

**TOPIC:** Proposed Amendments to USM Policy VIII-2.70—Policy on Student Classification for Admission and Tuition Purposes

**COMMITTEE:** Finance

**DATE OF COMMITTEE MEETING:** June 8, 2017

**SUMMARY:** The policy has been revised to comply with the amendments to the federal Veterans Access, Choice and Accountability Act of 2014 and 38 U.S.C. § 3311(b)(9) and additional clarification provided by the Veterans Administration. Failure to comply with these changes to law would result in the disapproval of USM institutions' academic programs for the Post-9/11 GI Bill® and Montgomery GI Bill® benefits.

The revisions are noted in "red" on the attached policy documents.

- Attachment A is the current policy. Revisions to this policy will be effective July 1, 2017.
- Attachment B is a recently revised version of the policy that will apply to all student tuition classification decisions effective Spring semester 2018 and thereafter. Again, today's amendments are included and indicated in "red."

**ALTERNATIVE(S):** The changes are necessary to comply with federal code.

**FISCAL IMPACT:** There is no anticipated fiscal impact.

**CHANCELLOR'S RECOMMENDATION:** That the Finance Committee recommend that the Board of Regents adopt the proposed amendments to the Policy on Student Classification for Admission and Tuition Purposes, as presented.

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COMMITTEE RECOMMENDATION:

DATE:

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BOARD ACTION:

DATE:

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SUBMITTED BY: Joseph F. Vivona (301) 445-1923

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## ATTACHMENT A

### USM Bylaws, Policies and Procedures of the Board of Regents

#### VIII-2.70 POLICY ON STUDENT CLASSIFICATION FOR ADMISSION AND TUITION PURPOSES

(Approved by the Board of Regents August 28, 1990; Amended July 10, 1998; Amended November 27, 2000; Amended April 11, 2003; Amended June 23, 2006, Amended February 15, 2008, Amended October 24, 2014; Amended April 10, 2015; Amended )

#### I. POLICY

##### A. Purpose

To extend the benefits of its system of higher education while encouraging the economical use of the State's resources,<sup>1</sup> it is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the tuition categories of in-state and out-of-state students for the purpose of admission and assessing tuition at USM institutions.

##### B. Burden of Proof

The person seeking in-state status shall have the burden of proving by clear and convincing evidence that he or she satisfies the requirements and standards set forth in this Policy. Assignment of in-state or out-of-state status will be made by the applicable USM institution upon a review of the totality of facts known or presented to it.

##### C. In-state Status

To qualify for in-state tuition, a student must demonstrate that, for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status, the student had the continuous intent to:

- 1) Make Maryland his or her permanent home; and
- 2) Abandon his or her former home state; and
- 3) Reside in Maryland indefinitely; and
- 4) Reside in Maryland primarily for a purpose other than that of attending an educational institution in Maryland.

Satisfying all of the requirements in Section II (and Section III, when applicable) of this policy demonstrates continuous intent and qualifies a student for in-state tuition. Students not entitled to in-state status under this policy shall be assigned out-of-state status for admission and tuition purposes.

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<sup>1</sup> Annotated Code of Maryland, Education Article, §12-101.

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### D. Presumption

Either of the following circumstances raises a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution and therefore, does not qualify for in-state status under this policy:

- 1) A student is attending school or living outside Maryland at the time of application for admission to a USM institution, or
- 2) A student is Financially Dependent on a person who is not a resident of Maryland.

This presumption may be rebutted. The student bears the burden of rebutting the presumption. See "III. Rebuttal Evidence" below.

### II. REQUIREMENTS

Before a request for classification to in-state status will be considered, a student must comply with all of the following requirements for a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status. The student must demonstrate he or she:

- 1) Owns or possesses, and has continuously occupied, including during weekends, breaks and vacations, living quarters in Maryland. The student must provide evidence of a genuine deed or lease and documentation of rent payments made. In lieu of a deed or lease, a notarized affidavit from a landlord showing the address, name of the student as occupant, term of residence, and history of rent payments made will be considered. As an alternative, a student may demonstrate that he or she shares living quarters in Maryland which are owned or rented and occupied by a parent, legal guardian or spouse.
- 2) Has substantially all of his or her personal property, such as household effects, furniture and pets in Maryland.
- 3) Has paid Maryland income tax on all taxable income including all taxable income earned outside the State and has filed a Maryland tax return.
- 4) Has registered all owned or leased motor vehicles in Maryland.
- 5) Possesses a valid Maryland driver's license, if licensed.
- 6) Is registered to vote in Maryland, if registered to vote.
- 7) Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland.
- 8) Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.
- 9) Has rebutted the presumption that he or she is in Maryland primarily to attend an educational institution, if the student's circumstances have raised the presumption.

