

# RESIDENCY REQUIREMENTS

The following guidelines are used by Rhodes State College to determine Ohio residency for tuition purposes. These guidelines conform with the policy definitions and rules adopted by the Ohio Department of Higher Education.

A resident of Ohio "for all other legal purposes" shall mean any person who maintains a 12-month place or places of residence in Ohio, who is qualified as a resident to vote in Ohio and receive welfare benefits, and who may be subject 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.

## A. Ohio Residency Defined

The following persons shall be classified as residents of the state of Ohio for tuition surcharge purposes:

1. A student whose spouse, or 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 or more immediately preceding the enrollment of such student in an institution of higher education.
2. Persons who have resided in Ohio for all other legal purposes for at least 12 consecutive months preceding their enrollment in an institution of higher education and who are not receiving, and have not directly or indirectly received in the preceding 12 consecutive months, financial support from persons or entities who are not residents of Ohio for all other legal purposes.
3. Persons who are dependent children 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, self-sustaining employment and established domicile in Ohio. Documentation of full-time employment and domicile will be required.
4. A veteran, and the veteran's spouse and any dependent of the veteran, who meets both of the following conditions:
  - a. The veteran
    - i. either served one or more years on active military duty and was honorably discharged or received a medical discharge that was related to the military service or
    - ii. was killed while serving on active military duty or has been declared to be missing in action or a prisoner of war.
  - b. If the veteran seeks residency status for tuition surcharge purposes, the veteran has established domicile in Ohio as of the first day of term of enrollment in an institution of higher education. If the spouse or a dependent of the veteran seeks residency status for tuition surcharge purposes, the veteran and the spouse or dependent seeking residency status have established domicile in Ohio as of the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty or has been declared to be missing in action or a prisoner of war, only the spouse or dependent seeking residency status shall be required to have established domicile in Ohio.
5. A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38

U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

- a. The veteran served at least ninety days of active duty.
  - b. The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.
  - c. The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education
6. A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in number 5 above, if the person meets both of the following criteria: (In order to qualify the veteran's period of active duty must have been at least ninety days.)
    - a. The person enrolls in a state institution of higher education.
    - b. The person lives in the state as of the first day of a term of enrollment in the state institution higher education.
  7. A person who is using federal veterans' educational assistance under the "Vocational Rehabilitation and Employment," 38 U.S.C. 3101 et seq if the person meets the following criteria:
    - a. The person enrolls in a state institution of higher education.
    - b. The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

## B. Specific Exceptions and Circumstances

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 an institution of higher education 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 service 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 worker 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.
6. A person who was considered a resident under this rule at the time the person started a community service position as defined under this rule, and his or her spouse and dependents shall be considered residents of Ohio while in service and upon completion of service in the community service position.
  - a. "Community Service Position" shall mean a position volunteering or working for: VISTA, AmeriCorps, City Year, the Peace Corps, "Teach for America," or any similar program as determined by the Ohio Department of Higher Education; or
  - b. An elected or appointed public official for a period of time not exceeding 24 consecutive months.

7. A person who returns to the state of Ohio due to marital hardship, takes or has taken legal steps to end a marriage, and reestablishes financial dependence upon a parent or legal guardian (receives greater than 50% of his or her support from the parent or legal guardian), and his or her dependents shall be considered residents of Ohio.
8. A person who is a member of the Ohio National Guard and who is domiciled in Ohio, and his or her spouse and dependents, shall be considered residents of Ohio while the person is in Ohio National Guard service.
9. A person who, while a resident of Ohio for state subsidy and tuition surcharge purposes, graduated from an Ohio high school or completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, if the person enrolls in an Ohio institution of higher education and establishes domicile in Ohio as of the first day of the term of enrollment, the student shall be classified as a resident of Ohio for tuition purposes, regardless of the student's residence prior to that enrollment, unless the person is in the United States on a student visa and has not petitioned for a change in status.
10. A person who enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residence prior to that enrollment, unless the person is in the United States on a student visa and has not petitioned for a change in status and the person meets all of the following criteria:
  - a. The person officially withdrew from a school in this state while the person was a resident of this state for state subsidy and tuition surcharge purposes;
  - b. The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code or a high school diploma awarded by a school located in another state or country; and
  - c. The person while a resident of this state for state subsidy and tuition surcharge purposes, took a high school equivalency test and was awarded a certificate of high school equivalence.
11. A dependent person classified as a resident of Ohio for these purposes under definition 1 of Ohio Residency Defined and who is enrolled in an institution of higher education 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.
12. 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 established under definition 1 and 2 of Ohio Residency Defined.
13. For students who qualify for residency under definition 3 of Ohio Residency Defined, residency status is lost immediately if the employed person upon whom resident student status was based accepts employment and establishes domicile outside Ohio less than twelve months after accepting employment and establishing domicile in Ohio.
14. Any person once classified as a nonresident, upon the completion of 12 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 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 by 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 institution which may require, among other things, the submission of documentation regarding the sources of a student's actual financial support.
15. 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.
16. For the purpose of determining residency for tuition surcharge purposes at Ohio's state-assisted colleges and universities, an individual's immigration status will not preclude an individual from obtaining resident status if that individual has the current legal status to remain permanently in the United States.
17. Any institution of higher education charged with reporting student enrollment to the Ohio Department of Higher Education for state subsidy purposes and assessing the tuition surcharge shall provide individual students with a fair and adequate opportunity to present proof of his or her Ohio residency. The institution may require the submission of affidavits and other documentary evidence which it may deem necessary to a full and complete determination of residency.