

DETERMINATION OF RESIDENCY FOR TUITION PURPOSES POLICY AND PROCEDURES

(formerly Residency Policy and Procedures)

Check the college website, frederick.edu (<https://www.frederick.edu/current-students/required-communications/student-policies-procedures.aspx>), for the most up-to-date student policies and procedures.

I. Philosophy and Scope

The determination of residency or domicile is governed by the Frederick Community College Board of Trustees in accordance with Maryland State and Federal law. A student's residence for tuition determination is assessed at the time they apply to the College. The burden of proof of residency is to be upon the student, and they will be required to certify by signature to the accuracy of the information provided to the College.

As an open-admission institution, Frederick Community College grants admission to all students regardless of citizenship or immigration status.

Students' tuition rate will either be in-county, out-of-county, or out-of-state for tuition purposes. The following procedure applies to both full and part-time students. (See related Tuition and Fees Policy and Procedures (<https://frederick.edu/jobs-hr/policies-and-procedures/policyproceduresdocuments/tuition-fees.aspx>).)

A student's determined residency status will be used in the evaluation process for Selective Admission Programs.

II. Definitions for the Purpose of this Policy and Procedures

- A. **"Domicile"** refers to the permanent place of abode, where physical presence and possessions are maintained with the intention of remaining indefinitely; or the permanent place of abode of any person or persons contributing more than ½ of the student's financial support during the most recently completed year. Only one domicile may be maintained by a student.
- B. **"Maryland resident"** refers to an individual who has maintained a domicile in Maryland for at least three (3) months before enrolling in a course(s).
- C. **"Student"** refers to an individual who is registered at the College, either full or part-time, in a credit or continuing education class or classes, who has either paid or made arrangement for payment of tuition and/or fees.
- D. **"Military Personnel"** refers to service members who are part of the Maryland National Guard, Reserves, or an active-duty unit.
- E. **In-County:**
 1. **"Non-dependent Maryland resident students"** refers to in-county residents if, at the time of their application, are domiciled in Frederick County for three (3) consecutive months prior to application.

2. **"Dependent Maryland resident students"** refers to an unmarried individual claimed by parent(s) or guardian(s) as an income tax exemption in the previous taxable year and are considered to be "in-county" residents if, at the time of their application, their parent(s) or guardian(s) are domiciled in Frederick County for three (3) consecutive months prior to application.

F. Out-of-County:

1. **"Non-dependent Maryland resident students"** refers to out-of-county residents in the State of Maryland if, at the time of their application, they are domiciled in another county in the State of Maryland, or if they have lived in Frederick County less than three months.
2. **"Dependent Maryland resident students"** refers to out-of-county residents in the State of Maryland if, at the time of their application, their parent(s) or guardian(s) are domiciled in another county in the State of Maryland, or if they have lived in Frederick County less than three months.

G. Out-of-State:

1. **"Non-dependent students"** refers to residents of another state if, at the time of their application, they are domiciled outside of the State of Maryland, or if they have lived in Frederick County less than three months.
2. **"Dependent students"** refers to residents of another state if, at the time of their application, their parent(s) or guardian(s) are domiciled outside of the State of Maryland, or if they have lived in Frederick County less than three months.
3. **"Non-U.S. Citizens"** refers to students who indicated that they are not U.S. Citizens. At the time of application, they are coded out-of-state but may be eligible for in-state or in-county tuition. (See section IV. International and Foreign National Students.)

III. Responsible Senior Leader and Responsible Office

Vice President for Learning Support

Office of the Vice President for Learning Support

IV. Entities Affected by this Policy and Procedures

FCC students

V. Veterans, Military Personnel, and their Family Members

A. Military Personnel and their Family Members

1. Military personnel who are stationed, living, or domiciled in Maryland, and their spouses and dependents, are considered residents of Frederick County and granted in-county tuition. If the service member moves out of the state, the service member, dependents, and spouse remain eligible for in-county tuition as long as they stay continuously enrolled in courses at the College. All verification documentation can be submitted by email to Veteran and Military Services at veterans@frederick.edu.
2. Individuals who have relocated to Maryland as a result of the Base Realignment and Closure process (BRAC), will be granted a waiver of the three (3) months residency requirement. The individual or their family member must

present a letter from an employer on company letterhead, confirming that their relocation to Maryland and/or Frederick County was a result of the BRAC process to Registration and Records in person to Jefferson Hall or by email to registration@frederick.edu. For purposes of determining tuition rates, eligible individuals and dependents will be treated as in-county residents if they locate in Frederick County; they will be treated as out-of-county but in-state residents if they locate outside of Frederick County but within Maryland.

