



Permanent Memorandum No. 31 (PM-31), Revised

*This PM-31 supersedes and replaces all prior versions of PM-31*

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F. King Alexander, President

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## REGULATIONS FOR LOUISIANA RESIDENCY CLASSIFICATION FOR TUITION PURPOSES

### I. DEFINITION OF A RESIDENT STUDENT FOR TUITION PURPOSES

In order to be classified as a Louisiana resident for tuition purposes at any campus of LSU, a student must meet all three of the following conditions:

- A. The student has been domiciled in the State of Louisiana continuously for at least one full year (365 days) immediately preceding the first day of classes of the term for which resident classification is sought; **and**
- B. The student has not been enrolled in a Louisiana postsecondary education institution during this period of time, except through a program providing dual secondary and post-secondary education credit; **and**
- C. The student has abandoned all prior domiciles.

Unless otherwise provided for in this Permanent Memorandum, the campus decision on a student's residency classification for tuition purposes, made in accord with the regulations and procedures set forth herein, shall be fixed for the duration of enrollment.

### II. ESTABLISHING LOUISIANA DOMICILIARY FOR TUITION PURPOSES

A. If the student meets requirements I.A and I.B above, and there is uncertainty only as to whether the student has abandoned all prior domiciles, as mandated by requirement I.C, then the campus may conduct a further investigation to resolve that aspect of a student's application for Louisiana residency classification for tuition purposes. It should be noted that physical presence in Louisiana solely for educational purposes, regardless of the student's length of time within the state, shall not be sufficient for residency classification for tuition purposes. Subject only to compliance with the regulations established herein, each campus may establish its own process and requirements for such investigations which are consistent with other student matters.

B. As a part of such investigation, a campus may require the student to provide documentary evidence that he/she has abandoned all domiciles other than Louisiana. Ownership of property in Louisiana shall not be the sole factor in determining eligibility for residency classification for tuition purposes. The campus may request documentation as it deems relevant to the investigation of domicile for tuition purposes, and shall collect and review such documentation with each admission, regardless of any prior residency classification of the student for tuition purposes.

C. Each application for Louisiana residency classification for tuition purposes shall be determined on its own merits, based upon documentation provided at the time of application.

### **III. GENERAL GUIDELINES**

A. An individual who marries a Louisiana resident may be classified as a Louisiana resident for tuition purposes.

B. Notwithstanding any other provision herein, the spouse or unmarried dependent of a full-time university employee on any LSU campus may be classified a Louisiana resident for tuition purposes.

C. A person eligible to be classified as a Louisiana resident for tuition purposes will not lose that classification during a period of employment in a foreign country. In cases of prolonged employment in a foreign country, the person may be required to provide evidence of retention of U. S. citizenship.

D. Residency classification for tuition purposes is not determined for students auditing only or for students enrolled in extramural or correspondence courses.

### **IV. GUIDELINES FOR MINORS AND DEPENDENTS**

A. The domicile of an unmarried minor (under age of 18) or dependent (see Internal Revenue Code of 1954, Section 152) is regarded to be that of the parent with whom such a minor or dependent maintains his or her place of abode.

B. The domicile of an unmarried minor or dependent with a living parent cannot be changed by his or her own act, or by the relinquishment of a parent's right of control.

C. When an unmarried minor or dependent lives with neither parent, then his or her domicile is deemed to be that of the parent with whom the student maintained the last place of abode.

D. An unmarried minor or dependent may establish his or her domicile only when both parents are deceased and a legal guardian has not been appointed.

E. A person who was eligible for at least five years under these regulations to be classified as a Louisiana resident for tuition purposes, and who then moves to another state, will retain the right for himself/herself, for any minor child, or for any other dependent, to be classified as a Louisiana resident for tuition purposes for a five year period which begins on the date of relocation to another state and which ends on the first day of classes of the first term of enrollment.

F. When there is clear and convincing documentation that the parent(s) with whom a dependent student lives has abandoned all out-of-state domiciles and has permanently relocated to Louisiana, the dependent student may be classified as a Louisiana resident for tuition purposes.

G. When an independent applicant for admission other than in graduate or professional study, who is more than 24 years of age, shows convincing evidence that he/she has abandoned all out-of-state domiciles and has permanently relocated to Louisiana, the applicant may be classified as a Louisiana resident for tuition purposes.

#### V. GUIDELINES FOR NON-U.S. CITIZENS

A. A student who is a non-U.S. citizen may be classified as a Louisiana resident for tuition purposes if that student has been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the State and the United States (e.g. permanent residents, persons married to a U.S citizen, refugees, asylees, temporary or amnesty aliens, etc.) and with all other requirements of this Permanent Memorandum.

B. Students legally present in the United States with a current visa classification of "**E, G, H, I, K, L, NATO, N, O, P, R, S, T, TN (TD), U, TPS, or V,**" and who demonstrate a Louisiana domicile for at least one full year (365 days) prior to the first day of class of the beginning of a semester, may be classified as a Louisiana resident for tuition purposes.

C. Students legally present in the United States with a current visa classification of "**A**" may be classified as a Louisiana resident for tuition purposes.

D. Students legally present in the United States with a current visa classification of "**B, C, D, F, J, M, or Q**" are not eligible to establish Louisiana domicile, nor are they eligible to be classified as a Louisiana resident for tuition purposes, unless otherwise permitted by law or other regulations.

E. An enrolled student who is a non-U.S. citizen, legally present in the United States with any type of current visa classification, may be classified as a Louisiana resident for tuition purposes if that student is granted permanent resident status by the U.S. government.

