



Ohio Administrative Code

Rule 3342-7-07 University policy regarding Ohio student residency for state subsidy and tuition surcharge purposes.

Effective: March 1, 2015

(A) Intent and authority.

(1) It is the intent of the Ohio board of regents and the university in promulgating this rule to exclude from treatment as residents, as that term is applied here, those persons who are present in the state of Ohio primarily for the purpose of receiving the benefit of a state-supported education.

(2) This rule is adopted pursuant to Chapter 115. of the Revised Code, and under the authority conferred upon the Ohio board of regents by section 3333.31 of the Revised Code.

(B) Definitions. For the purposes of this rule:

(1) A "resident of Ohio for all other legal purposes" shall mean any person who maintains a twelve-month place or places of residence in Ohio and receive state welfare benefits, and who may be subjected to tax liability under section 5747.02 of the Revised Code, provided such person has not, within the time prescribed by this rule, declared himself or herself to be, or allowed himself or herself to remain a resident of any other state or nation for any of these or other purposes.

(2) "Financial support" as used in this rule shall not include grants, scholarships, or awards from persons or entities which are not related to the recipient.

(3) For the purpose of determining residency for tuition surcharge purposes at the university, "domicile" is a person's permanent place of abode; there must exist a demonstrated intent to live permanently in Ohio, and a legal ability under federal and state law to reside permanently in the state. For the purposes of this rule, only one domicile may be maintained at a given time.

(4) For the purpose of determining residency for tuition surcharge proposes at the university, an individual's immigration status will not preclude an individual from obtaining residence status if that individual has the current legal status to remain permanently in the United States.



(C) Residency for subsidy and tuition surcharge purposes. The following persons shall be classified as residents of the state of Ohio for subsidy and tuition surcharge purposes:

(1) A dependent student, at least one of whose parents or legal guardian has been a resident of the state of Ohio for all other legal purposes for twelve consecutive months immediately preceding the enrollment of such student at Kent State university.

(2) A person who has been a resident of Ohio for the purpose of this rule for at least twelve consecutive months immediately preceding his or her enrollment at the university and who is not receiving, and has not directly or indirectly received in the preceding twelve consecutive months, financial support from persons or entities who are not residents of Ohio for all other legal purposes.

(3) A dependent child of a parent or legal guardian, or the spouse of a person who, as of the first day of a term of enrollment, has accepted full-time employment and established domicile in the state of Ohio for reasons other than gaining the benefit of favorable tuition rates. Documentation of full-time employment and domicile shall include both of the following documents:

(a) Loyer's representative certifying that the parent or spouse of the student is employed full-time in Ohio.

(b) A copy of the lease under which the parent or spouse is the lessee and occupant of rented residential property in the state: A copy of the closing statement on residential real property located in Ohio of which the parent or spouse is the owner and the occupant: or if the parent or spouse is not the lessee or owner of the residence in which he or she has established domicile, a letter from the owner of the residence certifying that the parent or spouse resides at that residence.

(D) Additional criteria which may be considered in determining residency for the purpose may include but are not limited to the following:

(1) Criteria evidencing residency:

(a) If a person is subject to tax liability under section 5747.02 of the Revised Code;



(b) If a person qualifies to vote in Ohio;

(c) If a person is eligible to receive state welfare benefits;

(d) If a person has an Ohio driver's license and/or motor vehicle registration.

(2) Criteria evidencing lack of residency:

(a) If a person is a resident of or intends to be a resident of another state or nation for the purposes of tax liability, voting, receipt or welfare benefits, or student loan benefits (if the student qualified for that loan program by being a resident of that state or nation);

(b) If a person is a resident or intends to be a resident of another state or nation for any purpose other than tax liability, voting, or receipt of welfare benefits (see paragraph (D)(2)(a) of this rule).

(E) Exceptions to the general rule of residency for subsidy and tuition surcharge purposes.

(1) A person who is living and is gainfully employed on a full-time or part-time and self-sustaining basis in Ohio and who is pursuing a part-time program of instruction at the university shall be considered a resident of Ohio for these purposes.

(2) A person who enters and currently remains upon active duty status in the United States military services while a resident of Ohio for all other legal purposes and his or her dependents shall be considered residents of Ohio for these purposes as long as Ohio remains the state of such person's domicile.

(3) A person on active duty status in the United States military service who is stationed and resides in Ohio and his or her dependents shall be considered residents of Ohio for these purposes.

(4) A person who is transferred by his employer beyond the territorial limits of the fifty states of the United States and the District of Columbia while a resident of Ohio for all other legal purposes and his or her dependents shall be considered residents of Ohio for these purposes as long as Ohio



remains the state of such person's domicile as long as such person has fulfilled his or her tax liability to the state of Ohio for at least the tax year preceding enrollment.

(5) A person who has been employed as a migrant working in the state of Ohio and his or her dependents shall be considered a resident for these purposes provided such person has worked in Ohio at least four months during each of the three years preceding the proposed enrollment.

(F) Procedures.

(1) A dependent person classified as a resident of Ohio for these purposes under the provisions of paragraph (C)(1) or paragraph (C)(2) of the Administrative Code and this rule and who is enrolled at Kent state university when his or her parents or legal guardian removes their residency from the state of Ohio shall continue to be considered a resident during continuous full-time enrollment and until his or her completion of any one academic degree program.

(2) In considering residency, removal of the student or the student's parents or legal guardian from Ohio shall not, during a period of twelve months following such removal, constitute relinquishment of Ohio residency status otherwise establish under paragraph (C)(1) or (C)(2) of this rule and of the Administrative Code.

(3) For students who qualify for residency status under paragraph (C)(3) of this rule, residency status is lost immediately if the employed person upon whom resident student status was based accept employment and establishes domicile outside Ohio less than twelve months after accepting employment and establishing domicile in Ohio.

(4) Any person once classified as a nonresident, upon the completion of twelve consecutive months of residency, must apply to the institution he or she attends for reclassification as a resident of Ohio for these purposes if such a person in fact wants to be reclassified as a resident. Should such person present clear and convincing proof that no part of his or her financial support is or in the preceding twelve consecutive months has been provided directly or indirectly of persons or entities who are not residents of Ohio for all other legal purposes, such person shall be reclassified as a resident. Evidentiary determinations under this rule shall be made by the registrar which may require, among other things, the submission of documentation regarding the sources of a student's actual financial



support.

(5) Any reclassification of a person who was once classified as a nonresident for these purposes shall have prospective application only from the date of such reclassification.

(6) A student wishing to appeal or change his or her classification as a nonresident must complete and file an "Application for Resident Tuition Status."

(7) A student classified as a nonresident student at the time of admission to the university and qualifies as a resident may appeal the classification to the director of admissions or appropriate admitting officer.

(8) A matriculated student classified as a nonresident and who qualifies as a resident may appeal the classification to the registrar.

(9) Any student denied classification or reclassification by either of the above administrative officers may appeal the denial to the residency appeals committee.