

RESIDENT STATUS FOR TUITION PURPOSES

Purpose of Residency Determination

This policy outlines the process by which tuition rates are charged to students based on residency. It further sets forth guidelines for establishing residency for purposes of student tuition.

Scope of Residency Determination

Residency determination applies to all credit-based tuition and fees charged to students at CWI.

Residency-Related Definitions

Domicile

Domiciled means an individual's true, fixed, and permanent home and place of habitation. It is the place where the student intends to remain and to which they expect to return when they leave the state without intending to establish a new domicile elsewhere.

Community College District

Type of a special-purpose district. Each district consists of part(s) of a state and operates the public community college system in its district.

Continuously Resided

Physical presence in the State of Idaho for twelve (12) consecutive months without being absent from Idaho for more than a total of thirty (30) days during the twelve (12) months. Absence from the state for normal vacations, family travel, work assignments, short-term military training, and similar occasions totaling not more than thirty (30) days during the twelve (12) month qualifying period, in and of itself, will not be regarded as negating the continuous residence of the individual.

Support

Financial support given to the student during the twelve (12) months preceding the opening date of the term for which resident status is requested. Any student who receives fifty percent (50%) or more of their support may demonstrate this by showing that they are claimed as a dependent by a parent or legal guardian for income tax purposes or that a parent or legal guardian provides fifty percent (50%) or more of the student's support.

Armed Forces

United States Army, Navy, Air Force, Marine Corps, and Coast Guard; it only includes Idaho Guard and Reserves.

Residency Determination Process

Residency determination for tuition purposes is governed by rules and regulations adopted by the College of Western Idaho (CWI) and Idaho Code § 33-2110B.

Based on the information provided by the applicant in the Application for Admission, CWI Student Services shall make an initial determination concerning the student's residency status for tuition purposes (e.g. Idaho/out-of-state, in-district/out-of-district). If residency information is missing or incomplete, the student status will default to non-resident, and the tuition will default to out-of-state. The student's residency status remains unchanged unless the student submits a Residency

Redetermination form with the required documentation to One Stop Student Services on or before the tenth day of instruction for the fall and spring semesters and the fifth day of instruction for the summer semester, and a determination is made based on the evidence supplied. Qualifications for residency must be met prior to the opening day of the semester for which reclassification is sought.

In general, a student enrolling at CWI shall not be deemed a resident of the community college district, of a county, or of the State of Idaho, unless the student has established domicile within said district, county, or the state, for at least twelve months continuously prior to the beginning of the term for which the student enrolls.

State of Idaho Residency Determination

Students who enroll at CWI may qualify for Idaho residency for tuition purposes under one or more of the following criteria (documented proof will be required):

1. Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents, or guardian provide(s) at least fifty percent (50 percent) of the student's support. To qualify under this section, the parent, parents, or guardian must have maintained a bona fide domicile in the state of Idaho for at least twelve (12) months prior to the beginning of the term for which the student matriculates.
2. Any student who receives less than fifty (50 percent) of the student's support from a parent, parents, or legal guardians and who has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months prior to the opening day of the term during which the student proposes to attend the college.
3. Any student who graduated from an accredited Idaho secondary school and enrolls at CWI the term immediately following graduation (does not include summer term) is considered an Idaho resident for tuition purposes.
4. The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purpose of attending a college or university.
5. A member of the Armed Forces of the United States who entered service as an Idaho resident and who has maintained Idaho resident status, but is not stationed within the state of Idaho on military orders.
6. A member of the Armed Forces of the United States, stationed in the state of Idaho on military orders.
7. A member of the Idaho National Guard and Reserves.
8. Non-resident students who can prove to the institution that they meet the eligibility criteria set forth under 38 U.S.C. § 3679.
9. A student who is a member of the United States Armed Forces, stationed in the county on military orders.
10. A student who is a member of the Idaho National Guard or Reserves.
11. A student whose parent, parents, or legal guardians are members of the United States Armed Forces and stationed in the county on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose their residency status when their parents are transferred on military orders.
12. A student separated from the United States Armed Forces after at least 90 days of active service.
13. Immigrant alien with "refugee", "asylee", or "conditional entrant" status (or dependent children of such refugee, asylee, or conditional

entrant) who comes directly to Idaho/district from a refugee facility or port of debarkation and has not established domicile in another state/district is considered Idaho/district resident for tuition purposes.

14. The dependent child of a person who qualifies as a resident, and who receives at least fifty percent (50%) support from such person shall also be a resident student, and shall not lose that resident status if, after he or she enters a college or university in the State of Idaho, the parent or guardian is transferred out of the State of Idaho on military orders.
15. Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of the statute and who is away from the state for a period of less than thirty (30) months and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure; provided, however, time spent away from the state while enrolled in a post-secondary education program shall not be included in the thirty (30) months. Such time spent away from the state while enrolled shall include normal academic year breaks, such as summer breaks or breaks between semesters or quarters, that occur prior to the receipt of the post-secondary degree.
16. A student who is a member of an Idaho Native American Indian tribe, whose traditional and customary tribal boundaries include portions of the State of Idaho or whose Indian tribe was granted reserved lands within the State of Idaho shall be considered an Idaho state resident for purposes of tuition, regardless of current domicile. The following tribes meet these requirements: (i) Coeur d'Alene Tribe; (ii) Shoshone-Paiute Tribe; (iii) Nez Perce Tribe; (iv) Shoshone-Bannock Tribe; (v) Kootenai Tribe; (vi) Eastern Shoshone Tribe.

