NorthWest Arkansas Community College Administrative

Policies and Procedures

Residency Classification 3-15-6 (1)

Policy:

1. A student should be classified as an in-state 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. In order to be classified as a resident for tuition purposes, legal residence in Arkansas is required for at least six continuous months prior to the first day of class of the semester in which the student is enrolling. Mere physical presence in Arkansas is not sufficient to establish residency or demonstrate future intent.

2. If a student's legal residence is in one of the contiguous counties to NorthWest Arkansas Community College's service area (Adair and Delaware counties in Oklahoma and Barry or McDonald county in Missouri) the student will be charged at the in-state tuition rate, subject to the same conditions as stated above.

3. 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.

4. The legal residence of a minor student (as defined in 5 below) is the same as that of (a) the parents(s); or (b) the parent to whom custody has been awarded by judicial decree; or (c) the parent with whom the minor resides if there has been a separation without a judicial decree; or (d) the legal adoptive parent; or (e) 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.

5. Students 21 years of age or older but who are still claimed as dependents on their parents/guardian's tax return may elect to use their parent/guardian's

residency as their own. The student must demonstrate dependency status by submitting their parent/guardian's most recent signed tax return, and the student must be listed as a dependent. The constraints listed in (3) apply.

6. 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.

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.

To acquire a legal residence in Arkansas, an individual must have established a legal hone of permanent character, resided in Arkansas for six continuous months and have no present intention of changing residence to a location outside Arkansas.

10. Determination of legal residence for tuition purposes shall be based on review by NorthWest Arkansas Community College officials of all relevant circumstances which together may reasonably demonstrate legal residence and state of mind regarding residency intent.

11. 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.

12. 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.