B. Veterans and their Family Members

Any veteran or service member using the Post-9/11 G.I. Bill (Chapter 33), Montgomery G.I. Bill-Active Duty (Chapter 30), or Veteran Readiness and Employment (Chapter 31) who enrolls in courses at the College following a period of active duty service of 90 days or more is considered a Frederick County resident and granted in-county tuition regardless of their formal state of residence.

Any dependent or spouse using transferred Post-9/11 G.I. Bill benefits (Chapter 33), Dependents' Education Assistance (Chapter 35), or the Marine Gunnery Sergeant John David Fry Scholarship, is considered a Frederick County resident and granted in-county tuition regardless of their formal state of residence.

Any veteran, spouse, and dependents (not using a VA education benefit) who are living or domiciled in Maryland are considered residents of Frederick County and granted in-county tuition. If the veteran moves out of the state, the veteran, spouse, and dependents remain eligible for in-county tuition as long as they stay continuously enrolled in courses at the College.

VI. International, Foreign National, and Immigrant Students

A foreign national lawfully eligible for study in the United States may be considered a resident for tuition purposes if the student meets the domicile requirements stated in this procedure. A foreign national lawfully admitted to the United States on a visa type with a corresponding "date-certain" authorized stay may not be considered a resident for tuition purposes. A foreign national lawfully eligible for study in the United States on certain visa types with an indeterminate authorized stay may be considered as a Maryland resident for tuition purposes, if the domicile requirements of this procedure have been satisfied.

The following visa status types determine residency as indicated:

Visa Type	Category	Residency
A	Diplomats, family, staff	In-County
B	Temporary visitor	See (c) below
C	Aliens in transit	Out-of-State
E	Treaty trader-Taiwan only	In-County
F	Student and dependents	Out-of-State
G	Representative of a world organization	In-County
H1 or H4	Temporary worker and dependents	In-County
H2 or H3	Other specialty workers	Out-of-State

I	Foreign media/journalist	In-County
J	Exchange visitor, Au pair, scholar	Out-of-State
K	Fiancé of U.S. citizen/Frederick County resident	In-County
L	Intra-company transferee	In-County
M	Foreign vocational students, dependents	Out-of-State
R	Religious worker	In-County
TN	Professionals under NAFTA agreement	Out-of-State
V	Spouse or child of permanent resident	In-County
Permanent Resident; Green Card; Refugee; Asylee		In-County

- A. Individuals in "B Temporary Visitor Status" are not allowed to engage in a course of study leading to a degree or academic certificate. In certain cases, B visa holders can participate in courses which are recreational and do not lead to a degree. Out-of-state tuition rates will apply.
- B. Students who are in the category of "Deferred Action Childhood Arrivals" (DACA), or "Temporary Protected Status" (TPS) are eligible to establish in-state/in-county residency for tuition purposes. Being eligible for in-county or in-state tuition does not alter your immigration residency status. U.S. residency status is processed, determined, and completed by the U.S. government.
- C. In-county residency status for eligible "International/Foreign National Students" must meet the same three (3) months requirements and proof of residency documents as all other students.
- D. An individual's immigration status may not preclude award of MD residency under this policy if the individual has the legal capacity to establish domicile in Maryland.

VII. Maryland Dream Act

- A. Students who have met the eligibility requirements outlined in the Maryland Dream Act will be granted the opportunity to receive in-county tuition. The student must present an affidavit to Registration and Records within the Enrollment Center located on the first floor of Jefferson Hall stating that they will file an application to become a permanent resident within 30 days of becoming eligible to do so.
- B. Students who live in Frederick County or in Maryland, and qualify for in-county or in-state tuition, as outlined by the Maryland Dream Act, will remain undocumented immigrants. U.S. residency status is processed, determined and completed by the U.S. government.

