

Classification of Students for Tuition Purposes in Colorado

INTRODUCTION

This information is prepared to provide key information about the tuition classification process. The material included here is for informational purposes only and should not be considered all inclusive. There is no central state office responsible for determining tuition classification. College and universities make tuition classification decisions. Individuals seeking information about tuition classification procedures should contact the institution(s) they plan to attend.

The tuition classification law ("tuition law") sets forth conditions for a student being considered as "in-state" for purposes of tuition classification. The tuition law is contained in sections 23-7-101 to 104, and 23-7-105 of the **Colorado Revised Statutes**. Although individuals may be considered state residents for voting and other legal purposes after being in the state for a short period of time, the tuition law specifies additional requirements for classification as "in-state" for tuition purposes.

GENERAL CLASSIFICATION PROCEDURES

Initial Classification - The initial classification is made by a tuition classification officer ("registering authority"), usually in the Office of Admissions, at each Colorado institution. The classification is based on the information provided on the application for admission. Failure to answer all questions could lead to initial classification as "out-of-state."

Changes in Tuition Classification - An individual classified as "out-of-state" is informed by the institution of the appropriate procedures for requesting a change in tuition classification. The procedures usually require submission of a petition for "in-state" tuition, with appropriate documentation to support the claim of Colorado "in-state" status, but may also include additional steps or requests for information.

Appeal Procedures - Each institution has a process to appeal the decision of the tuition classification officer. The appeal process includes an opportunity for the petition and supporting documentation to be presented to a panel of institutional or governing board representatives for review and resolution. The individual is notified of the decision made by the appeals panel and reasons why the petition was denied. The decision of the appeals panel is final.

Deadlines - Each institution publishes deadlines for requesting a tuition status change or submitting a completed petition. Some institutions request students to complete this process at least 2 months before classes begin. The institution will respond within 30 days.

COMMON CLASSIFICATION QUESTIONS

Q. Who sets the rules and procedures for considering individuals as "in-state" students for tuition purposes?

A. The tuition law is the basis for considering individuals as "in-state" for tuition purposes. The law authorizes the tuition classification officer at each institution to make the tuition classification decision.

Q. How long must I live in Colorado before I can be considered "in-state" for tuition purposes?

A. By law, an "in-state" student, or student's parents, **must be domiciled** in Colorado for 12 or more continuous months immediately preceding the first day of classes.

Q. What is domicile?

A. "Domicile" is the legal term used to describe the place where a person has chosen to make a fixed and permanent home. Domicile includes physical presence and intent, and must be established for 12 months prior to the first day of classes.

Q. How old must I be to establish my domicile in Colorado?

A. According to the tuition law, there are three possible situations:

1. Individuals at least 22 years of age are eligible to establish domicile in Colorado. Physical presence and intent must be established for 12 months prior to the first day of classes. Thus, an individual will meet the requirements of the law no sooner than his/her 23rd birthday.
2. Individuals under 23 years of age with parents or legal guardians who have established domicile for 12 months prior to the first day of classes could be considered "in-state" for tuition purposes.
3. Students emancipated prior to the age of 22 are eligible to establish domicile.

Q. What is emancipation?

A. Emancipation is the parental surrender of claim to right of care and custody of a minor.

According to the tuition law, emancipation occurs at the age of 22 years, or upon marriage, or if:

1. The parents or legal guardians submit an affidavit surrendering any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor, together with proof that the minor can independently meet all living expenses, including the cost of education; and
2. Failure of parents or legal guardians to provide financial support and proof that the minor can independently meet all living expenses, including the cost of education.

The 12 month waiting period for establishing domicile begins only after the date of emancipation has been established by appropriate documentation.

Q. Who can be considered a legal guardian?

A. A legal guardian is defined as someone appointed by the court with personal and financial responsibility for a minor. The tuition law also requires the court document reflecting the appointment to state that the appointment is not for tuition purposes and to certify that parents do not contribute to the minor's support.