### III. REBUTTAL EVIDENCE

Satisfying the requirements listed in paragraphs A through I of Section II, does not rebut the presumption that a student is in Maryland primarily to attend an educational institution. To overcome the presumption, a student must present additional evidence.

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To determine a student's intent, the University will evaluate evidence of a student's objectively verifiable conduct. Evidence that does not document a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status is generally considered an unfavorable factor under this policy. Evidence of intent must be clear and convincing and will be evaluated not only by the amount presented but also based upon the reliability, authenticity, credibility and relevance of the evidence.

The absence of objective, relevant evidence is generally considered an unfavorable factor. A student's statement of intent to remain in Maryland in the future is generally not considered to be objective evidence under this policy.

Additional evidence that will be considered includes, but is not limited to, the following:

### A. Source of financial support:

- 1) Maryland employment and earnings history through sources beyond those incident to enrollment as a student in an educational institution e.g., beyond support provided by work study, scholarships, grants, stipends, aid, student loans, etc. (Tuition costs will be considered as a student expense only to the extent tuition exceeds the amount of any educational scholarships, grants, student loans, etc.), or
- 2) Evidence the student is Financially Dependent upon a person who is a resident of Maryland.
- 3) Substantial participation as a member of a professional, social, community, civic, political, athletic or religious organization in Maryland, including professionally related school activities that demonstrate a commitment to the student's community or to the State of Maryland.
- 4) Registration as a Maryland resident with the Selective Service, if male.
- 5) Evidence showing the student uses his or her Maryland address as his or her sole address of record for all purposes including on health and auto insurance records, bank accounts, tax records, loan and scholarship records, school records, military records, leases, etc.
- 6) An affidavit from a person unrelated to the student that provides objective, relevant evidence of a student's conduct demonstrating the student's intent to live permanently in Maryland.

### IV. NON-RESIDENTS WHO MAY TEMPORARILY QUALIFY FOR IN-STATE STATUS

In addition, persons with the following status shall be accorded the benefits of in-state status for the period in which they hold such status:

- A. A full-time or part-time (at least 50 percent time) regular employee of USM or a USM institution.
- B. The spouse or Financially Dependent child of a full-time or part-time (at least 50 percent time) regular employee of USM or a USM institution.

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- C. An active duty member of the Armed Forces of the United States who is stationed in Maryland, resides in Maryland, or is domiciled in Maryland, or the spouse or a Financially Dependent child of such an active duty member. Spouses and children who qualify for exemptions under this provision will retain in-state status for tuition purposes as long as they are continuously enrolled, regardless of whether the active duty member's station assignment, residence, or domicile remains in Maryland.<sup>2</sup>
- D. A veteran of the Armed Forces of the United States who provides documentation that he or she was honorably discharged and currently resides or is domiciled in Maryland.<sup>3</sup>
- E. A veteran who lives in Maryland and was discharged from a period of at least 90 days of service in the active military, naval, or air service less than three years before the date of the veteran's enrollment and is pursuing a course of education with educational assistance under the Montgomery G.I. Bill (38 U.S.C. §3001) or Post-9/11 G.I. Bill (38 U.S.C. §3301).<sup>4</sup> A veteran so described will continue to retain in-state status if the veteran is enrolled prior to the expiration of the three-year period following discharge, is using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code, and remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school.
- F. Anyone who lives in Maryland, and:
- 1) Is using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. §3319) and enrolls within three years of the transferor's discharge or release from a period of at least 90 days of service in the active military, naval or air service; or
  - 2) Is using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. §3319) and the transferor is a member of the uniformed services who is serving on active duty; or
  - 3) Is using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. §3311(b)(9)).<sup>5</sup>

An individual as described in F.(1) will continue to retain in-state status if the individual is enrolled prior to the expiration of the three-year period following the veteran's discharge, is using educational benefits under chapter 33, of title 38, United States Code, and remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school.

