

# The University of Kansas

## Resident Tuition Classification

### As Defined By Kansas Statute and Administrative Rules



Published by the Office of the University Registrar, within the Division of Student Success,  
1450 Jayhawk Blvd 151 Strong Hall, The University of Kansas, Lawrence, KS  
July 2007

**Resident Tuition classification** is determined by criteria found in Kansas statutes and regulations of the Kansas Board of Regents. A copy of those statutes and regulations is provided in this brochure. Students are responsible for providing information sufficient to support their applications for resident classifications. This brochure provides a general overview of the procedures and criteria used to determine resident status. It does not replace or supersede the statutes or Board of Regents' regulations which contain the detailed requirements that must be met in order to prove resident status.

#### **76-729. Residence of students for fee purposes; basic rule, certain exceptions authorized; definitions.**

(a) (1) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a

resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 60 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes. (2) The provisions of this subsection shall be applicable to any person enrolling at a state educational institution from and after July 1, 2006. Any person who (A) qualifies as a resident of the state of Kansas for fee purposes under the provisions of this subsection, (B) attended a state educational institution during academic year 2006-2007 and (C) paid fees as if such person was not a resident of the state of Kansas, may apply to such state educational institution to be reimbursed in an amount equal to the difference between the amount the person paid in fees and the amount the person would have paid if such person had been treated as a resident of the state of Kansas. Such reimbursement shall be paid by the state educational institution at which such person was enrolled during academic year 2006-2007. (3) The provisions of this subsection shall not apply to a person who is deemed a resident for fee purposes pursuant to K.S.A. 2006 Supp. 76-731a, and amendments thereto. (b) The state board of regents may authorize the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

(1) Persons who are employees of a state educational institution; (2) persons who are in military service; (3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a); (4) persons having special domestic relations circumstances; (5) persons who have lost their resident status within six months of enrollment; (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto; (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or

retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of sub-section (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; (8) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse; and (9) persons who have retired or have been honorably discharged from military service, had a permanent change of station order for active duty in Kansas during such military service and live in Kansas at the time of enrollment.

(c) (1) The state board of regents shall authorize the following class of persons to pay an amount equal to resident fees: Any dependent or spouse of a person

in military service who is reassigned from Kansas to another duty station so long as such dependent or spouse continues to reside in Kansas. (2) So long as a person remains continuously enrolled, exclusive of summer sessions, a person who qualifies to pay resident fees by virtue of being a spouse or dependent of a person in military service shall not lose such status because of a divorce or the death of a spouse. (d) As used in this section: (1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians. (2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051, and amendments thereto. (3) "Custodian" means a person, agency or association granted legal custody of a minor under the *revised* Kansas code for care of children. (4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence. (5) "Full-time employment" means employment requiring at least 1,500 hours of work per year. (6) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the person in military service and who is related to such individual by marriage or consanguinity. (7)

"Military service" means: (A) Any active service in any armed service of the United States; or (B) membership in the Kansas army or air national guard. (8) "Academic year" means the twelve-month period ending June 30.

**76-730. Same; rules and regulations for criteria and guidelines; student residence committees.** (a) The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of residence of persons enrolling at the state educational institutions, so long as such criteria or guidelines are not in conflict with the provisions of this act. (b) If the state board of regents authorizes persons specified in subsection (b) of K.S.A. 76-729 and amendments thereto to pay an amount equal to resident fees when enrolling at the state educational institutions, the state board shall adopt rules and regulations prescribing criteria or guidelines for determination of eligibility of such persons therefore, and shall determine the evidence deemed necessary to be submitted as proof of eligibility. Evidence submitted by a person as proof of eligibility claimed under subsection (b)(7) of K.S.A. 76-729 and amendments thereto must include, but not by way of limitation, certification of the claim by the employer of the

person. (c) The state board of regents shall adopt rules and regulations prescribing guidelines for the membership composition and procedure of a residence committee for each state educational institution under its control and supervision.

**76-731. Certain American Indians deemed residents of state for purpose of tuition and fees.** Any person who is attending or who has attended Haskell Indian Junior College and who is enrolled as an American Indian on a tribal membership roll maintained by the bureau of Indian affairs of the United States department of the interior shall be deemed to be a resident of this state for the purpose of tuition and fees for attendance at any state educational institution under the state board of regents.

