APPENDIX C: VIII-2.70 POLICY ON STUDENT CLASSIFICATION FOR ADMISSION AND TUITION PURPOSES

USM Bylaws, Policies and Procedures of the Board of Regents


I. Policy

A. Purpose

To extend the benefits of its system of higher education while encouraging the economical use of the State's resources, it is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the tuition categories of in-state and out-of-state residency for the purpose of admission and assessing tuition at USM institutions.

B. Qualification for In-State Status

Generally, in order to qualify for in-state status, prospective, returning or current students must demonstrate that they are a permanent Maryland resident. Under certain circumstances, as set forth in this Policy, students who are not permanent Maryland residents may qualify temporarily for in-state status. Students who do not qualify for in-state status under this policy shall be assigned out-of-state status for admissions and tuition purposes.

C. Standard of Proof

Students seeking in-state status shall have the burden of proving by clear and convincing evidence that they satisfy the requirements and standards set forth in this Policy. Assignment of in-state or out-of-state status will be made by each USM institution upon review of the totality of facts known or presented to it.

II. DETERMINATION OF RESIDENCY STATUS

A. Criteria for Determination of Residency Status

An initial determination of residency status will be made at the time of admission and readmission based upon information provided by the student with the signed application certifying that the information provided is complete and correct. Additional information may be requested by the institution to clarify facts presented. To qualify for in-state status, the student must demonstrate that for at least 12 consecutive months immediately prior to and including the last date available to register for courses for the semester/term for which the student seeks in-state status, the student had the continuous intent to reside in Maryland indefinitely and for a primary purpose other than that of attending an educational institution in Maryland. The student will demonstrate the requisite intent by satisfying all of the following requirements for the 12 month periods (or shorter period indicated):

1) Has continuously maintained their primary living quarters in Maryland.
2) Has substantially all personal property, such as household effects, furniture and pets in Maryland.
3) Has paid Maryland income tax on all taxable income, including all taxable income earned outside of Maryland, and has filed a Maryland Resident Tax Return.
4) Has registered all owned or leased motor vehicles in Maryland for at least 12 consecutive months, if previously registered in another state. Students who have lived in Maryland for at least 12 consecutive months but who have had their motor vehicles(s) registered in Maryland for less than 12 months will be deemed to have satisfied this requirement if they can show evidence that their owned or leased motor vehicle(s) was (were) registered in Maryland within 60 days after moving to the state.
5) Has possessed a valid Maryland driver's license for at least 12 consecutive months, if previously licensed to drive in another state. Students who have lived in Maryland for at least 12 consecutive months but who have held a Maryland driver's license for less than 12 months will be deemed to have satisfied this requirement if they can show evidence that their driver's license was issued in Maryland within 60 days after moving to the state.
6) Is currently registered to vote in Maryland, if previously registered to vote in another state (no time requirement).
7) Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland.
8) Has a legal ability under Federal and Maryland law to live permanently and without interruption in Maryland.

B. Presumption of Out-of-State Status

Either of the following circumstances raises a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution and therefore does not qualify for in-state status under this Policy:

1) A student is attending a school or living outside Maryland at the time of application for admission to a USM institution, or
2) A student is financially dependent on a person who is not a resident of Maryland. A student will be considered financially independent if the student provides 50% or more of their own living and educational expenses and has not been claimed as a dependent on another person's most recent tax returns.

III. CHANGE IN CLASSIFICATION FOR TUITION PURPOSES

A. Petition for Change in Classification for Tuition Purposes

After the initial determination is made, a student seeking a change to in-state tuition status must submit a Petition for Change in Classification for Tuition Purposes that includes all of the information the student wishes the institution to consider. All information must be submitted by the institution's deadline for submitting a petition for the semester for which the student seeks reclassification. Only one Petition may be filed per semester.

B. Criteria for Change in Tuition Status

A student seeking reclassification from out-of-state to in-state tuition status must demonstrate, by clear and convincing evidence, that for at least twelve (12) consecutive months immediately prior to and including
the last date available to register for courses for the semester/term
for which the student seeks in-state tuition status, the student had
the continuous intent to 1) make Maryland their permanent home; 2)
abandon their former home state; 3) reside in Maryland indefinitely; and
reside in Maryland primarily for a purpose other than that of attending an
educational institution in Maryland.

A student will demonstrate the requisite intent by satisfying all of the
following requirements for a period of at least twelve (12) consecutive
months (or for the shorter period of time indicated) immediately prior
to and including the last date available to register for courses in the
semester/term for which the student seeks in-state tuition status.
Evidence of intent must be clear and convincing and will be evaluated
not only by the amount presented but also based upon the reliability,
authenticity, credibility and relevance of the evidence and the totality of
effects known to the institution. Students must demonstrate (providing
appropriate documentation as necessary) that for the relevant period
they:

1) Continuously maintained their primary living quarters in Maryland.

2) Has substantially all of their personal property, such as household
effects, furniture, and pets, in Maryland.

3) Has paid Maryland income tax on all taxable income including all
taxable income earned outside the State and has filed a Maryland
Resident Tax Return.

4) Has registered all owned or leased motor vehicles in Maryland for at
least 12 consecutive months, if previously registered in another state.
Students who have been living in Maryland for at least 12 consecutive
months but who have had their motor vehicle(s) registered in Maryland
for less than 12 months will be deemed to have satisfied this requirement
if they can show evidence that their owned or leased motor vehicle(s)
was (were) registered in Maryland within 60 days after moving to the
state.

