



State of Rhode Island and Providence Plantations
RHODE ISLAND BOARD OF EDUCATION
The Shepard Building, 80 Washington Street, Suite 524
Providence, Rhode Island 02903-3400

Barbara Cottam
Chair

**Council on Elementary and
Secondary Education**

Amy Beretta, Esq.
Colleen A. Callahan, Ed.D.
Karin Forbes
Jo Eva Gaines
Marta V. Martinez
Lawrence Purtill
Lt. Col. (Ret.) Mathies J. Santos
Joyce L. Stevos, Ph.D.

**Council on Postsecondary
Education**

Michael Bernstein
Chair

Antonio Barajas, M.D.
Dennis Duffy, Esq.
The Honorable Thomas Izzo
Judy Ouellette
Kerry I. Rafanelli, Esq.
John J. Smith, Jr.
Dr. Jeffery A. Williams

April 30, 2015

Enclosure 9d3.
May 6, 2015

To: Members of the Council of Postsecondary Education
From: Commissioner Jim Purcell, Ed.D. 
Re: **REVISION OF RESIDENCY POLICY**

Background

Section 702 of the Veterans Access, Choice and Accountability Act of 2014 requires all states to grant in-state tuition status to GI Bill beneficiaries residing in a state while attending a public postsecondary institution in that state. Any public institution of higher education which is found not to be in compliance with those guidelines after July 1, 2015 will no longer be approved to receive veterans' educational benefits. In Rhode Island, compliance can be met through a revision of the current Residency Policy concerning in-state tuition requirements for military members and their families.

Furthermore, the Residency Policy must continue to meet the requirements of the Reauthorization of the Higher Education Act of 2008, which required public postsecondary institutions to grant in-state tuition to active duty military members and their spouses and dependents if they were attending a state institution while stationed in that state or immediately after establishing residency in that state.

The Office of the Postsecondary Commissioner has developed a revision to the Residency policy which would meet both federal laws by granting in-state tuition to the following individuals:

- An active duty member or the spouse or dependent of an active duty member of any branch of the Uniformed Services who has been on active duty for a period of more than 30 days.
- Any active duty member who is injured while on active duty and whose injuries causes him/her to be on active duty for a period of less than 30 days.
- A veteran of the Uniformed Services who is eligible for federal GI Bill educational benefits.
- Any other individual who is eligible for transferred federal GI Bill educational benefits or the Fry Scholarship.

The revision requires that active duty military members, their families, and

other individuals (spouses or dependents using GI Bill benefits) will be required to live in the state of Rhode Island in order to receive status as an in-state resident.

This policy revision will facilitate active duty military members and veterans' access to our public postsecondary institutions. In many cases, these students are funded in full by their Post 9/11 GI Bill benefits but the Post 9/11 GI Bill will only pay for in-state charges. This will alleviate the burden of securing additional funding for out-of-state fees while still guaranteeing a revenue source for the schools. Spouses and dependents using transferred benefits will still enjoy the benefit but the additional requirement that these students live in the state of Rhode Island will prevent the numbers from becoming too burdensome on the schools.

According to numbers gathered in the fall of 2014, out of state VA beneficiaries made up only four percent of the total VA population at CCRI, seven percent of the VA students at RIC, and sixteen percent of the beneficiaries at URI. As such, we do not anticipate this policy revision to have a significant financial impact but it will make a strong statement about our commitment to our military members and their families.

The Department of Veterans Affairs has reviewed the proposed language and confirmed that if passed, Rhode Island will be considered to be in compliance with Sec. 702 of the Veterans Access, Choice, and Accountability Act. The public postsecondary institutions were invited to comment on the policy and their feedback has been incorporated. The policy was also reviewed by the Board of Education counsel.

This policy revision is strongly endorsed by the Associate Director of Veterans Affairs, the RI National Guard, the Rhode Island Veterans Education Committee and the VetSuccess on Campus Coordinator.

This policy was introduced for discussion at the April 1st Meeting. Council members are invited to discuss the policy further and hold a vote for approval at today's meeting.

Therefore, I recommend:

THAT the Council of Postsecondary Education approve the revisions of the Residency Policy.

