

# Appendix H. Residency

## ADHE Residency Classification for Tuition Purposes for Public Colleges and Universities

1. A student should be classified as an instate resident for tuition purposes only if his or her legal residence is located in Arkansas. This means that Arkansas is the legal place of residence of the student for all purposes and that the student demonstrates by good faith acts the intent to make Arkansas his or her permanent home. Legal residence in Arkansas is required for at least six continuous months prior to the classification decision in order to be classified as a resident for tuition purposes. Mere physical presence in Arkansas is not sufficient to establish residency or demonstrate future intent.
2. In those situations where the student's residency status is dependent on the place of residence of the parent(s), the definition in (1) should govern the determination of parental residency. For parents, neither mere physical presence in Arkansas with children nor mere ownership of property in Arkansas is sufficient to establish residency but should be taken into consideration along with other relevant factors.
3. The legal residence of a minor student (as defined in 5 below) is the same as that of the parent(s)
  - the parent to whom custody has been awarded by judicial decree
  - the parent with whom the minor resides if there has been a separation without a judicial decree
  - the legal adoptive parent
  - the natural guardian with whom the minor resides. Act 692 of 1997 (A.C.A. 6-60-210) provides, in part, that for the purpose of admission and enrollment in a public institution of higher education any minor child (defined as "a child under twenty-one (21) years of age") of a legal resident of Arkansas shall be considered a legal resident of Arkansas.
4. Appointment of a guardian by a state other than Arkansas will establish the legal residence of a minor student as that of the out-of-state guardian. Establishment of guardianship or adoption to evade tuition or fees will not be recognized.
5. Act 892 of 1975 states that all persons eighteen (18) years of age and above shall be considered to have reached the age of majority. Until the age eighteen (18) is reached, they are considered to be minors. "Any law of the State of Arkansas which presently requires a person to be of a minimum age of twenty-one (21) years to enjoy any privilege or right... shall be deemed to require that person to be of a minimum age of eighteen (18) years."
6. Minors who have been emancipated by the laws of their legal state of residence, or who have reached the legal age of majority, have the power to acquire a different legal place of residence, but the previously established legal residence continues in force until a new legal residence is clearly established. Marriage constitutes emancipation for all minors.
7. To acquire a legal residence in Arkansas, an individual must have established a legal home of permanent character, resided in Arkansas for six continuous months and have no present intention of changing residence to a location outside Arkansas.

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8. Determination of legal residence for tuition purposes shall be based on review by institutional officials of all relevant circumstances, which together may reasonably demonstrate legal residence and state of mind regarding residency intent.
9. Students who are otherwise not residents of Arkansas may not establish legal residence in Arkansas by the mere fact of receiving mail at an Arkansas address or postal box.
10. Members of the armed forces who are stationed in Arkansas pursuant to military orders, along with their unemancipated dependents, are entitled to classification as in-state residents for tuition purposes.

It is the responsibility of each student, at the time of registration, to seek the proper residency classification for tuition purposes. Any residency classification which is made by the institution may be appealed to the Registrar or other designated officer. This individual shall conduct hearings, receive evidence and take other appropriate steps to render a decision and provide notice of that decision to the student. Each student who raises the question of his or her residency status shall be provided written notice of the appeals process.

A student whose geographic origin is outside the state of Arkansas has the burden of establishing proof that he or she should be classified a resident of Arkansas for tuition purposes. Evidence must be provided in writing and verified under oath by the student. Anyone who knowingly gives erroneous information in order to evade payment of out-of-state tuition or fees shall be subject to dismissal by the college or university. Initial classification as an out-of-state student shall not limit the right of any student to be reclassified later as a resident of Arkansas for tuition purposes, provided that the student can establish proof of legal residence in Arkansas.