requirements for domicile in this Arizona; provided that in establishing domicile, the individual must not hold a visa that prohibits establishing domicile in Arizona.
- E. Subject to ABOR Policy 4-102 (Non Resident Tuition), a full-time student admitted and enrolled at a university who obtains resident status by virtue of ABOR Policy 4-203B.3 (Requirements for Resident Status) does not lose resident status while in continuous attendance toward the degree for which currently enrolled.
- F. The domicile of an unemancipated person is that of either parent. Subject to ABOR Policy 4-102 (Non Resident Tuition), any unemancipated person

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who is a student admitted and enrolled at a university and who remains in this state when the person's parent, who had been domiciled in this state, removes from this state does not lose resident status while in continuous attendance toward the degree for which currently enrolled.