

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3050

Residency

Page 1 of 5

BOARD POLICY

Pursuant to Article VII, Section 13 of the Constitution of the State of Nebraska, and Sections 85-501 to 85-504 of the Nebraska Revised Statutes, the Board of Trustees shall fix and collect tuition and fees for resident and nonresident students who matriculate at one of the State Colleges.

PROCEDURES

1. A determination of resident status must be made at the time of each registration. Once an individual has been enrolled at a Nebraska State College or at the University of Nebraska as a resident student, he or she shall be afforded that privilege during the balance of that and any subsequent enrollments at the State College.

An individual who moves to Nebraska primarily to enroll at a Nebraska State College is presumed to be a non-resident for tuition purposes for the duration of his or her attendance at the College, unless the individual is able to establish residency status for tuition purposes as outlined below.

Individuals seeking to establish resident status for tuition purposes who are subject to the 180 days minimum requirement must have established a home in Nebraska at least 180 days prior to the time at which they request such a determination. In addition, they must also initiate the various other domiciliary contacts which will support their application within a reasonable period of time after they have established their domicile in Nebraska.

Individuals seeking a resident student determination for tuition purposes will be required to sign a notarized affidavit outlining the reasons under which they believe that they qualify and attesting to the truth and accuracy of their statements. If it is subsequently determined that an individual has falsified such a statement, he or she may be subjected to disciplinary action by the College before the individual will be permitted to continue with his or her studies at the College. Such disciplinary action will be determined on an individual basis, and may include measures such as disciplinary probation or suspension, expulsion from the College, or a requirement that the individual reimburse the College for the difference between the tuition paid and the nonresident tuition rate.

Individuals who believe that they have been incorrectly denied a resident tuition determination may appeal that decision through channels established by the President of the State College where the adverse decision was made. The decision by the College President or his or her designee shall be final in any such appeals.

2. Definitions

For the purpose of this policy, the following definitions apply:

- a. Resident Tuition shall mean the resident tuition rate set by the Board of Trustees.
- b. Non-Resident Tuition shall mean the nonresident tuition rate set by the Board of Trustees.
- c. Legal Age shall be the age of majority set by Nebraska statute.
- d. Emancipated Minor shall mean an individual who by virtue of marriage, financial status, or other reasons, has become independent of his or her parents or guardians.
- e. "Established a home" shall mean that the individual continuously maintains a primary place of residence in Nebraska where the individual is habitually present.
- f. Legal Residence shall mean the place of domicile or permanent abode as distinguished from temporary residence.

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3050

Residency

Page 2 of 5

- g. Dependent refers to a person who is claimed as a dependent or an exemption for federal income tax purposes by a parent, guardian, or spouse.

3. Resident Tuition Categories

An individual will qualify as a resident of the State of Nebraska for tuition purposes at a Nebraska State College if, prior to the commencement of the term for which residency is sought, he or she meets the standards set forth in any one of the following categories:

- a. A person of legal age (19 years or older) or an emancipated minor who for a period of at least 180 days has resided in Nebraska where he or she is habitually present prior to application for resident status, and who can verify by documentary proof that he or she intends to make Nebraska his or her permanent residence.
 - i. In addition to documentation of occupancy of a home or residence in Nebraska for the previous 180 days, intent to make Nebraska a permanent residence may be demonstrated by any three of the following factors:
 - 1. a current Nebraska driver's license;
 - 2. documentation that the individual is registered to vote in Nebraska;
 - 3. a current Nebraska automobile registration in the individual's name;
 - 4. documentation of individual checking or savings accounts maintained with a Nebraska financial institution;
 - 5. documentation of current employment in Nebraska, and withholding of Nebraska income tax;
 - 6. copies of the provisions of an individual's most recent state income tax return indicating a Nebraska taxpayer status.
- b. A minor whose parent, parents, or guardian have established a home in Nebraska where such parent, parents, or guardian are habitually present with the bona fide intention of making Nebraska their permanent place of residence.
 - i. For the purpose of this section, an individual shall be required to present documentary proof that his or her parent, parents, or guardians have established a home in Nebraska. Such proof shall consist of the following:
 - 1. documentation that the parent or guardian has established a home in Nebraska;
 - 2. documentation that the individual seeking a resident tuition determination is a dependent for federal income tax purposes of the parent or guardian who has established a home in Nebraska; and
 - 3. other supporting documents of the parent or guardian's Nebraska residency including, but not limited to, the following factors:
 - a. a current Nebraska driver's license;
 - b. documentation that the individual is registered to vote in Nebraska;
 - c. a current Nebraska automobile registration in the individual's name;
 - d. documentation of individual checking or savings account maintained with a Nebraska financial institution; or
 - e. documentation of current employment in Nebraska.