---

#### **APPLICATION PROCEDURES**

While attending KU, if you feel that you have met the criteria and your classification should be changed, applications for a change in resident tuition classification may be obtained from the Office of the University Registrar, 151, Strong Hall on the Lawrence campus. The earliest completed applications may be submitted to the Office of the University Registrar is 75 days prior to the first day of classes for the semester for which the change

is being requested. The last day for applying is thirty calendar days after the first day of classes for the semester in which the change is being requested. All questions on the application must be answered and all supporting documentation must be attached. The documentation should be in the form of photocopies, because all information becomes the property of the University of Kansas. These are confidential records and are maintained in accordance with the University of Kansas Student Records Policy.

In reviewing the application, the Office of the University Registrar will consider each individual situation as presented and assess it in relation to pertinent Kansas statutes and Board of Regents regulations. Once a decision has been made, the student will be notified in writing. The decision may be appealed (see Appeal Procedure below).

#### **APPEAL PROCEDURE**

If your application for resident status is denied, you may appeal the decision. An appeal must be submitted no later than thirty calendar days after the decision has been made. The Residency Appeals Committee reviews appeals of resident classification. The decision of the Residency Appeals Committee is the final determination made by the University of Kansas.

#### **RESIDENT FEE PRIVILEGES**

Students who meet certain categories of criteria are eligible for tuition assessments equal to resident rates when authorized by the Kansas legislature and the Kansas Board of Regents. These privileges do not change a non-resident classification. Please see K.A.R 88-3-8 through 88-3-12. This information is available on our website at [www.registrar.ku.edu/residency](http://www.registrar.ku.edu/residency)

---

#### **Out of State Tuition Waiver**

Please see [www.Registrar.ku.edu](http://www.Registrar.ku.edu) or call 785-864-4472

#### **88-3-8. Military personnel.**

#### **88-3-9. Institutional personnel.**

#### **88-3-10. Kansas high school graduates.**

#### **88-3-11. Recruited or transferred employees.**

#### **88-3-12. Discharged or retired from active military duty in Kansas.**

#### **76-731 (a) Certain persons without lawful immigration status deemed residents for purpose of tuition and fees.**

#### **Complete Tuition Waivers**

Please see [www.Registrar.ku.edu](http://www.Registrar.ku.edu) or call 785-864-4472

#### **74-32,161. Foster care children**

#### **75-4364. Educational benefits for dependents of deceased public safety officers;**

#### **enrollment at Kansas educational institutions without charge of tuition or fees.**

#### **75-4364b – Spouses and dependents of certain deceased military personnel.**

---

#### **THE MOST ASKED QUESTIONS CONCERNING RESIDENCY**

Tuition Classification and Their Answers

Q. How can I prove that I am an in-state resident for tuition paying purposes?

A. Generally, you must be able to document that 1) you have physically resided in Kansas for at least one full year prior to the first day of classes for the semester for which you are applying, 2) that you rely on in-state sources for your financial support, and 3) that you have demonstrated intent to make Kansas your permanent residence indefinitely and are in Kansas for reasons other than educational purposes. (or) If a person has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 60 months of departure.

Q. I am under 18 and my parents live in another state. What if I

have a guardian who lives in Kansas?

A. Only if parents are deceased, divorced, or legally separated is the appointment of a guardian or a grant of custody recognized for residency tuition classification. Court appointment or grant of custody is required. In most cases, guardianships terminate at age 18. Guardianships established for the sole or main purpose of qualifying the ward for resident fees will not be honored.

Q. I'm a retired military member or honorably discharged military member or the dependent of one. Do I qualify for resident rates?

A. If the person serving in the military meets the criteria outlined in 88-3-12 they and their dependents will be entitled to a fee privilege. For more information and application forms contact the Assistant Registrar.

Q. I'm a military member or the dependent of one, who is stationed outside Kansas but I have maintained my home of military record in Kansas. Do I pay resident rates?

A. Retaining your home of military record in Kansas does not automatically qualify you as a resident. Your classification is based on all aspects of your situation. If you are in this situation and have been admitted as a non-resident, however, you may contact the Assistant

Registrar to initiate a review of your initial classification.