The following nonresident students do not qualify as a resident student for tuition purposes:

1. A student in the United States on a visa except for the following: IR1/CR1: Spouse of a U.S. Citizen, K-3: Spouse of a U.S. Citizen awaiting approval of an I-130 immigrant petition, K-1: Fiancé to marry U.S. Citizen and live in the U.S., IR3/IHS3/IR4/IH4: Intercountry Adoption of Orphan Children by U.S. Citizens, IR2/CR2/IR5/F1/F3/F4/ - Certain Family Members of U.S. Citizens, F2A./F2B: Certain Family Members of Lawful Permanent Residents, U: Victim of Criminal Activity, T: Victim of Human Trafficking, V: Nonimmigrant Visa for Spouse and Children of a Lawful Permanent Resident of other refugee-parole, asylee or conditional entrant.

District Residency Determination

Once a student is determined to be a resident of the State of Idaho, a further determination is made on district residency. District residency is based on the county of residence. Residents of Ada, Bonneville, Canyon, Jerome, Twin Falls, and Kootenai County pay in-district tuition and fees. Students whose permanent residence is in Idaho but outside of Ada, Bonneville, Canyon, Jerome, Twin Falls, and Kootenai counties are charged out-of-district fees of up to \$500 per semester in addition to in-district tuition and fees. Idaho counties without a community college district pay the student's out-of-district fees not to exceed five hundred dollars (\$500) each semester for a two (2) semester year for a full-time student, up to a maximum of three thousand dollars (\$3,000) lifetime liability, provided the student completes and submits to the CWI Student Accounts department the Certificate of Residency form and residency can be verified by the county of residence. If residency is verified by the county, the student is responsible for paying in-district tuition and fees

and the balance, if any, of the out-of-district fees above the maximum liability of the county of their residence. If verification is not received from the student's county of residence the student is responsible for out-of-district tuition and fees. Idaho out-of-district students will complete a new [Certificate of Residency form](#) each academic year and submit the form to the county in which they reside.

Students who enroll at CWI may qualify for district residency, for tuition purposes under one or more of the following criteria (documented proof will be required):

1. A student who domiciled in the county primarily for purposes other than education for at least twelve (12) months continuously prior to the opening day of the term for which the student matriculates at CWI and who receives less than fifty percent (50 percent) of their support from a parent, parents or legal guardians who are not Idaho/district residents for voting purposes.
2. A student who has domiciled in the county, who has qualified or would otherwise be qualified under the provisions of this policy, and who is away from that county for a period of less than one (1) calendar year and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.
3. A student whose parent, parents, or court-appointed guardians are domiciled in the county for at least twelve (12) months continuously prior to the opening day of the term for which the student matriculates and provides more than fifty percent (50 percent) of the student's support.
4. A student whose spouse is classified, or is eligible for classification, as a resident of the county for tuition purposes.

Request for Change to Resident Tuition and Fees

Establishment of a new domicile in Idaho by a student who formerly domiciled in another state has occurred if the student is physically present in Idaho primarily for purposes other than education and can show satisfactory proof there is not a present intention to relocate outside of the State of Idaho.

A student can prove establishment of domicile for purposes other than education if any of the following were completed for at least twelve (12) months prior to the term the student tries to become a resident student:

1. Filing of Idaho state income tax returns covering a period of at least twelve months before the term in which the student proposes to enroll as a resident student.
2. Permanent full-time employment or the hourly equivalent thereof in the State of Idaho.
3. Ownership by the student of the student's living quarters.

The following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, lend support to domiciliary intent and the absence of which indicates a lack of domiciliary intent. By themselves, the following do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than educational purposes:

1. Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer, or other items of personal property for which state registration and the payment of a state tax or fee is required;

2. Registration to vote for state elected officials in Idaho at a general election;
3. Holding an Idaho driver's license;
4. Presence of household goods in Idaho;
5. Establishment of accounts with Idaho financial institutions; or
6. Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile.

If the student is not satisfied with the decision made by Student Accounts, they can appeal to the Assistant Vice President of Enrollment and Student Services. All appeals must be submitted (or postmarked), in writing and accompanied by all required documentation, within ten (10) calendar days after the date of notification of residency decision that is being appealed. Failure to comply shall constitute a waiver of all claims to reclassification for the applicable term.

Residency Audit Process

CWI reserves the right to audit students at any time with regard to eligibility for Idaho or district resident status and to reclassify students who are registered under an improper classification. Residency classification or reclassification based upon materially erroneous, false, or misleading statements or omissions by or in support of the applicant shall be set aside retroactively upon the discovery of the erroneous nature of such statements. Any student having paid less than required to CWI because of an erroneous classification or reclassification that is subsequently set aside shall repay any and all amounts not properly paid because of the erroneous classification or reclassification. If a student concealed information or furnished false or misleading information and was classified incorrectly as a result, he or she will also be subject to appropriate disciplinary and/or legal action.

It shall be the responsibility of the student to notify CWI of possible changes in residency and to furnish all requested documentation in a timely fashion. Students may request a review of their residency status by submitting the [Residency Redetermination form](#) and all required documentation to Student Accounts on or before the 10th day of instruction in the fall and spring semesters and the fifth (5th) day of instruction for the summer semester. The student shall describe in detail the reasons why the original residency determination is believed to be erroneous. The burden of proof in requesting a change in residency status rests with the student. Within thirty (30) days following the receipt of the student's Residency Redetermination form, Student Accounts shall issue a decision and notify the student in writing. Students are responsible for paying the tuition and fees owed on their accounts by the established due date. Resident tuition rates shall be effective for the semester in which a student is reclassified to resident status. If residency (Idaho and/or district) is granted after payment was received, the difference will be refunded within a reasonable time to the student.