- G. A member of the Maryland National Guard, as defined in the Public Safety Article of the Maryland Annotated Code, who joined or subsequently serves in the Maryland National Guard to: (i) provide a critical military occupational skill; or (ii) be a member of the Air Force Critical Specialty Code as determined by the National Guard.
- H. For UMUC, a full-time active member of the Armed Forces of the United States on active duty, or the spouse of a member of the Armed Forces of the United States on active duty.
- I. A graduate assistant appointed through a USM institution for the semester/term of the appointment. Except through prior arrangement, this benefit is available only for enrollment at the institution awarding the assistantship.

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<sup>2</sup> Annotated Code of Maryland, Education Article § 15-106.4.

<sup>3</sup> Id.

<sup>4</sup> 38 U.S.C.A. § 3679(c).

<sup>5</sup> Id.

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### V. PROCEDURES

- A. An initial determination of in-state status will be made at the time of admission. The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.
- B. A change in status must be requested by submitting a USM institution's "Petition for Change in Classification for Tuition". A student applying for a change to in-state status must furnish all evidence that the student wishes the USM institution to consider at the time the petition is due. The due date is based on the deadline set forth by the USM institution at which the student seeks to enroll. If the applicable USM institution has no such deadline, the due date is the last published date to register for the forthcoming semester/term for which the change in classification is sought.
- C. The student shall notify the USM institution in writing within fifteen (15) days of any change in circumstances which may alter in-state status.
- D. In the event incomplete, false, or misleading information is presented, the USM institution may, at its discretion, revoke in-state status and take disciplinary action provided for by the institution's policy. Such action may include suspension or expulsion. If in-state status is gained due to false or misleading information, the institution reserves the right to retroactively assess all out-of-state charges for each semester/term affected.
- E. Each USM institution shall develop and publish additional procedures to implement this Policy. Procedures shall provide that on request the institution President or designee has the authority to waive any requirement set forth in Section II if it is determined that the application of the requirements creates an unjust result. These procedures shall be filed with the Office of the Chancellor.

### VI. DEFINITIONS

- A. Financially Dependent: For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes.
- B. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.
- C. Guardian: A guardian is a person so appointed by a court order recognized under the law of the State of Maryland.
- D. Spouse: A spouse is a partner in a legally contracted marriage.
- E. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.
- F. Regular Employee: A regular employee is a person employed by USM or a USM institution who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors.

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- G. Continuous Enrollment: Undergraduate Student - An undergraduate student who is enrolled at a USM institution for consecutive fall and spring semesters, until completion of the student's current degree program or unless on an approved leave of absence or participating in an approved program off-campus.
- H. Graduate and Professional - Continuous enrollment for a graduate or professional student is defined by the institution in accordance with program requirement.

### VI. IMPLEMENTATION

This policy as amended by the Board of Regents on DATE shall be applied to all student tuition classification decisions EFFECTIVE JULY 1, 2017 AND THEREAFTER.

## ATTACHMENT B

### USM Bylaws, Policies and Procedures of the Board of Regents

#### VIII-2.70 POLICY ON STUDENT CLASSIFICATION FOR ADMISSION AND TUITION PURPOSES

(Approved by the Board of Regents August 28, 1990; Amended July 10, 1998; Amended November 27, 2000; Amended April 11, 2003; Amended June 23, 2006, Amended February 15, 2008, Amended October 24, 2014, Amended April 10, 2015, Amended February 17, 2017 Amended )

#### I. POLICY

##### A. Purpose

To extend the benefits of its system of higher education while encouraging the economical use of the State's resources,<sup>1</sup> it is the policy of the Board of Regents of the University System of Maryland (USM) to recognize the categories of in-state and out-of-state residency for the purpose of admission and assessing tuition at USM institutions.

##### B. Qualification for In-State Status

Generally, in order to qualify for in-state status, a prospective, returning, or current student must demonstrate that he or she is a permanent Maryland resident. Under certain circumstances, as set forth in this Policy, students who are not permanent Maryland residents may qualify temporarily for in-state status. Students who do not qualify for in-state status under this Policy shall be assigned out-of-state status for admission and tuition purposes.

##### C. Standard of Proof

The student seeking in-state status shall have the burden of proving by clear and convincing evidence that he or she satisfies the requirements and standards set forth in this Policy. Assignment of in-state or out-of-state status will be made by each USM institution upon a review of the totality of facts known or presented to it.

