



Policy No:6008

Date: 04/18/2017

Title of Procedures: BCCC Determination of Residence for Tuition Purposes

Procedures (check one): New Revised Reformatted

Applies to (check all that apply):

Faculty Staff Students

Division/Department: **College**

Topic/Issue:

The determination of Maryland residence for tuition purposes, relative to whether a student meets the criteria for Maryland or out-of-state tuition rates at Baltimore City Community College.

Background to Issue/Rationale for Procedure:

A college's Board of Trustees shall adopt and publish in the college catalog or other public documents a policy governing classification of students by domicile for tuition purposes.

State/Federal Regulatory Requirements (cite if applicable):

COMAR 13B.07.02.03
Annotated Code 16-103
Annotated Code 16-310
Education Article '§ 15-106.8(c) *Maryland Dream Act of 2011* Public Law 113-146, Veterans Access, Choice and Accountability Act of 2014 ("Choice Act")
Sections 702, In-State Tuition Rate for Veterans
Public Law 114-315, Amended, 38 U.S.C.3679(c)

Proposed Procedural Language:

The determination of residency for tuition purposes will adhere to the following procedures.

- I. Credit Students
 - A. Students attending Baltimore City Community College (BCCC) will pay tuition according to their residency and shall be determined to be:

1. Resident of Maryland
 2. Out- of –State residents; or
 3. International students
- B. To qualify for tuition as a Maryland resident, a legal domicile must have been maintained for a period of not less than three consecutive months prior to the first regularly scheduled class for the semester.
- C. In establishing the domicile of a person enrolling in a credit course at BCCC, the following procedures shall prevail:
1. Domicile shall be considered as “person’s permanent place of abode, where physical presence and possessions are maintained and where he/she intends to remain indefinitely. The domicile of a person who received more than one-half of his/her financial support from others in the most recently completed year is the domicile of the person contributing the greatest proportion of support, without regard to whether the parties are related by blood or marriage.”
 2. At the time of admission to or initial enrollment in any credit course at BCCC, each student shall sign a statement affirming domicile and provide evidence of the factual basis for claim of domicile.
 3. At the time of each subsequent enrollment, each student shall indicate whether his/her domicile is the same or different from that affirmed for the last semester in attendance. If facts indicate the domicile has changed, the student shall complete a new statement of residence.
 4. In determining the adequacy of the factual basis for domicile provided by the student, the College will consider any of the following factors and request evidence for substantiation:
 - Possession of a valid Maryland driver’s license or Identification card, with local address specified,
 - Registration to vote in the State of Maryland,
 - Registration of a motor vehicle in the State of Maryland, with a local address specified, if the student owns or uses such vehicle,
 - Payment of Maryland State and local income taxes on all taxable income earned, including all taxable income earned outside the State.
 - Home mortgage or rental agreement
 - Substantially uninterrupted physical presence including the months when the student is not in attendance at College
 - Maintenance in Maryland of substantially all, of the student’s possessions
 - Graduation from a Maryland High School within the academic year of enrollment at the College.
- D. A domicile in Maryland is lost when a new domicile is established for a period of three months at a location outside the State.
- E. In addition to general requirements above, the following provisions apply to the specific categories of students indicated:
1. Active Duty Military and National Guard personnel and their dependents who were residents of Maryland at the time of entrance into the armed forces and who are stationed outside the State may retain Maryland residence as long as they do not establish domicile elsewhere.