#### VI. GUIDELINES FOR MILITARY PERSONNEL AND VETERANS AND THEIR DEPENDENTS

A. A member of the Armed Forces currently stationed in Louisiana on active duty, and any of his/her dependents, may be classified as a "Temporary Resident" for tuition purposes upon submission of an appropriate statement signed by the unit commander verifying both active duty status and station assignment. For the purposes of this Permanent Memorandum, current membership in a National Guard Unit shall be construed as "on active duty in the Armed Forces." The classification of "Temporary Resident" for tuition purposes is valid for as long as the student remains enrolled.

B. When a member of the Armed Forces who is on active duty and stationed in Louisiana is transferred out of Louisiana, and that person has had a spouse or dependent enrolled as a

“Temporary Resident” for tuition purposes prior to the transfer, then that enrolled student(s) may continue to attend under this classification as long as the student remains in Louisiana.

C. A member of the Armed Forces who is eligible under this policy for classification as a resident of Louisiana for tuition purposes immediately prior to entering the Armed Forces will retain the right to enroll himself/herself, and any dependents, as Louisiana residents for tuition purposes as long as he/she is on active duty in the Armed Forces and for a five-year period after separation from service.

D. In accordance with the provisions of La. R.S. 17:2137(E), for certain recent veterans and members of reserve units, a student is entitled to be classified as a resident for tuition purposes, without regard to the length of time of residency in Louisiana, if he/she meets the following conditions:

1. is enrolled in or is applying for enrollment in a Louisiana public college or university, and
2. physically resides in Louisiana for the duration of enrollment in a state public institution of postsecondary education, and
3. has served in the armed forces of the United States and
4. meets *at least one* of the following conditions:
  - a. has served on active duty for a continuous period of no less than two years and has received an Honorable Discharge, as verified by a United States of America Department of Defense Form 214, within one year of enrolling in a Louisiana public college or university; or
  - b. is currently serving in a Reserve Component of the armed forces of the United States as verified by a memorandum from his or her commanding officer; or
  - c. has been assigned a service-connected disability by the United States Department of Veteran Affairs.

E. Veterans Access, Choice, and Accountability Act of 2014

1. The Veterans Access, Choice and Accountability Act of 2014 [38 U.S.C. 3679(c)] mandates that tuition and fee rates for veterans be equivalent to those charged to residents. Individuals meeting the following eligibility criteria shall be categorized as a “Temporary Resident” for tuition purposes and is valid for as long as the student remains continuously enrolled:
  - a. 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), of title 38, United States Code, who lives in Louisiana while attending a school located in Louisiana (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.

- b. Anyone using transferred Post-9/11 GI Bill benefits (38 U.S.C. § 3319) who lives in Louisiana while attending a school located in Louisiana (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.
  - c. Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school. The person so described must have enrolled in the school 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.
  - d. Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b)(9)) who lives in Louisiana while attending a school located in Louisiana (regardless of his/her formal State of residence).
  - e. Anyone using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) who lives in Louisiana while attending a school located in Louisiana (regardless of his/her formal state of residence) and the transferor is a member of the uniformed service who is serving on active duty.
  - f. The policy shall be read to be amended as necessary to be compliant with the requirements of 38 U.S.C. 3679(c) as amended.
2. Eligibility shall be available during an initial three-year period after the date of discharge, release, or death and must be using educational benefits under either chapter 30 or chapter 33, of Title 38, United States Code. Continuing eligibility shall be effective so long as the student remains continuously enrolled.
  3. Section VI of this policy is reliant on actions of Congress. Any changes in the federal law, which are not reflected by a change in this Section, supersedes Section VI.
  4. The campuses may implement other actions to fulfill the requirements of the choice act that result in the same treatment of eligible persons.
  5. Appeals are to be conducted through the process outlined in Section VIII of this policy.

## **VII. PROCEDURES FOR DETERMINING RESIDENCY CLASSIFICATION FOR TUITION PURPOSES**

A. It shall be the responsibility of each campus to develop appropriate policy and procedures for implementation of this Permanent Memorandum.

B. As provided for in the *Resolution in Response to HCR 226 Regarding Uniform Definition of Residency for Fee Purposes at Louisiana Public Universities* passed at the May 15, 1987 LSU Board

of Supervisors meeting, campuses may identify clearly defined categories of individuals to be granted special resident status if it is in the best interest of Louisiana or mandated by the state or federal government. All such requests must be submitted to and approved by the President.

C. The residency classification for tuition purposes of an applicant or of a current student shall be determined by the undergraduate admissions office, the graduate admissions office, or the registrar's office on each campus in accordance with this Permanent Memorandum.

D. Determination of the residency classification for tuition purposes of either an applicant or a current student shall be based upon evidence provided in either the application for admission or in the application for reclassification, along with related documents as requested by the campus.

E. An application for reclassification of residency for tuition purposes shall be filed by the student with the appropriate office on the respective campus no later than 21 calendar days following the first day of class of the term for which such reclassification is sought.

F. An application for reclassification of residency for tuition purposes shall include any information or documents required by the campus, along with supporting evidence which the student desires to submit.

#### **VIII. PROCEDURES FOR APPEALS & INCORRECT CLASSIFICATION**

A. Each campus shall develop an appeals process on matters related to residency classification for tuition purposes which is consistent with its other similar student appeals processes.

B. A student may make a written appeal of the campus's initial decision on residency classification for tuition purposes.

C. Failure to comply timely with all deadlines established in each campus appeals procedure shall constitute a waiver of all claims for residency reclassification for tuition purposes for the applicable term or terms.

D. The decision of the campus Chancellor or other authorized campus official on the appeal of a residency classification for tuition purposes, once rendered, is final.

E. All students classified incorrectly as residents are subject to reclassification and payment of all nonresident tuition not paid. If incorrect classification results from false or concealed facts by the student, the student is also subject to all appropriate university disciplinary procedures.