Q. How do I apply for resident fee status at the University of Kansas?

A. After reading the regulations and the Application procedures, complete the appropriate application form, have it notarized, and submit it to the Office of the University Registrar. It will be reviewed and you will be notified of the decision by mail. The deadline for submitting petitions is 30 days after the first day of classes for the term. An application can be submitted as early as 75 days in advance of the first day of classes for the term.

## **PERTINENT KANSAS BOARD OF REGENTS REGULATIONS**

### **88-2-1 Residence classification.**

(a) The registrar of each institution governed by the state board of regents shall determine the residence status for fee purposes of each student who enrolls in the institution. If the registrar determines that the original residency classification of any student was incorrect, the registrar shall give written notice of reclassification to that student, together with a statement of any additional fees owed by or any refund due to that student for any terms or semesters, and the same shall be due and payable immediately. (b) Any residency determination by an agent duly

designated by a registrar to make a determination pursuant to articles 2 and 3 shall be deemed to be the residency determination of that registrar.

**88-2-2. Appeals** (a) Each student who is classified as a nonresident for fee purposes upon enrollment and who disagrees with that classification shall be entitled to an appeal if the student files a written appeal thereon with the registrar within 30 days of notification of classification. Any student who is classified as a resident for fee purposes at the time of enrollment, who subsequently is reclassified a nonresident for such purposes, and who disagrees with that reclassification, may make an appeal provided the student files a written appeal thereon with the registrar within 30 days of notification of reclassification. (b) Each registrar's office shall provide on request a standard appeal form. The payment in full of fees as originally assessed shall be a condition to the right to maintain an appeal from residency classification or reclassification. (c) If a student fails to file an appeal in the time and manner provided in this regulation, the classification or reclassification determined by the registrar shall, upon expiration of the appeal period, become final.

**88-2-3 Residence committee.** Each institution governed by the state board of regents shall establish a committee of at least

three members to act as an appellate body to hear and determine appeals concerning the status of students as residents or nonresidents of Kansas for fee purposes. Members of the residence committee shall be appointed by the chancellor or president of each institution under a procedure established by the chancellor or president. The procedure shall be consistent with state law and regulations of the state board of regents. Committee members shall serve at the pleasure of the chancellor or president. (b) The residence committee shall elect its own chair who shall be eligible to vote in all cases. The registrar shall meet with the university residence committee but shall not be a member of the committee.

### **88-2-4. Decisions of residence committee.**

(a) Subject to the provisions of K.S.A. 77-601, et seq., decisions of the residence committee shall not be subject to further administrative review by any officer or committee of the university or by the State Board of Regents. (b) If the residence committee determines that the appealing student was entitled to be classified as a Kansas resident for fee purposes, an amount equal to the difference between resident fees for the term or semester involved and the non-resident fees paid by the student for such term or semester shall be refunded to the student immediately. (c) The residence committee may seek advice, through the executive

officer of the State Board of Regents, from the attorney general upon legal questions involved in any case pending before it. Opinions rendered by the attorney general to the executive officer shall be distributed among the registrars of all institutions governed by the State Board of Regents.

### **88-3-1. Student information.**

Whenever a question arises concerning a person's residence classification for fee purposes, that person shall be provided with a copy of information substantially as set forth in this regulation, together with K.A.R. 88-3-2 through 88-3-13. "Carefully read the information, statute and regulations that follow. Then, if you believe you should be eligible for resident classification for fee purposes, complete the attached application for residence classification and submit it to the registrar within 30 days of your notification of classification as a non-resident for fee purposes. When an appeal is made by a student from a determination that the student is a non-resident, the student must pay non-resident fees at the time designated for payment of fees. If the student is found to be a resident, the difference between resident and non-resident fees will be refunded. Subject to the provisions of K.S.A. 77-601, *et seq.*, decisions of the residence committee shall not be subject to further administrative review by any officer or committee

of the university or by the State Board of Regents."

### **Responsibility**

"The responsibility of enrolling under proper residence classification for fee purposes is placed on the student. If there is any possible question of residence classification under the regulations of the State Board of Regents, it is the duty of the student when registering and paying fees to raise the question with the registrar. If a student enrolls incorrectly as a resident of Kansas and it is determined at a later date the student was a non-resident for fee purposes, the student shall be required to pay the non-resident fee for all terms during which the student was incorrectly registered."