#### II. DETERMINATION OF RESIDENCY STATUS

##### A. Criteria for Determination of Residency Status

An initial determination of residency status will be made at the time of admission and readmission based upon information provided by the student with the signed application certifying that the information provided is complete and correct. Additional information may be requested by the institution, to clarify facts presented. To qualify for in-state status, the student must demonstrate that for at least 12 consecutive months immediately prior to and including the last date available to register for courses for the semester/term for which the student seeks in-state status, the student had the continuous intent to reside in Maryland indefinitely and for a primary purpose other than that of attending an educational institution in Maryland. The student will demonstrate the requisite

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<sup>1</sup> Annotated Code of Maryland, Education Article, §12-101.



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intent by satisfying all of the following requirements for the 12-month period (or shorter period indicated):

- 1) Has continuously maintained his or her primary living quarters in Maryland.
- 2) Has substantially all personal property, such as household effects, furniture, and pets, in Maryland.
- 3) Has paid Maryland income tax on all taxable income, including all taxable income earned outside of Maryland, and has filed a Maryland Resident Tax Return.
- 4) Has registered all owned or leased motor vehicles in Maryland for at least 12 consecutive months, if previously registered in another state. Students who have lived in Maryland for at least 12 consecutive months but who have had their motor vehicle(s) registered in Maryland for less than 12 months will be deemed to have satisfied this requirement if they can show evidence that their owned or leased motor vehicle(s) was (were) registered in Maryland within 60 days after moving to the state.
- 5) Has possessed a valid Maryland driver's license for at least 12 consecutive months, if previously licensed to drive in another state. Students who have lived in Maryland for at least 12 consecutive months but who have held a Maryland driver's license for less than 12 months will be deemed to have satisfied this requirement if they can show evidence that their driver's license was issued in Maryland within 60 days after moving to the state.
- 6) Is currently registered to vote in Maryland, if previously registered to vote in another state (no time requirement).
- 7) Receives no public assistance from a state other than the State of Maryland or from a city, county, or municipal agency other than one in Maryland.
- 8) Has a legal ability under Federal and Maryland law to live permanently and without interruption in Maryland.

### B. Presumption of Out-of-State Status

Either of the following circumstances raises a presumption that the student is residing in the State of Maryland primarily for the purpose of attending an educational institution and, therefore, does not qualify for in-state status under this Policy:

- 1) A student is attending school or living outside Maryland at the time of application for admission to a USM institution, or
- 2) A student is Financially Dependent on a person who is not a resident of Maryland. A student will be considered financially independent if the student provides 50% or more of his or her own living and educational expenses and has not been claimed as a dependent on another person's most recent tax returns.

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### III. CHANGE IN CLASSIFICATION FOR TUITION PURPOSES

#### A. Petition for Change in Classification for Tuition Purposes

After the initial determination is made, a student seeking a change to in-state tuition status must submit a Petition for Change in Classification for Tuition Purposes that includes all of the information the student wishes the institution to consider. All information must be submitted by the institution's deadline for submitting a petition for the semester for which the student seeks reclassification. Only one Petition may be filed per semester.

#### B. Criteria for Change in Tuition Status

A student seeking reclassification from out-of-state to in-state tuition status must demonstrate, by clear and convincing evidence, that for at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses for the semester/term for which the student seeks in-state tuition status, the student had the continuous intent to 1) make Maryland his or her permanent home; 2) abandon his or her former home state; 3) reside in Maryland indefinitely; and reside in Maryland primarily for a purpose other than that of attending an educational institution in Maryland.

A student will demonstrate the requisite intent by satisfying all of the following requirements for a period of at least twelve (12) consecutive months (or for the shorter period of time indicated) immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status. Evidence of intent must be clear and convincing and will be evaluated not only by the amount presented but also based upon the reliability, authenticity, credibility and relevance of the evidence and the totality of facts known to the institution. The student must demonstrate (providing appropriate documentation as necessary) that for the relevant period he or she:

- 1) Continuously maintained his or her primary living quarters in Maryland.
- 2) Has substantially all of his or her personal property, such as household effects, furniture and pets, in Maryland.
- 3) Has paid Maryland income tax on all taxable income including all taxable income earned outside the State and has filed a Maryland Resident Tax Return.
- 4) Has registered all owned or leased motor vehicles in Maryland for at least 12 consecutive months, if previously registered in another state. Students who have lived in Maryland for at least 12 consecutive months but who have had their motor vehicle(s) registered in Maryland for less than 12 months will be deemed to have satisfied this requirement if they can show evidence that their owned or leased motor vehicle(s) was (were) registered in Maryland within 60 days after moving to the state.