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3050

Residency

Page 3 of 5

- ii. For purposes of this section, an individual, once enrolled as a resident student, whose parent, parents, or guardian have previously established a home in Nebraska, as documented through evidence such as that outlined above in this section, shall continue to be classified as a resident for tuition purposes if the parent, parents, or guardian upon whom he or she remains dependent move from the state.
 - iii. There shall be no minimum period of residence for the parent or guardian under this section.
- c. A person of legal age who has established a home in Nebraska and is a dependent for federal income tax purposes of a parent or former legal guardian who has established a home in Nebraska.
 - i. For purposes of this section, an individual shall be required to present the following:
 - 1. documentation that both he or she and the parent or former guardian have established a home in Nebraska. Such documentation shall be the same as that required under section 3b(i) above; and
 - 2. documentation that he or she is, for federal income tax purposes, the dependent of the parent or former guardian for the most recent tax year.
 - ii. There shall be no minimum period of residence under this section.
- d. An individual who has married a resident of Nebraska.
 - i. For the purpose of this section, an individual shall be required to verify that he or she is married to an individual who, prior to the marriage, had already established a home in Nebraska. Such verification shall consist of:
 - 1. a valid marriage license; and
 - 2. documentation of his or her spouse's Nebraska residence status, as required in section 3a above.
- e. An individual who has become a permanent resident alien of the United States or has been granted asylee or refugee status.
 - i. For purposes of this section, an individual will be required to present documentation that he or she:
 - 1. has been a resident of the State of Nebraska for a period of at least 180 days, verified as required in section 3a(i) above; and
 - 2. is a holder of a permanent resident alien, asylee, or refugee status.
- f. An individual who is a staff member or a dependent or spouse of a staff member of one of the Nebraska State Colleges, the University of Nebraska, or one of the Nebraska Community Colleges.
 - i. For the purposes of this section, an individual will be required to verify that he or she is either:
 - 1. a permanent staff member holding at least a .50FTE appointment at a State College, the University of Nebraska, or one of the Nebraska Community Colleges; or the spouse or a dependent of such a staff member for federal income tax purposes.
- g. An individual on active duty with the armed services of the United States, and who has been assigned a permanent duty station in Nebraska, or a spouse or dependent of an individual who has been assigned a permanent duty station in Nebraska.
 - i. An individual on active duty with the United States armed services will be granted resident tuition status if he or she verifies:
 - 1. that he or she is on active duty with the armed forces; and
 - 2. that his or her permanent duty station is in Nebraska.

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3050

Residency

Page 4 of 5

- ii. An individual who is a spouse or a dependent of a person on active duty with the United States armed services will be granted resident tuition status if he or she verifies that he or she is a spouse or a dependent, for federal income tax purposes, of an individual meeting the qualifications outlined above in this section.
 - iii. There shall be no minimum period of residence under this section.
- h. An individual who has established a home in Nebraska and is a graduate of an accredited Nebraska senior high school and was a legal resident of the state at the time of graduation.
 - i. For the purposes of this section, documentary proof of a Nebraska residence shall consist of:
 - 1. an official transcript from an accredited Nebraska senior high school indicating that the individual graduated from that school.
 - ii. There shall be no minimum period of residence for the individual under this section.
- i. An individual who has been enrolled at one of the Nebraska State Colleges, a Nebraska Community College, or the University of Nebraska as a resident student, shall be afforded the same privilege during the balance of that and any subsequent enrollments at a State College.
- j. An individual who is an alien and who has applied to or has a petition pending with the United States Immigration and Naturalization Service to attain lawful status under federal immigration law, supported by documentary proof.
- k. An individual who is an alien and has resided with his or her parent, guardian, or conservator while attending a public or private high school in the State of Nebraska and:
 - i. Graduated from a public or private high school in this state or received the equivalent of a high school diploma in this state;
 - ii. Resided in this state for at least three years before the date the student graduated from the high school or received the equivalent of a high school diploma;
 - iii. Registered as an entering student in a state postsecondary educational institution not earlier than the 2006 fall semester; and
 - iv. Provided to the Nebraska State College an affidavit stating that he or she will file an application to become a permanent resident at the earliest opportunity he or she is eligible to do so.

4. Non-Residents Working Who Pay Nebraska Income Tax

Individuals who reside outside of Nebraska but pay Nebraska income tax, and the spouses or dependents of such individuals as defined by IRS regulations, are eligible for resident tuition upon documented evidence of such payment to the State.

5. Non-Residents Working Full-Time in Nebraska

Individuals working full-time in Nebraska, and their legal dependents as defined by IRS regulations, who reside out-of-state but within states contiguous to Nebraska and file Nebraska non-resident incomes taxes shall be eligible for resident tuition.

- a. For purposes of this section, individuals requesting resident tuition status under this section shall provide the College with evidence of current full-time employment in the State of Nebraska and evidence of filing of Nebraska income tax forms for the most recent tax year.
- b. Eligible dependents shall provide proof of their parent, parents, or guardians full-time employment in the State of Nebraska and evidence of their parent, parents, or guardians having filed a Nebraska income tax form proving dependency for the most recent tax year.

STUDENT AFFAIRS, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 3050

Residency

Page 5 of 5

Legal Reference: RRS 85-501 State educational institutions; non-resident fee
RRS 85-502 State educational institutions; domicile; defined; requirements; Attendance of students; effect
RRS 85-502.01 Residence; affidavit of intent; requirements

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