Q. What is physical presence?

A. Physical presence refers to the place where a person lives. A person can have only one legal residence which can be considered as physical presence for tuition classification purposes. An individual can establish proof of physical presence by providing rent receipts, lease agreements, home ownership papers, or statements from landlords.

Q. What is intent?

A. The tuition law lists several factors which can be used to determine that intent has been established. No one factor by itself is sufficient to measure intent. Each institution must make that determination based on the information provided by the individual. It is the responsibility of the individual to provide as much information and documentation as appropriate to document intent. Several factors which will be considered are:

- payment of Colorado state income tax as a resident
- permanent, full-time, off-campus employment
- withholding of Colorado state taxes from wages
- obtaining a Colorado Motor Vehicle Operator's License or a valid Colorado ID for identification purposes
- obtaining Colorado license plates
- registering to vote in Colorado
- ownership of residential real property in Colorado
- any other factors which are peculiar to the individual which tend to establish intent to make Colorado one's permanent home.

Intent, together with physical presence, establishes domicile. Intent, however, is more difficult to establish and prove. The more forms of intent that an individual can provide, the easier it is to determine if the individual has established intent. There is no one set of criteria that is applied to an individual. It is the responsibility of the individual to document peculiar circumstances.

Q. If I marry a Colorado resident or live with a relative who is a Colorado resident, am I considered an "in-state" student?

A. No. Each individual must establish his/her own domicile as prescribed by the tuition law.

Q. Are there special circumstances for military personnel?

A. Yes. Military personnel and their family members permanently stationed in Colorado, as defined by military regulations, can qualify for an adjustment of the "out-of-state" portion of their tuition. These individuals should contact the Education Officer at the installation where they are assigned for further information. Military personnel who wish to become permanent Colorado residents may establish their "in-state" status by proving intent according to the tuition law.

Q. What if my parents are divorced and only one lives in Colorado?

A. If one of the student's parents has established domicile in Colorado, that unemancipated student can be considered in-state.

Q. Is the tuition classification decision at one institution transferable to another institution?

A. No. You must petition separately at each institution. Each institution must have appropriate documentation to support its classification decision.

Q. Can I establish "in-state" status while a student?

A. Yes, but the mere fact that you are a student, part-time or full-time, is not alone sufficient evidence to consider you an "in-state" student. You must still demonstrate your physical presence and intent before you can be considered "in-state."

Q. May I leave the state for vacations or summer work while establishing my "in-state" status?

A. Yes, but you must maintain the Colorado connections you have established, such as claiming any income as Colorado income for tax purposes. Any interruption or change in these connections could reverse the original classification and cause you to reestablish your domicile upon returning to Colorado. You should check with the institutional tuition classification officer before you leave the state.

Q. Is there any consideration given for a minor whose parents have lived in Colorado for a number of years and established "in-state" status, but who moved out of state during the minor's senior year in high school?

A. Yes, a minor who remains in Colorado may be considered "in-state" for tuition purposes if parents can provide evidence of Colorado domicile for the immediately preceding four years. If the parents or legal guardians leave the state after a minor's junior year of high school, the minor may still be considered "in-state" if he or she enrolls in a Colorado postsecondary institution within 42 months of the parents' move, or maintains a Colorado domicile and complies with the other provisions of the statute.

Q. Are non-U.S. citizens capable of establishing "in-state" classification?

A. Non-U.S. citizens are legally capable of establishing domicile when they have been granted the status of lawful permanent resident by the U.S. Immigration Service. The date used to establish domicile is the date the application for permanent visa was accepted. This date should be documented with a photocopy of the immigrant card. In addition, a specific group of non-immigrant classifications are capable of establishing in-state status, but the group does not generally include student visas.

Q. What if I disagree with a tuition classification decision?

A. Each institution has an established procedure. There are reasonable deadlines and procedures which an individual must follow. There is no central state office or agency which is involved in the appeal process. The decision made by the institution during the appeal process is final.

NOTE: This information is intended to give an overview of the tuition classification process in Colorado. **All questions about a specific circumstance or practices of a particular college or university should be directed to that institution.**