### **88-3-2. Definition of "residence" for fee purposes.**

(a) Except as otherwise provided in the rules and regulations of the State Board of Regents, "residence" means a person's place of habitation, to which, whenever the person is absent, the person has the intention of returning. A person shall not be considered a resident of Kansas unless that person is in continuous physical residence, except for brief temporary absences, and intends to make Kansas a permanent home, not only while in attendance at an educational institution, but indefinitely thereafter as well. (b) The factors that, while not conclusive, will be given probative value in support of a claim for

resident status include the following: (1) continuous presence in Kansas during periods when not enrolled as a student; (2) employment in Kansas; (3) payment of Kansas state income taxes; (4) reliance on Kansas sources for financial support; (5) commitments to an education program which indicates an intent to remain permanently in Kansas; (6) acceptance of an offer of permanent employment in Kansas; (7) admission to a licensed practicing profession in Kansas; or (8) ownership of a home in Kansas. No factor shall be considered in support of a claim for resident status unless the factor has existed for at least one year before enrollment or re-enrollment. (c) The following circumstances, standing alone, ordinarily shall not constitute sufficient evidence of a change to Kansas residence: (1) voting or registration for voting in Kansas; (2) employment in any position normally filled by a student; (3) lease of living quarters in Kansas; (4) a statement of intention to acquire residence in Kansas; (5) residence in Kansas of the student's spouse; (6) vehicle registration in Kansas; (7) acquisition of a Kansas driver's license; (8) payment of Kansas personal property taxes; or (9) continuous enrollment in a post-secondary educational institution in Kansas. (d) If a person is continuously enrolled for a full academic program as defined by the institution where enrolled, it shall be presumed that the

student is in Kansas for educational purposes and the burden shall be on the student to prove otherwise. (e) Maintenance of ties with another state or country, including financial support, voting, payment of personal property taxes, registering a vehicle or securing a driver's license in that state or country, may be considered sufficient evidence that residence in the other state or country has been retained.

**88-3-3. Definition of "12 months."** The phrase "12 months prior to enrollment for any term or session" as used in K.S.A. 76-729 means a continuous 365-day period immediately prior to the first day of classes for a specified term or session.

### **88-3-4. Residence of persons under eighteen years of age.**

Generally, the residence of a person who is under 18 years of age is determined by the residence of the person's custodial parent or parents or of the parent providing the preponderance of the student's support. If both parents are deceased, residence shall be determined by the residence of the person's legal guardian or custodian, or if none exists, of the person providing the preponderance of support. Any person under 18 years of age who is legally emancipated shall be considered an adult for residence purposes.

**88-3-5.** (Authorized by K.S.A 76-730; implementing K.S.A 76-729; effective E-71-35, Aug 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-76-50, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended Nov. 18, 1991 revoked July 24, 1998.)

**88-3-6. Equal Treatment of Men and Women.** In the application of K.S.A. 76-729 and these regulations, men and women shall be treated the same.

**88-3-7. Residence of Married Persons.** The residence of married persons shall be determined separately for each spouse.

**88-3-13. Persons with special domestic relations**

**circumstances.** (a) The resident fee privilege shall be granted to any dependent student whose parents are divorced, as long as at least one parent is a Kansas resident pursuant to articles 2 and 3 of these regulations. (b) A dependent student who is correctly classified as a resident and who maintains continuous fall and spring enrollment and domiciliary residence in Kansas shall maintain the resident fee privilege. Brief temporary absences shall not end the eligibility for the resident fee privilege, as long as domiciliary residence is maintained.

---

**FOR MORE INFORMATION**

If you have questions regarding resident tuition classification, or would like application forms please contact the Assistant University Registrar at the following:

Assistant Registrar  
121 Strong Hall  
1450 Jayhawk Blvd,  
Lawrence, KS 66045-7535  
785-864-4472

Online Information

[www.registrar.ku.edu/residency](http://www.registrar.ku.edu/residency)

[www.registrar.ku.edu/residency/residency.shtml#forms](http://www.registrar.ku.edu/residency/residency.shtml#forms)