



## ESTABLISHMENT OF KENTUCKY RESIDENCY

1. Policy PMY2.1 -91.7 (Y)]TJ 0 0 9.466 0 Td ( )Tj EMC /P <</MC10D 2 >>BDC /

13 KAR 2:045. Determination of residency status for admission and tuition assessment purposes. RELATES TO: KRS 13B, 164.020, 164.030, 164A.330 (6) 38 U.S.C 3301-3325 (As amended at ARRS, June 9, 2015)  
STATUTORY AUTHORITY:

KRS 164.020(8) NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.020(8) requires the Council on Postsecondary Education to determine tuition and the minimum qualifications for admission to a state supported postsecondary education institution and authorizes the Council to set different tuition amounts for residents of Kentucky and for nonresidents. This administrative regulation establishes the procedure and guidelines for determining the residency status of a student who is seeking admission to, or who is enrolled at, a state-supported postsecondary education institution.

Section 1.

education institution at the same degree level for consecutive terms, excluding summer term,





incorrect or misleading information to an institutional official, including payment of nonresident tuition for each academic term for which resident tuition was assessed based on an improper determination of residency status. The penalty or sanction may also include:

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(66) Student discipline by the institution through a policy written and disseminated to students; or

(67) Criminal prosecution.

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(69) Section 4. Presumptions Regarding Residency Status.

(70) In making a determination of residency status, it shall be presumed that J 0 Tc 0 Tw -7 ( b)1yo5Ap (t)-7 he udbr52 eh85 ( a98 g)-4 (r51 (a-9 (a-9 u(a-9 teh85 (o)45 f( a98 n,65 (o)45 ut:)]TJ 0 Tc

the determination is made:

(82) 1. Whether the person has been claimed as a dependent on the federal or state tax returns of a parent or other person for the year preceding the date of application for a determination of residency status; or

(83) 2. Whether the person is no longer claimed by a parent or other person as a dependent or as an exemption for federal and state tax purposes; and

(84) Whether the person has financial assistance and resources provided by a person other than an independent spouse necessary to provide for the person's own sustenance.

(85) An individual who enrolls at an institution immediately following graduation from high school and remains enrolled shall be presumed to be a dependent person unless the contractor shall determine otherwise. Whoar7.1 ( ep (l)-aa)-9r(en)-aa. -8.1ouioieaalenn b 4Tw 7 TD [7 TDuenoon2 u4 (h) ao-7.9 ( a

(99) The dependent person's residency status shall be reassumed if continuous







provide basic sustenance.

(171) Notification shall be made within ten (10) calendar days after the deadline for receipt of materials has passed. (4)(a) The formal hearing conducted by an institution and the final recommended order shall be a final administrative action with no appeal to the Council on Postsecondary Education.

(172) (b) A formal administrative hearing conducted by the Council on Postsecondary Education for residency determinations related to eligibility for the Academic Common Market and Regional Contract Programs shall be conducted pursuant to the provisions of KRS Chapter 13B and 13 KAR 2:070. The recommended order issued by the President of the Council shall be a final administrative action.

(173) (5) A student shall not be entitled to appeal a determination of residency status if the determination made by an institution is because a student has failed to meet published deadlines for the P1.1 (es)-1 (l)(2 (c)-9 (y.n)-2 (is)-1 (t)-8 (r)-3 (a)9eb-12 (es vruni)8 (n) sdet db- s Por su(d)9 (e-28 (n)6 (tmn) s)Dacyrbeb-t (a)9 (rb)5 (e)8 vdd(d)9 (e)8 (te)8 (r)5 (m)6 (i)8 (n)6 (a)9 (ti) icete(m)B(11)8;40(193) ((r)-3 ( )-10 s)-1 (t)-8 (u)-8 (d)0.9 (en)-.-1 (t)-8 (a)1 pral10 an(in)-2



Office. Upon completion of the required affidavit by the student and submission of all required documentation, a written residency decision will be made by the B.R.E.D.S. Office. A student may appeal this decision within 14 days from the date of the residency decision through the B.R.E.D.S. Office to the University Residency Admission/Recruitment Committee, which is established to consider residency classification appeals. The University Residency Admission/Recruitment Committee shall issue its written decision and shall notify the student within 45 days of the receipt of the appeal.

(209) Appeals should be addressed to the Director of B.R.E.D.S., Kentucky State University, 400 E. Main Street, 320 Hill Student Center, Frankfort, KY 40601.

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## 2. Entities Affected

- Academic Affairs

## 3. Policy Owner/Interpreting Authority