

Contact: Diana Gonzalez

**REQUEST TO ADOPT RULES TO CLASSIFY VETERANS AS RESIDENTS FOR THE PURPOSE  
OF UNDERGRADUATE TUITION AND MANDATORY FEES**

**Actions Requested:**

1. Consider approval of the Board Office recommendation to revise the classification of veterans, qualified military personnel, and their spouses and dependent children who are either (a) stationed on active duty at the Rock Island arsenal or (b) domiciled in the state while enrolled in one of the Regent universities as residents for the purpose of undergraduate tuition and fees.
2. Consider adopting an amendment to Chapter 1, "Admission Rules Common to the Three Universities," of the Iowa Administrative Code, as described in Attachment A.<sup>1</sup>

**Executive Summary:** In Senate File 451, the 2009 Iowa General Assembly directed the Board of Regents to "adopt rules to classify as residents for purposes of undergraduate tuition and mandatory fees, qualified veterans and military persons, and their spouses and dependent children who are domiciled in the state while enrolled in one of the Regent universities."

The Board believes strongly that qualified veterans and military persons who have chosen to attend and been admitted by one of the Regent universities to complete an undergraduate program deserve special consideration as residents of the State of Iowa for the purpose of undergraduate tuition and mandatory fees in recognition of their contributions to the country and to the American people. The Board commends the state's leadership for its efforts on behalf of veterans.

The adopted rule will be filed as an emergency without a public comment period because notice and public participation are contrary to the public interest due to the need to implement this technical change authorized in legislation. The amendment will be effective on July 1, 2009 in ample time for the Fall 2009 semester.

---

<sup>1</sup> Additions are represented by underlinings and deletions are represented by strikeouts.

681—1.4

(262)

**Classification of residents and nonresidents for admission, tuition, and fee purposes.**

**1.4(1)**

*General.*

*a.*

A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission, tuition, and fee purposes by the registrar or someone designated by the registrar. The decision shall be based upon information furnished by the student and other relevant information.

*b.*

In determining resident or nonresident classification, the issue is essentially one of why the person is in the state of Iowa. If the person is in the state primarily for educational purposes, that person will be considered a nonresident. For example, it may be possible that an individual could qualify as a resident of Iowa for such purposes as voting, or holding an Iowa driver's license, and not meet the residency requirements as established by the board of regents for admission, tuition, and fee purposes.

*c.*

The registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Iowa. The burden of establishing that a student is in Iowa for other than educational purposes is upon the student.

A student may be required to file any or all of the following:

- (1) A statement from the student describing employment and expected sources of support;
- (2) A statement from the student's employer;
- (3) A statement from the student's parents verifying nonsupport and the fact that the student was not listed as a dependent on tax returns for the past year and will not be so listed in future years;
- (4) A statement from the student's spouse related to sources of family support, length of residence in Iowa, and reasons for being in the state of Iowa;
- (5) Supporting statements from persons who might be familiar with the family situation;
- (6) Iowa state income tax return.

*d.*

Applications for resident classification for a given semester or session are due no later than the 15<sup>th</sup> class day of that semester or session. Applications received later will be considered for the next semester or session. Appeals of any nonresident decision resulting from applications for resident classifications are due no later than midterm of that semester or session. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

*e.*

A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the nonresident fees for each term previously attended.

*f.*

Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated person may be appealed to a university review committee. The ~~finding~~ decision of the review committee may be appealed to the state board of regents.

**1.4(2)**

*Guidelines.*

A. The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

*a.*

A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

*b.*

In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

*c.*

A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished. If the absence from the state is for a period exceeding 12 months, a student may be considered a resident if evidence can be presented showing that the student has long-term ties to Iowa and reestablishes an Iowa domicile.

A person or the dependent of a person whose domicile is permanently established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a resident so long as domicile is maintained, even though circumstances may require extended absence of the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile as evidence that the person:

- (1) Has not acquired a domicile in another state,
- (2) Has maintained a continuous voting record in Iowa, and
- (3) Has filed regular Iowa resident income tax returns during absence from the state.

*d.*

A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (6 credits for an undergraduate or professional student, 5 credits for a graduate student) in any academic year term, is not enrolled for more than 4 credits in a summer term for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

*e.*

A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

*f.*

~~A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the dependent of such a person, is entitled to resident status. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the student is first enrolled, nonresident fees will be charged in all cases until the beginning of the next term in which the student is enrolled. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.~~

g.f.

A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the Iowa state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

- (1) Comes directly to the state of Iowa from a refugee facility or port of debarkation or
- (2) Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of proof of establishment of Iowa residency.

h.g.

An alien who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

i.h.

At the regent institutions, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Otoe, Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (Ho Chunk), will be assessed Iowa resident tuition and fees.

B. Additional guidelines are used in determining the resident classification of a veteran, qualified military person, and dependent children or spouse of a veteran or qualified military person for admission, and undergraduate tuition and mandatory fee purposes:

a.

A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the dependent child or spouse of such person, is entitled to resident status for undergraduate tuition and mandatory fees purposes. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases for the dependent child or spouse until the beginning of the next term in which the dependent or spouse is enrolled. If the qualified military person is transferred, deployed, or restationed while the person's spouse or dependent child is enrolled in an institution of higher education under the control of the board, the spouse or dependent child shall continue to be classified as a resident under this provision until the close of the fiscal year in which the spouse or child is enrolled.

b.

A veteran who is domiciled or moves to the State of Iowa and who is eligible for benefits, or has exhausted benefits under the federal post-9/11 Veterans Educational Assistance Act of 2008, is entitled to resident status for undergraduate tuition and mandatory fees purposes. The dependent child or spouse of a veteran who meets these requirements is entitled to resident status for undergraduate tuition. However, if the arrival of the veteran in Iowa is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases for the dependent child or spouse until the beginning of the next term in which the dependent child or spouse is enrolled.

C.

A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the dependent child or spouse of such a person, is entitled to resident status. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the student is first enrolled, nonresident fees will be charged in all cases until the beginning of the next term in which the student is enrolled. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

**1.4(3)**

*Facts.*

*a.*

The following circumstances, although not necessarily conclusive, have probative value in support of a claim for resident classification:

- (1) Reside in Iowa for 12 consecutive months, and be primarily engaged in activities other than those of a full-time student, immediately prior to the beginning of the term for which resident classification is sought.
- (2) Reliance upon Iowa resources for financial support.
- (3) Domicile in Iowa of persons legally responsible for the student.
- (4) Former domicile in the state and maintenance of significant connections therein while absent.
- (5) Acceptance of an offer of permanent employment in Iowa.
- (6) Military orders, if for other than educational purposes.
- (7) Other facts indicating the student's domicile will be considered by the universities in classifying the student.

*b.*

The following circumstances, standing alone, do not constitute sufficient evidence of domicile to effect classification of a student as a resident under these regulations:

- (1) Voting or registration for voting.
- (2) Employment in any position normally filled by a student.
- (3) The lease of living quarters.
- (4) Admission to a licensed practicing profession in Iowa.
- (5) Automobile registration.
- (6) Public records, for example, birth and marriage records, Iowa driver's license.
- (7) Continuous presence in Iowa during periods when not enrolled in school.
- (8) Ownership of property in Iowa, or the payment of Iowa taxes.

This rule is intended to implement Iowa Code section 262.9(3).