2. Active Duty Military personnel stationed in Maryland who were not Maryland residents at the time of entrance into the armed forces and their dependents may be considered a resident for tuition purposes.
3. A Veteran using educational assistance under either Chapter 30 (Montgomery G.I. Bill- Active Duty Program) or Chapter 33 (Post 9/11 G.I. Bill), title 38, United States Code, who lives in Maryland while attending a school located in Maryland (regardless of his/her formal State of residence) and enrolls in the school within three years of discharge or release from a period of active duty service of 90 days or more.
4. Anyone using transferred Post 9/11 benefits (38 U.S.C. § 3319) who lives in Maryland while attending a school located in Maryland (regardless of his/her formal State of residence) and enrolls in the school within three years of the transferor's discharge or release from a period of active duty service of 90 days or more.
5. Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same institution. The person so described must have enrolled in the institution prior to the expiration of the three year period following discharge or release as described above and must be using educational benefits under either Chapter 30 or Chapter 33, of title 38 United States Code.
6. Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311 (b)(9)) who lives in Maryland while attending a school located in Maryland(regardless of his/her formal State of residence)
7. Anyone using transferred Post 9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in Maryland while attending a school located in Maryland (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty.
8. An individual qualifies under the Maryland Dream ACT, which provides the opportunity for some non-U.S. citizens who attended high school in Maryland to receive in-state tuition. In order to qualify for this exemption, students must meet the following requirements: (1) Provides official high school transcripts indicating attendance at a public or nonpublic high school in Maryland for at least 3 academic years not earlier than the 2005-2006 school year; (2) Graduated from a public or nonpublic high school in Maryland or receiving the equivalent of a high school diploma from the State not earlier than the 2007-2008 school year (official transcript indicating date of graduation is required); (3) Enrolls in the college within four years after graduating from a public or nonpublic secondary school in the State or receiving the equivalent of a high school diploma in the State; (4) Provides documentation that the individual, or the individual's parent or legal guardian has filed a Maryland income tax return, annually for the 3 years that coincide with the individual's attendance at a public or nonpublic secondary school in the State (home schooled students are subject to this requirement in the same manner); b. Annually each year between secondary school attendance and enrolling at the college, and c. annually while attending a community college; (5) Provides an affidavit stating that the individual will file an application to become a permanent resident within 30 days after the individual becomes eligible to do so; (6) Provides proof that the individual has registered with the selective service system. (This currently applies to all males 18 – 25. Proof of selective service registration can be obtained by filing with the Post Office and returning a receipt to the college that shows proof of registration or by providing a selective service card.). Once you are determined to be eligible for the exemption, you will continue to receive it as long

as you fulfill the eligibility requirements or until the college no longer offers this exemption. The exemption permits undocumented individuals to pay the in-state tuition rate based on the location of your high school. If you have received a GED, the tuition rate would be based on where you most recently attended high school. To determine eligibility students must complete and submit the BCCC Dream Act Student Affidavit with all required documentation to the Admissions Office. Applying for the exemption does not alter your responsibility to pay by the college deadline any nonresident tuition and associated fees that may be due before your eligibility is determined.

9. A person is provided the opportunity to request a change in residency classification or to appeal current classification by the third week of classes or twenty percent of enrollment date for the current semester/session. Appeals for change of residency classification must be accompanied by evidence justifying such changes and must be processed prior to the end of the third week of classes or twenty percent of enrollment date for the current semester/session of enrollment. Any changes processed after the third week of classes or twenty percent of enrollment date will be effective the following semester. Appeal shall be submitted in writing to the College Director of Recruitment and Admissions.

II. Non-credit Students

In establishing the domicile of a person enrolling in a non-credit continuing education course, that person shall indicate on a signed registration document affirming whether he/she is a resident of Maryland. That student must then adhere to the same criteria for proof of residence as a credit student at Baltimore City Community College.

III. Contracted Education Training

Baltimore City Community College may enter into contract with any public or private sector employer or non-profit organization that maintains facilities, operates or does business in the State to provide education or training for public or private sector employees or members for a set contractual fee in place of payment of tuition and fees under the following conditions:

- A. The employee or member is enrolled in credit or non-credit courses which will benefit the employer;
- B. The employer or non-profit organization pays the fees charged by the College;
- C. The fee reasonably reflects the usual cost borne by the students in the same or similar courses;
- D. The employees or members enrolled under this program shall be treated as any other students in accordance with the Baltimore City Community College policies and procedures and the general policies of the Board of Trustees with the exception of payment of tuition.
- E. Contractual arrangements under this section may include customized training as well as employer paid tuition and tuition reimbursement

Proposed Implementation Date: July 1, 2017

Proposed by: Dr. Marguerite Weber
Vice President/Senior Staff Member

Approved by the Board of Trustees: May 23, 2017

Originator/Division: Student Affairs Division