

## **Procedure VI.6003.C.a, Resident Status Definitions**

### **Associated Policy**

Policy VI.6003.C, Resident Status

### **Procedures**

#### **Residency Status**

Under Texas state law, an individual's residency classification is based on information from the individual's ApplyTexas application. Students will be classified as residents of Texas, non-residents, or international students. To qualify as a Texas resident, an individual must live in Texas for one year and establish a domicile in Texas prior to enrollment.

The amount of tuition students are charged is based on the student's residency classification, which is determined according to the information the student submits on the ApplyTexas application. Students may also be asked to provide documentary evidence that proves their residency status. Students can find their residency classification located in their SOS account by clicking on Student Profile and locate Residency. Student residency classification is based on Chapters 54 and 130 of the Texas Education Code along with rules and regulations established by the Texas Higher Education Coordinating Board in subchapter 21 of the Texas Administrative Code. Information regarding Texas residency may be viewed here: [collegeforalltexans.com](http://collegeforalltexans.com) and <https://reportcenter.theccb.state.tx.us/reports/data/overview-eligibility-for-in-state-tuition-and-state-financial-programs/>. Students who have questions about residency, may contact the Educational Planning, Counseling, & Completion Office or the Admissions Office.

#### **Relevant Definitions**

**Domicile:** A person's principal, permanent residence to which the person intends to return after any temporary absence.

**Census Date:** The census date is the official reporting date set by the College for state reports and financial aid eligibility, and the date is based on the part of term a student is enrolled in. Refer to the College's website for further information on census dates.

**Dependent:** A person who:

- is less than 18 years of age and has not been emancipated by marriage or court order; or
- is eligible to be claimed as a dependent of a parent of the person for purposes of determining the parent's income tax liability under the Internal Revenue Code of 1986.

Students who are considered dependents will use residency based on their parents' or legal guardians' eligibility for Texas residency using the scenarios listed below.

**Texas Resident:**

The following persons shall be classified as Texas Residents:

- A person who:
  - a. graduated from a public or accredited private high school in this state or, as an alternative to high school graduation, received the equivalent of a high school diploma in this state, including the successful completion of a nontraditional secondary education, and
  - b. maintained a residence continuously in this state for the 36 months immediately preceding the date of graduation or receipt of the diploma equivalent, as applicable; and the 12 months preceding the census date of the academic semester in which the person enrolls in an institution.
  
- A person who:
  - a. established domicile in this state not less than 12 months before the census date of the academic semester in which the person enrolls in an institution; and
  - b. maintained domicile continuously in the state for the 12 months immediately preceding the census date of the academic semester in which the person enrolls in an institution.
  
- A dependent whose parent:
  - a. established domicile in this state not less than 12 months before the census date of the academic semester in which the person enrolls in an institution; and
  - b. maintained domicile continuously in the state for the 12 months immediately preceding the census date of the academic semester in which the person enrolls in an institution.

If the student does not meet one of the requirements for Texas residency stated above, the student will be classified as a non-Texas Resident.

Note: The student has the burden of proof to show by clear and convincing evidence that residence or domicile, as appropriate, has been established and maintained.

### **Additional Documentation To Establish Texas Resident Status**

Although not conclusive or exhaustive, documentation indicating that one of the following circumstances existed throughout at least 12 consecutive months immediately preceding the census date of the semester in which a student seeks to enroll also may lend support to a claim regarding his/her intent to establish and maintain domicile in Texas.

- Gainful employment in Texas by the student or the dependent's parent;
- Sole or joint marital ownership of residential real property in Texas by the student or the dependent's parent, having established and maintained domicile at that residence;

- Ownership of a business by the student or the dependent's parent in Texas;
- Marriage by the student or the dependent's parent to a person who has established and maintained domicile in Texas; or
- Other documentation may be required.

## **Non-Texas Resident Definitions**

### **Out-of-State Status**

If a student does not meet the criteria for in-state residency, the student will be classified as a non-Texas resident or as an out-of-state student for tuition purposes. An out-of-state student is a U.S. Citizen/permanent resident who has not domiciled in Texas for the past 12 months.

The following persons shall be classified as non-Texas residents and entitled to pay out-of-state tuition at all Texas public institutions of higher education:

A student or dependent student who resides or whose parent or legal guardian resides out of state or has not established domicile in the state for the 12 months prior to the census date.

### **Out-of-Country Status**

International students living in the United States under an eligible visa permitting domicile must provide documentation and meet the same requirements as a U.S. citizen/permanent resident to qualify for Texas resident status for tuition purposes. If a student does not meet this eligibility requirement, the student will have out-of-country status for tuition purposes.

Other criteria to consider are:

- Permanent residents of the U.S. may be asked to furnish their permanent resident card; and
- Students in the process of gaining permanent residency or another conditional permanent residency status, must provide the original Notice of Action with an approval notice.

For a list of the approved visa statuses, refer to the College catalog or visit the Educational Planning, Counseling, and Completion Office or the Admissions Office.

## **Texas Resident/In-State Status**

A Texas resident who does not reside in the San Jacinto College taxing district as determined by the Harris County Appraisal District ([www.hcad.org](http://www.hcad.org)) or tax documents.

### **Texas Residents/In-State/In-District Status**

An in-district student is a Texas resident who resides in the San Jacinto College taxing district as determined by the Harris County Appraisal District ([www.hcad.org](http://www.hcad.org)) or tax documents. Students may refer to the Texas Resident Status definition and must first meet all qualifications in that section. The San Jacinto College taxing district generally includes the following independent school districts: Channelview, Deer Park, Galena Park, La Porte, Pasadena, and Sheldon. Any Texas resident who does not meet the in-district status will be charged the Texas Resident rate.

### **Undocumented Students**

Under Texas law, undocumented students can be admitted to the College and be considered a resident of Texas for tuition purposes if the student resides in Texas and meets all of the following conditions:

- Graduated or will graduate from a Texas high school or received a High School Equivalency certificate in Texas; and
- Resided in Texas for at least three years leading up to graduation from high school or receiving a Texas High School Equivalency; and
- Resides or will have resided in Texas for the 12 months immediately preceding the census date of the semester to be enrolled; and
- Provide to the institution an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so.

If the student does not meet these criteria, the student may still enroll but will be considered out-of-state for tuition purposes.

### **Changing or Updating Residency Status**

Students may request to change or update their Texas resident status by visiting the Educational Planning, Counseling, & Completion office or the Admissions Office when their permanent address changes. Additional, specific documentation will be required by these offices at the time of the request. Changes made prior to the census date will be reflected in the current term of enrollment. Refer to the statuses above for the most appropriate list of documentation required.

### **Military Personnel**

Military personnel or their dependents should check with the Veteran Services Office. Rules, requirements, and documentation needed regarding resident tuition can be found in the Texas Education Code and the Texas Higher Education Coordinating Board. Current military identification/military orders or a DD-214 is required to receive resident tuition.

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Date of SLT Approval	October 29, 2019
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Effective Date	December 3, 2019
Associated Policy	Policy VI.6003.C, Resident Status
Primary Owner of Policy Associated with the Procedure	Deputy Chancellor & President
Secondary Owner of Policy Associated with the Procedure	Associate Vice Chancellor, Student Services

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