Attachment

RESIDENCY POLICY
As Amended May 2015
(Effective as of July 1, 2015)

Council of Postsecondary Education
State of Rhode Island and Providence Plantations

Adopted:	12/02/71 (BR)	07/02/81 (BG)
Amended:	05/22/80 (BR)	04/15/2993 (BG)
	09/27/1995 (BG)	
	01/15/1998 (BG)	
	06/30/2003 (BG)	
	05/11/2009 (BG)	
	09/26/2011 (BG)	
	May 2015 (CPE)	

A. CHARGES FOR TUITION AND FEES

1. A student who is a resident of the State of Rhode Island shall be classified as a "resident student" and shall pay tuition and fees prescribed by the Board of Governors for in-state students in public higher education.

A student who is not a resident of the State of Rhode Island shall be classified as a "non-resident student" and shall pay tuition and fees prescribed by the Board of Governors for out-of-state students in public higher education.

2. A student who is neither a U.S. citizen nor a permanent resident of the United States, and who meets the following requirements to establish Rhode Island residency, shall pay tuition and fees prescribed by the Board of Governors for in-state students:
 - Students who, and unemancipated students whose parents have been granted authorization by the U.S. Department of Homeland Security to remain in the U.S. in any status that allows him or her to establish a domicile in the U.S., and who present evidence of being domiciled in Rhode Island for at least one year as provided in Section C. below.
3. Notwithstanding the above, in-state tuition and fees are available to a student who meets the following criteria:
 - The student has attended an approved Rhode Island high school for three (3) or more years and continues to live in Rhode Island; and
 - a. The student has graduated from an approved Rhode Island high school or received a high school equivalency diploma from the state of Rhode Island; and

first class day of the first semester of the student's registration in a public college or university shall be classified as a resident student as long as the parents and/or guardians continue to be residents of the state.

- b. Any unemancipated student who initially was classified as a non-resident student may thereafter obtain re-classification only if the student's parents and/or guardians establish and maintain residence in Rhode Island for a period of at least one year prior to the first class day of the semester for which the student seeks to be re-classified as a resident student.
- c. The residency of an unemancipated student, including those whose parents and/or guardians are divorced or legally separated, shall follow that of the parent or guardian who has legal custody or the parent or guardian who is responsible for the financial support of the student, whichever favors the student's request for resident student status.
- d. An unemancipated student under guardianship shall be required to present satisfactory documentary evidence of the appointment of the guardian in addition to a certification of the residency of the guardian, which shall be considered the residency of the student unless there are circumstances indicating that such guardianship was created primarily for the purpose of conferring resident student status on the student.
- e. An unemancipated student whose parent or guardian is a member of the Armed Forces and stationed in the state pursuant to military orders shall be entitled to the classification as a resident student during any semester the first class day of which is encompassed by the orders.

2. Emancipated Students

- a. Any emancipated student may be classified as a resident student if the student meets the following tests:
 - 1) At the time of emancipation, the student's parents and/or guardians were residents of Rhode Island for one year immediately preceding the first class day of the first semester of the student's registration at a public college or university; or

Having become emancipated, the student establishes and maintains residency in Rhode Island for one year immediately preceding the first day of the first semester of the student's registration at a public college or university; and

- 2) The student does not hold residency in another state or foreign country; and
 - 3) The student is and continues to be a resident of Rhode Island.
- b. Any emancipated student who initially was classified as a non-resident student may thereafter obtain re-classification as a resident student only if the student establishes and maintains residency in Rhode Island for a period of at least one year prior to the first class day of the semester for which re-classification as a resident student is being sought.
- c. A student from another state or foreign country who is enrolled at a public college or university for more than six credits per semester shall be presumed to be in Rhode Island primarily for educational purposes and will be presumed to have not been a resident of the state during the time so enrolled. Continued presence in Rhode Island during vacation periods or occasional interruptions in the course of study will not, of itself, overcome these presumptions.

