



KANSAS BOARD OF REGENTS

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Frequently Asked Questions: Kansas Residency for Tuition and Fee Purposes at State Universities (July 18, 2007)

A person who is a Kansas resident for tuition and fee purposes is eligible for in-state tuition at state universities. Please read and consider the following FAQs to determine if you might qualify for in-state tuition. Additional questions may be directed to the Registrar or the Kansas Board of Regents at www.kansasregents.org/contact.html.

WHO SETS POLICIES REGARDING RESIDENCY? The laws and regulations regarding residency for tuition and fee purposes are established by the Kansas Legislature and the Kansas Board of Regents. State universities are required to follow these rules and may not establish their own. The Legislature's and the Board's rules are unique to residency for tuition and fee purposes at the state universities, and residency for other purposes, such as for community college tuition, may differ.

WHERE CAN I GET A COPY OF THESE LAWS AND REGULATIONS? All Kansas Statutes Annotated (K.S.A) can be found at the Kansas Legislature's website: www.kslegislature.org. Kansas Administrative Regulations (K.A.R) are available from your Registrar's office, but are also found in Appendix D of the Board of Regent's Policy and Procedure Manual, which can be downloaded at: <http://www.kansasregents.org/academic/policymanual.html>. Citations for the appropriate law or regulation will follow the questions below, in case you want to read the source of the answers.

HOW IS MY RESIDENCY STATUS FOR TUITION DETERMINED? Your residency status is initially determined by the Admissions Office working with the Registrar on your campus. The determination is based on the information provided in your application to the university. The Registrar's decision is guided by the laws and regulations established by the Kansas Legislature and the Board of Regents. (K.A.R. 88-2-1)

WHAT IS THE BASIC RULE REGARDING RESIDENCY FOR TUITION AND FEE PURPOSES AT STATE UNIVERSITIES? Generally, if you (or your parents, if you are a minor) have lived in Kansas more than one year (12 months), you have not been enrolled at a state university during that time, and you intend to stay in Kansas indefinitely, you will be considered a resident for tuition and fee purposes. In other words, you demonstrate that you have chosen to live in Kansas for at least 12 months because you want to make Kansas your permanent home and not just because you want to get in-state tuition. (K.S.A. 76-729 and K.A.R. 88-3-2)

WHAT IF I USED TO BE A RESIDENT BUT LEFT THE STATE AND NOW HAVE RETURNED? As of July 1, 2006, if you can prove you were a resident for tuition and fee purposes within the last five years (60 months) and that you have returned to live in Kansas, you will be deemed a resident for tuition and fee purposes. (K.S.A. 76-729 as amended by 2007 HB 2185 §10)

CAN I BECOME A RESIDENT WHILE GOING TO SCHOOL FULL-TIME? Usually, no. Someone who comes to Kansas to go to a state university and who is a full-time student has to overcome a strong presumption that he or she is only here temporarily for the duration of the educational program. Overcoming that presumption can be very difficult to do while remaining a full-time student. The answer to the next question provides more information on the factors that may indicate intent to be a resident in Kansas. (K.A.R. 88-3-2)

I'VE LIVED IN KANSAS FOR OVER A YEAR; AM I A RESIDENT NOW? Qualifying as a resident for fee purposes requires more than just being present in the state for a year. The Registrar will consider the following types of things, if they have existed for at least 12 months, to determine your intent to be a Kansas resident. No one factor alone is determinative of residency.

- Continuous presence in Kansas, except for brief temporary absences, during periods when not enrolled as a student
- Employment in Kansas
- Payment of Kansas state individual income taxes
- Reliance on Kansas sources for financial support
- Commitment to an education program that indicates an intent to remain permanently in Kansas
- Acceptance of an offer of permanent employment in Kansas
- Admission to a licensed practicing profession in Kansas
- Ownership of a home in Kansas

The following things, standing alone, generally do not establish residency.

- Voting or registering to vote in Kansas
- Employment in any position normally filled by a student
- Lease of living quarters in Kansas
- A statement of your intention to acquire residence in Kansas
- Residence in Kansas of the student's spouse
- Vehicle registration in Kansas
- Acquisition of a Kansas driver's license
- Payment of Kansas personal property taxes

(K.A.R. 88-3-2)

I JUST MARRIED A KANSAN; DOES THAT MAKE A DIFFERENCE? It might. The residency status of married individuals is determined separately for each spouse, but if you have been married more than 12 months, it will be considered a factor in your application for residency. (K.A.R. 88-3-7 and 88-3-2)

CAN A FOREIGN STUDENT BECOME A RESIDENT? Usually, no. Anyone who is here on a temporary visa—including student, training and practical experience visas—must leave this country once the purpose for which he or she was allowed to enter the country has been met. Not having permission to stay in the country permanently, such persons cannot demonstrate the requisite intent to make Kansas their permanent home. (K.A.R. 88-3-2)

ARE THERE ANY SPECIAL EXCEPTIONS TO THESE RULES? Yes, there are several exceptions for: Kansas high school graduates; military personnel; people who have been recruited to work in Kansas; people who once resided in Kansas, left and are now returning; and employees of state universities. If you think you fall into any of these categories, check with the Registrar for more information. (K.S.A. 76-729 and 76-731a; K.A.R. 88-3-8a, 88-3-9, 88-3-10, 88-3-11, 88-3-12 and 88-3-13)

I HAVE HEARD THERE ARE NEW RULES FOR PEOPLE WHO ARE OR HAVE BEEN IN THE MILITARY. WHAT ARE THEY? If you are currently serving in the U.S. military and residing in Kansas, or are a member of the Kansas National Guard, you and your spouse and dependents may be determined to be residents for tuition and fee purposes. If you have retired or have been honorably discharged from the military, you, your spouse and your dependents may also be deemed to be residents for tuition and fee purposes if you had a permanent change of station order for active duty in Kansas during your military service and you live in Kansas at the time of enrollment. (K.A.R. 88-3-8a and 88-3-12)

WHAT SHOULD I DO IF I HAVE BEEN CLASSIFIED AS A NON-RESIDENT AND I BELIEVE THAT IS WRONG? If you disagree with the Registrar's determination, you may appeal the decision to a residency committee at your university. The Registrar's office has forms for you to use to file an appeal. The appeal must be filed within 30 days of the date you were notified of the determination. The determination of the residency committee is final and subject only to review by a court. *Note: The Board of Regents cannot change the determination of the Registrar or the residency committee.* (K.A.R. 88-3-1)

IS IT POSSIBLE THAT I AM NOT A RESIDENT FOR TUITION AND FEE PURPOSES ANYWHERE? Yes. The information provided here only applies to residency for tuition and fee purposes at Kansas state universities. Different rules may apply to determine residency in your home state or for other schools. It is possible to be a person without a state residence for tuition and fee purposes.