VIII. Reclassification of Residency for Tuition Purposes

- A. Students requesting a reduced tuition rate based on change of address must submit proof of actual address change as defined in Section VI by completing the online "Change of Address" form. The proof of residency and "Change of Address" form can also be submitted in print by one of the following ways:

1. in-person to Registration and Records within the Enrollment Center located in Jefferson Hall,
 2. through assigned "myFCC" email account by emailing registration@frederick.edu
 3. by fax (301.624.2799), or
 4. via U.S. postal mail to Registration and Records.
- B. Students requesting a reduced tuition rate based on Visa status can do so by completing the online "Tuition Rate Change" form. The "Tuition Rate Change" form can also be submitted in print by one of the following ways:
1. in-person to Registration and Records within the Enrollment Center located in Jefferson Hall,
 2. through assigned "myFCC" email account by emailing registration@frederick.edu,
 3. by fax (301.624.2799), or
 4. via U.S. postal mail to Registration and Records.
- C. Request for change in residency classification for tuition purposes must be submitted prior to the "last day to add" for the first session for which the student is enrolled in order to be changed for that session. Residency determination for tuition purposes is term specific and not retroactive. A student who moves to a different residence during a semester and provides proof after the "last day to add" will have their residency adjusted for the following semester.
- D. If there has been a change of address that affects residency, tuition will be adjusted for the following semester as follows:
1. A student moving to a higher tuition rate based on their residency will have their residency determination for tuition purposes automatically changed to reflect their new residency status.
 2. A student moving to a lower tuition rate based on their residency will bear the burden of proof of the new residency status.

IX. Proof of Residency

In accordance with Maryland State and Federal Law, any of the following factors will be considered to be proof of legal residency.

- A. Substantially uninterrupted presence, including the months when the student is not in attendance at the college, as evidenced by ownership or rental of living quarters in which the student resides. (12-month lease or mortgage)
- B. Payment of Maryland state and local income taxes. (MD 502 Tax Form)
- C. Registration to vote in Frederick County and/or the state. (Voters Registration Card)
- D. Registration of a motor vehicle in the state, with a local address specified, if the person owns such a vehicle. (Motor Vehicle Registration Card)
- E. Possession of a valid Maryland driver's license, with a local address specified, if the person is licensed anywhere to drive a motor vehicle, or a valid Maryland MVA-issued ID. (Driver's license or MVA issued ID card)
- F. Active duty military personnel, honorably discharged veterans, spouses and dependents who reside, are stationed, or domiciled in Maryland are exempt from the 3-month requirement and are considered in-county once proof is shown. (Military orders, letter

from Education Officer, DD214 and any of the residency factors listed above).

X. Appeals and Exceptions to Residency Classification for Tuition Purposes

Students who intend to appeal their residency classification may do so by appealing in writing, to the College Registrar. Appeals must be accompanied by appropriate evidence of your actual residence. Your appeal must be received before the end of the third week of classes in the fall and spring semesters, and the first week of summer and winter terms. Any changes received after these deadlines will be effective the following semester.

Students who are in unstable housing situations may be eligible for adjusted tuition based on residency classification for tuition purposes. Contact the Registrar to discuss potential ways and documentation to prove residency.

XI. Related Policies and Procedures

Admissions (<https://www.frederick.edu/jobs-hr/policies-and-procedures/policyproceduredocuments/admissions-policy.aspx>)

Tuition and Fees (<https://www.frederick.edu/jobs-hr/policies-and-procedures/policyproceduredocuments/tuition-fees.aspx>)

Revisions effective 7/1/2021

The College's official version of the Residency Policy and Procedures is located on [frederick.edu](https://www.frederick.edu/jobs-hr/policies-and-procedures.aspx) (<https://www.frederick.edu/jobs-hr/policies-and-procedures.aspx>) and may be revised annually.

Previous versions of this policy are archived on [frederick.edu](https://www.frederick.edu/about-fcc/archived-policies.aspx) (<https://www.frederick.edu/about-fcc/archived-policies.aspx>).