3. Active Duty Military Members, Veterans, and their Families

- a. Pursuant to the reauthorization of the federal Higher Education Act of 2008 and passage of the Veterans, Access, Choice and Accountability Act of 2014, the following individuals shall be entitled to classification as a Rhode Island resident for the purpose of determining tuition and fees:
- 1) An active duty member or the spouse or dependent of an active duty member of any branch of the Uniformed Services who has been on active duty for a period of more than 30 days.
 - 2) Any active duty member who is injured while on active duty and whose injuries causes him/her to be on active duty for a period of less than 30 days.
 - 3) A veteran of the Uniformed Services who is eligible for federal GI Bill educational benefits.

- 4) Any other individual who is eligible for transferred federal GI Bill educational benefits or the Fry Scholarship.
- b. This determination shall apply to both undergraduate and graduate students.
 - c. Any qualifying individual must meet the academic and eligibility requirements of the University of Rhode Island, Rhode Island College or the Community College of Rhode Island and any school, college or program within those institutions to which the individual might apply. Once the qualified individual is admitted to one of those institutions, he/she may then be granted resident status for the purpose of paying tuition.
 - d. Any active duty member, spouse, or dependent must submit service orders demonstrating active duty status. Any veteran or otherwise qualifying GI Bill recipient must have a Certificate of Eligibility issued by the Federal Department of Veterans Affairs as the appropriate confirmation of federal GI Bill educational benefits.
 - e. Any active duty military service member or veterans seeking in-state tuition rates under the above listed qualifications will be eligible for consideration regardless of their state of residency. Any other qualifying individuals seeking in-state tuition status under this policy must live in the state of Rhode Island while attending the public postsecondary institution of their choosing. However, the amount of time for which an individual has resided in the state will not factor into the determination of residency status.
 - f. The residency officers at the institutions have the right to request additional documentation and have the authority to make the final determination whether a qualified individual ultimately qualifies for in-state tuition rates.
 - g. The in-state tuition rate benefit to qualified veterans, their spouses and dependents begins on July 1, 2015. Therefore, qualified veterans, and any qualified spouses and dependents are eligible for in-state tuition rates for any term of enrollment begun after July 1, 2015. Any student who enrolled prior to July 1, 2015 but meets the eligibility requirement after July 1, 2015, may apply for re-classification as an in-state student.
 - h. The status as a Rhode Island resident does not apply immediately to state-sponsored financial aid. In order to qualify for state-sponsored financial aid, a veteran must be a Rhode Island resident since January 1st prior to the academic year in which the applicant enrolls

at an institution. The student's Free Application for Federal Student Aid (FAFSA) must be filed on or before March 1 for the year in which the student is seeking state-sponsored financial aid.

- i. Students who originally apply for federal financial aid as an out-of-state student and are then re-classified as an in-state student under this policy may have their overall financial aid package adjusted in accordance with the in-state tuition rates.

D. PROCEDURES FOR INSTITUTIONS

1. The institutional residency officer shall classify each person accepted by a public college or university as a resident or non-resident student. Said classification shall be based upon all relevant information made available to the residency officer, including, but not limited to, information submitted by or on behalf of the student. The residency officer may, as a condition of registration, require such written documents and other relevant evidence as are deemed necessary or helpful to determine the residence of the applicant.
2. Any student who has been classified as a non-resident student and who claims that his or her status has changed during attendance at the institution may request the residency officer for a re-classification, submitting relevant evidence in support of this claim.

Based upon relevant evidence, the institution may request the residency officer to re-classify a student, if the student's status has changed during attendance at the institution.

If the residency officer determines that the student has become a resident, the student shall be classified as a resident student effective as of the beginning of the semester next following the determination. Decisions on classification will be communicated to the student in written form. Requests for a change of classification will not be considered more than once in any semester.

3. Any student who is classified as a non-resident student by the residency officer may, by filing a written request with the residency officer within thirty days of receipt of notification of the classification, appeal the residency officer's decision to the Board of Residency Review. The residency officer shall thereupon transmit the record, including a statement of the reasons for the decision to the Board of Residency Review, and the board shall decide the appeal upon the record together with such additional written information as the student may furnish or the board may require. The Board of Residency Review shall hold an informal hearing. The decision of the Board of Residency Review shall be final.

E. PENALTIES

Misrepresentation of facts in order to qualify for resident student classification shall be considered cause for the recapture of back-due tuition and/or for suspension or permanent exclusion from a public college or university. Moreover, it may subject the student to criminal prosecution.