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- 5) Has held a valid Maryland driver's license, if licensed, for at least 12 consecutive months, if a driver's license was previously held in another state Has possessed a valid Maryland driver's license for at least 12 consecutive months, if previously licensed to drive in another state. Students who have lived in Maryland for at least 12 consecutive months but who have held a Maryland driver's license for less than 12 months will be deemed to have satisfied this requirement if they can show evidence that their driver's license was issued in Maryland within 60 days after moving to the state.
- 6) Is currently registered to vote in Maryland, if previously registered to vote in another state (no time requirement).
- 7) Receives no public assistance from a state other than the State of Maryland or from a city, county or municipal agency other than one in Maryland.
- 8) Has a legal ability under Federal and Maryland law to live permanently without interruption in Maryland.
- 9) Has either not raised the presumption set forth in Section II.B above; or alternatively, if the student's circumstances have raised the presumption set forth in Section II.B above, the student has rebutted that presumption.

### C. Rebuttal Evidence

If the information received by the institution about the student has raised the presumption set forth in Section II.B, the student bears the burden of rebutting the presumption set forth in Section II.B by presenting additional evidence of objectively verifiable conduct to rebut the presumption and show the requisite intent. Rebuttal evidence of intent must be clear and convincing and will be evaluated not only by the amount presented but also based upon the reliability, authenticity, credibility and relevance of the evidence and the totality of facts known to the institution. Evidence that does not document a period of at least twelve (12) consecutive months immediately prior to and including the last date available to register for courses in the semester/term for which the student seeks in-state tuition status is generally considered an unfavorable factor under this Policy. The absence of objective, relevant evidence is generally considered an unfavorable factor. A student's statement of intent to remain in Maryland in the future is generally not considered to be objective evidence under this Policy.

For purposes of rebutting the presumption, additional evidence that will be considered includes, but is not limited to:

- 1) Source of financial support:
  - a. Maryland employment and earnings history through sources beyond those incident to enrollment as a student in an educational institution e.g., beyond support provided by work study, scholarships, grants, stipends, aid, student loans, etc. (Tuition costs will be considered as a student expense only to the extent tuition exceeds the amount of any educational scholarships, grants, student loans, etc.), or
  - b. Evidence the student is Financially Dependent, for the previous 12 months, upon a person who is a resident of Maryland.

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- 2) Substantial participation as a member of a professional, social, community, civic, political, athletic or religious organization in Maryland, including professionally related school activities that demonstrate a commitment to the student's community or to the State of Maryland.
- 3) Registration as a Maryland resident with the Selective Service, if applicable.
- 4) Evidence that the student is married to a Maryland resident.
- 5) Evidence that the student attended schools in Maryland for grades K-12.
- 6) Evidence showing the student uses his or her Maryland address as his or her sole address of record for all purposes including on health and auto insurance records, bank accounts, tax records, loan and scholarship records, school records, military records, leases, etc.
- 7) An affidavit from a person unrelated to the student that provides objective, relevant evidence of a student's conduct demonstrating the student's intent to reside in Maryland primarily for a purpose other than that of attending an educational institution in Maryland.
- 8) Evidence of life and employment changes that caused the student to relocate to Maryland for reasons other than primarily educational purposes (e.g. divorce, family relocation, taking care of a sick family member, etc.)

### D. Appeal

A student may appeal an adverse decision on a Petition for Change in Classification.

### E. Change in Circumstances Altering In-State Status

The student shall notify the USM institution in writing within fifteen (15) days of any change in circumstances which may alter in-state status. Failure to do so could result in retroactive charges for each semester/term affected.

### F. Incomplete, Untimely, False or Misleading Information

If necessary information is not provided by the institution's deadline, the USM institution may, at its discretion, deny or revoke in-state status. In the event incomplete, false, or misleading information is presented, the USM institution may, at its discretion, revoke in-state status and take disciplinary action provided for by the institution's policies. Such action may include suspension or expulsion. In such cases, the institution reserves the right to retroactively assess all out-of-state charges for each semester/term affected.