5) Has possessed a valid Maryland driver's license for at least 12
consecutive months if previously licensed to drive in another state.
Students who have lived in Maryland for at least 12 consecutive months
but who have held a Maryland driver’s license for less than 12 months will
be deemed to have satisfied this requirement if they can show evidence
that their driver’s license was issued in Maryland within 60 days after
moving to the state.

6) Is currently registered to vote in Maryland, if previously registered to
vote in another state (no time requirements).

7) Receives no public assistance from a state other than the State of
Maryland or from a city, county or municipal agency other than one in
Maryland.

8) Has a legal ability under Federal and Maryland law to live permanently
without interruption in Maryland.

9) Has either not raised the presumption set forth in Section II.B; or,
alternatively, if the student’s circumstances have raised the presumption
set forth in Section II.B above, the student has rebutted that presumption.

C. Rebuttal Evidence

If the information received by the institution about the student has
raised the presumption set forth in Section II.B, the student bears
the burden of rebutting the presumption set forth in Section II.B. by
presenting additional evidence of objectively verifiable conduct to rebut
the presumption and show the requisite intent. Rebuttal evidence of
intent must be clear and convincing and will be evaluated not only by
the amount presented but also based upon the reliability, authenticity,
credibility and relevance of the evidence and the totality of facts known
to the institution. Evidence that does not document a period of at least
twelve (12) consecutive months immediately prior to and including
the last date available to register for courses in the semester/term for
which the student seeks in-state tuition status is generally considered an
unfavorable factor under this Policy. The absence of objective, relevant
evidence is generally considered an unfavorable factor. A student’s
statement of intent to remain in Maryland in the future is generally not
considered to be objective evidence under this Policy.

For purposes of rebutting the presumption, additional evidence that will
be considered includes, but is not limited to:

1) Source of financial support:
   a. Maryland employment and earnings history through sources beyond
   those incident to enrollment as a student in an educational institution
e.g. beyond support provided by work study, scholarships, grants,
stipends, aid, student loans, etc. (Tuition costs will be considered as a
student expense only to the extent tuition exceeds the amount of any
educational scholarships, grants, student loans, etc.), or
   b. Evidence the student is Financially Dependent, for the previous 12
   months, upon a person who is a resident of Maryland.

2) Substantial participation as a member of a professional, social,
community, civic, political, athletic or religious organization in Maryland
including professionally related school activities that demonstrate
commitment to the student’s community or to the State of Maryland.

3) Registration as a Maryland resident with the Selective Service, if
applicable.

4) Evidence that the student is married to a Maryland resident.

5) Evidence that the student attended schools in Maryland for grades
K-12.

6) Evidence showing the student uses their Maryland address as their
sole address of record for all purposes including on health and auto
insurance records, bank account, tax records, loan and scholarship
records, school records, military records, leases etc.

7) An affidavit from a person unrelated to the student that provides
objective, relevant evidence of a student’s conduct demonstrating the
student’s intent to reside in Maryland primarily for a purpose other than
that of attending an educational institution in Maryland.

8) Evidence of life and employment changes that caused the student
to relocate to Maryland for reasons other than primarily educational
purposes (e.g. divorce, family relocation, taking care of a sick family
member, etc.).

D. Appeal

A student may appeal an adverse decision on a Petition for Change in
Classification.

E. Change in Circumstances Altering In-State Status

The student shall notify the USM institution in writing within fifteen (15)
days of any change in circumstances which may alter in-state status.
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For the purposes of the Policy, if a financial dependent student is one who provides 50% or more of their own living expenses and has not been claimed as a dependent on another person’s prior year tax returns or is a ward of the State of Maryland.

A. Financially Dependent: For the purposes of this Policy, a financially dependent student is one who provides 50% or more of their own living expenses and has not been claimed as a dependent on another person’s prior year tax returns or is a ward of the State of Maryland.

B. Financially Independent: For the purposes of this Policy, a financially independent student is one who provides 50% or more of their own living and educational expenses and has not been claimed as a dependent on another person’s most recent tax return.

C. Parent: A parent may be a natural parent, or, if established by court order recognized under the law of the State of Maryland, an adoptive parent.

D. Guardian: A guardian is a person so appointed by a court order recognized under the laws of the State of Maryland.

E. Spouse: A spouse is a partner in a legally contracted marriage.

F. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.

G. Regular Employee: A regular employee is a person employed by USM or a USM institution who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of...
categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.

H. Continuous Enrollment:

1. Undergraduate Student: An undergraduate student who is enrolled at a USM institution for consecutive fall and spring semesters, until completion of the student's current degree program or unless on an approved leave of absence or participating in an approved program off-campus.

2. Graduate and Professional: Continuous enrollment for a graduate or professional student is defined by the institution in accordance with program requirement.

I. Armed Forces of the United States: As defined in 38 U.S.C.A. §101(10) as the United States Army, Navy, Marine Corps, Air Force and Coast Guard, including the reserve components thereof.

VII. IMPLEMENTATION

This policy as amended by the Board of Regents on February 17, 2017, and as further amended on June 16, 2017, shall be applied to all student tuition classification decisions effective Spring semester 2018 and thereafter.

1 Annotated Code of Maryland, Education Article, §12-101.
2 Annotated Code of Maryland, Education Article § 15-106.4.
3 Annotated Code of Maryland, Education Article § 15-106.4.
4 38 U.S.C.A. § 3679(c).
5 38 U.S.C.A. § 3679(c).