Allegany College of Maryland

STUDENT RESIDENCY POLICY

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POLICY

"Residency" is a legal designation that dictates the tuition that shall be charged to an individual credit student. Residency shall be designated for each full time, part time, and dually enrolled student. Each Allegany College of Maryland student shall have one residency classification. Allegany College of Maryland shall classify each incoming student as in-county, out-of-county, or out-of state for tuition purposes and shall create a process whereby the student may request a change in residency classification or appeal a current classification. This classification and process shall fully comply with the Annotated Code of Maryland and COMAR (including terms and definitions where applicable). Students who are under the age of eighteen years or who are financially dependent upon another person shall be classified in accordance with the residency of the parent, legal guardian, or person upon whom s/he is financially dependent. This policy applies to all Allegany College of Maryland students regardless of which campus or instruction site the student primarily attends.

A student's residency shall be classified upon enrollment at Allegany College of Maryland by the Office of Admission & Registration; this classification shall be determined using information provided by the student on his/her admissions application. This classification upon enrollment creates a rebuttable presumption, and the classification remains in effect as long as the student remains enrolled at the College unless/until the student's domicile changes. If the student disagrees with the classification or if the student's domicile changes, the student may petition for a change in residency and has the burden of showing by clear and convincing evidence that the classification is inaccurate. Petitions to change the residency classification shall be made to the Office of Student & Legal Affairs and must be submitted before the end of the semester for which the change is requested; the student shall be required to submit the necessary documentation with the petition to change residency.

To be eligible for a change in residency, the student must satisfy the following criteria:

1.) That the student's domicile or the domicile of the person upon whom the student is financially dependent is located in the locality being claimed; and
2.) That the student or the person upon whom the student is financially dependent has maintained this domicile for three months prior to the start of the semester for which the change is requested; unless
3.) The student or the person upon whom the student is financially dependent qualifies for an exception or special provision.

After reviewing all the information and any documents provided by the student, the Vice President of Student & Legal Affairs shall determine whether the residency criteria being requested has been met; the decision shall be made in writing and communicated to the student in person, in writing, or electronically. Any student who wishes to appeal this decision may petition the Student Services Appeal Committee via existing committee procedures; the committee's decision is final.

Any student who provides incomplete, false, and/or misleading information related to residency may have his/her residency classification reverted to its original classification and may be subject to disciplinary action pursuant to the Code of Student Conduct. If a reduced tuition rate was obtained as a result of the incomplete, false, and/or misleading information provided, the College reserves the right to retroactively adjust the correct tuition rate for each semester affected.

The Offices of Admissions & Registration and Student & Legal Affairs shall create procedures to implement this policy as it applies to their specific responsibilities. The procedures must be consistent, and all residency determinations must be documented and stored for no less than five years.

Students are required to notify the College of any address change.

The definitions noted below apply to this policy.

DEFINITIONS

DOMICILE is a student's permanent place of abode, where physical presence and possessions are maintained with the intention of remaining indefinitely, *or* the permanent place of abode of any person or persons contributing more than ½ of the students financial support during the most recently completed year. (This definition is derived from COMAR.)

Requirements for domicile to be established:

a. The student* has made the new place of abode his/her permanent home;
b. The student* has abandoned his/her former home state/county;
c. The student* intends to reside in the new place of abode indefinitely; and
d. The student* intends to reside in the new place of abode for a purpose other than attending Allegany College of Maryland.

*or the person or persons contributing more than ½ of the students financial support during the most recently completed calendar year.

FINANCIALLY DEPENDENT means another person provided 51% or more of the student's financial support and/or claimed the student on the most recent year's tax return.

COUNTY means a political subdivision of the State that supports a community college and the total of all counties that support a regional community college under Annotated Code of Maryland Education Article 16-302. (This definition is derived from COMAR.) (Allegany College of Maryland is not a designated regional community college.)

COUNTY RESIDENT means a student who has maintained a domicile in the county or region served by the college for at least 3 months before the date of enrollment at a college. (This definition is derived from COMAR.)

MARYLAND RESIDENT means a student who has maintained a domicile in Maryland for at least 3 months before the date of enrollment at a college. (This definition is derived from COMAR.)

Special Provisions to qualify for Maryland residency unless the designation is changed by law or state regulation:

- Active duty military personnel and their dependents where the active duty member is stationed in Maryland, resides in Maryland, or is domiciled in Maryland;
- A dependent of an active military member who remains continuously enrolled after the active duty member no longer qualifies.
- Honorably discharged military veterans and their dependents within four years of the veteran's discharge and where the veteran can document (1) evidence of attending a public or private secondary school in Maryland for the last three years and graduated from a public or private secondary school in Maryland or received a high school equivalence diploma in Maryland and (2) resides or is domiciled in Maryland;
- National Guard member who is a member of the Maryland National Guard and who serves to provide a Critical Military Occupational Skill or is a member of the Air Force Critical Specialty Code.
- Military veterans in accordance with federal law and regulations;
- A student enrolled in a program designated by the Maryland Commission on Higher Education as a health manpower shortage or statewide designated program;

- A student from outside the State who enrolls as part of a reciprocity agreement negotiated between Maryland and another state;
- A student from outside the State who enrolls in an education program leading to licensure in nursing and who furnishes a surety bond or guaranteed promissory note in accordance with COMAR rules;
- A student who resides in Maryland but does not otherwise meet in-state residency requirements and is a full-time public school teacher employed by Allegany County Board of Education for less than one year and the course/program is required by the state or Allegany County to maintain the teacher's position with the Board of Education; and
- A student who has moved to Maryland as an employee or family member of an employee as part of Base Realignment and Closure process.
- A student who is qualified under the Maryland Dream Act.
- A returned Peace Corps volunteer who is domiciled in the State of Maryland.
- Any other designation pursuant to federal or Maryland law or regulation.

ENROLLMENT means a student has processed the registration forms and the [course] schedule is either provided to the student or made available to him/her online. (This definition is derived from the College's FERPA policy; however, the Office of Admissions & Registration may classify an applicant's residency upon receipt of the admissions application, and this classification becomes the formal designation when a course schedule is received.)

OUT-OF-STATE RESIDENTS shall be any other person for residency purposes. Students whose domicile is located anywhere except Maryland shall have their residency dictated by the laws of their respective state or commonwealth unless a special provis ion for Maryland residency applies.

REQUIRED TERM OF RESIDENCY: three (3) consecutive months immediately prior to enrollment.

BURDEN OF PROOF: the student has the burden of proving by clear and convincing evidence that s/he satisfies the requirements for the requested residency change.