## IV. CRITERIA FOR TEMPORARY QUALIFICATION OF NON-RESIDENTS FOR IN-STATE STATUS

Non-residents with the following status shall be accorded the benefits of in-state status for the period in which they hold such status, if they provide clear and convincing evidence through documentation, by the institution's deadline for the semester for which they seek in-state status, showing that they fall within one of the following categories:

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- A. A full-time or part-time (at least 50 percent) regular employee of USM or a USM institution.
- B. The spouse or Financially Dependent child of a full-time or part-time (at least 50 percent) regular employee of USM or a USM institution.
- C. An active duty member of the Armed Forces of the United States as defined in 38 U.S.C.A. § 101(10) as the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof, who is stationed in Maryland, resides in Maryland, or is domiciled in Maryland, or his/her spouse or a financially dependent child of that active duty member. Spouses and children who qualify for exemptions under this provision will retain in-state status for tuition purposes as long as they are continuously enrolled, regardless of whether the active duty member's station assignment, residence, or domicile remains in Maryland.<sup>2</sup>
- D. A veteran of the Armed Forces of the United States who provides documentation that he or she was honorably discharged and currently resides or is domiciled in Maryland.<sup>3</sup>
- E. A veteran who lives in Maryland and was discharged from a period of at least 90 days of service in the active military, naval, or air service less than three years before the date of the veteran's enrollment and is pursuing a course of education with educational assistance under the Montgomery G.I. Bill (38 U.S.C. §3001) or the Post-9/11 G.I. Bill (38 U.S.C. §3301).<sup>4</sup>

A veteran so described will continue to retain in-state status if the veteran is enrolled prior to the expiration of the three-year period following discharge, is using educational benefits under either chapter 30 or chapter 33, of title 38, United States Code, and remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school.

- F. Anyone who lives in Maryland, and:
  - 1) Is using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. §3319) and enrolls within three years of the transferor's discharge or release from a period of at least 90 days of service in the active military, naval or air service; or
  - 2) Is using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. §3319) and the transferor is a member of the uniformed services who is serving on active duty; or
  - 3) Is using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. §3311(b)(9)).<sup>5</sup>

An individual as described in F.(1) will continue to retain in-state status if the individual is enrolled prior to the expiration of the three-year period following the veteran's discharge, is using educational benefits under chapter 33, of title 38, United States Code, and remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same school.

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<sup>2</sup> Annotated Code of Maryland, Education Article § 15-106.4.

<sup>3</sup> Id.

<sup>4</sup> 38 U.S.C.A. § 3679(c).

<sup>5</sup> Id.

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- G. A member of the Maryland National Guard, as defined in the Public Safety Article of the Maryland Annotated Code, who joined or subsequently serves in the Maryland National Guard to: (i) provide a critical military occupational skill; or (ii) be a member of the Air Force Critical Specialty Code as determined by the National Guard.
- H. For UMUC, only, a full-time active member of the Armed Forces of the United States on active duty, or his/her spouse.
- I. A graduate assistant appointed through a USM institution for the semester/term of the appointment. Except through prior arrangement, this benefit is available only for enrollment at the institution awarding the assistantship.

### V. ADDITIONAL PROCEDURES

Each USM institution shall develop and publish additional procedures to implement this Policy. Procedures shall provide that on request the institution President or designee has the authority to waive any requirement set forth in Section II if it is determined that the application of the requirements creates an unjust result. These procedures shall be filed with the Office of the Chancellor.

### VI. DEFINITIONS

- A. Financially Dependent: For the purposes of this Policy, a financially dependent student is one who has been claimed as a dependent on another person's prior year tax returns or is a ward of the State of Maryland.
- B. Financially Independent: For the purposes of this Policy, a financially independent student is one who provides 50% or more of his or her own living and educational expenses and has not been claimed as a dependent on another person's most recent tax returns.
- C. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the State of Maryland, an adoptive parent.
- D. Guardian: A guardian is a person so appointed by a court order recognized under the laws of the State of Maryland.
- E. Spouse: A spouse is a partner in a legally contracted marriage.
- F. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of Maryland.
- G. Regular Employee: A regular employee is a person employed by USM or a USM institution who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of categories NOT considered regular employees are graduate students, contingent employees, and independent contractors
- H. Continuous Enrollment:
  - 1) Undergraduate Student - An undergraduate student who is enrolled at a USM institution for consecutive fall and spring semesters, until completion of the student's

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current degree program or unless on an approved leave of absence or participating in an approved program off-campus.

- 2) Graduate and Professional - Continuous enrollment for a graduate or professional student is defined by the institution in accordance with program requirement.
  - I. Armed Forces of the United States: As defined in 38 U.S.C.A. § 101(10) as the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.

### VI. IMPLEMENTATION

This Policy as amended by the Board of Regents on February 17, 2017 **AND ALSO ON DATE** shall be applied to all student tuition classification decisions effective Spring semester 2018 and thereafter.