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# Residency Policy and Procedures

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## I. Philosophy and Purpose

The determination of residency or domicile for tuition purposes is governed by the Frederick Community College Board of Trustees in accordance with Maryland State law. For the purpose of establishing differential tuition, the following procedure applies to both full and part-time students.

A student's legal residence is determined at the time he/she applies to the College. The burden of proof of residency is to be upon the student, and he/she will be required to certify by signature to the accuracy of the information provided on the College application.

Students will be considered in-county, out-of-county, or out-of-state for tuition calculation. Students whose legal residence is outside the county or the State of Maryland pay a higher tuition rate than those whose legal residence is within the county, unless they are eligible for a waiver or reduction in tuition. (See related [Tuition and Fees Policy and Procedures](#).)

## II. Definitions for the Purpose of this Policy and Procedures

- A. **“Domicile”** means 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”** means an individual who has maintained a domicile in Maryland for at least three (3) months before becoming an enrolled student.
- C. **“Enrolled student”** means 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, and whose participation in a class has been verified.
- D. **In-County:**
  - 1. **“Non-dependent Maryland resident students”** are considered to be in-county residents if, at the time of their application, they are domiciled in Frederick County for three (3) consecutive months prior to application.
  - 2. **“Dependent Maryland resident students”** are defined as 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.
- E. **Out-of-County:**
  - 1. **“Non-dependent Maryland resident students”** are considered to be 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”** are considered to be out-of-county residents in the State of Maryland if, at the time of their application,

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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.

### **F. Out-of-State:**

1. **“Non-dependent students”** are considered to be 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”** are considered to be 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.

### **III. Military Personnel, Veterans, and their Dependents**

#### **A. Military Personnel and their Dependents**

1. Who are stationed, living, or domiciled in Maryland, and their spouses and dependents, who are entering the College for the first time, are considered residents of Frederick County. If the armed services member moves out of the state, the dependents and spouse may maintain in-county residence as long as they stay continuously enrolled in courses at the College.
2. 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 employee or his/her dependent 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. For purposes of tuition rates, eligible employees 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 Dependents**

1. Veterans and their dependents using the Post-9/11 G.I. Bill, Montgomery G.I. Bill or the Marine Gunnery Sergeant John David Fry Scholarship shall be charged a rate of tuition not to exceed the in-state rate for tuition and fees purposes.
  - a. A Veteran using educational assistance under either Chapter 30 (Montgomery G.I. Bill – Active Duty Program) or Chapter 33 (Post-9/11 G.I. Bill), of title 38, United States Code, and enrolls in the College within three years of discharge or release from a period of active duty service of 90 days or more will be granted in-county tuition (regardless of his/her formal State of residence).
  - b. A dependent using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) and enrolls in the College within three of the transferor’s discharge or release from a period of active duty service of 90 days or more will be granted in-county tuition (regardless of his/her formal State of residence).
  - c. Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters,

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or terms) at the College. The person so described must have enrolled in the College prior to the expiration of the three year period following discharge or release as described above and must be using educational benefits under either Chapter 30 or Chapter 33, of title 38, United States Code.

- d. A dependent using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311 (b)(9)) will be granted in-county tuition (regardless of his/her formal State of residence).
  - e. A dependent using transferred Post-9/11 G.I. Bill benefits (38 U.S.C. § 3319) while the transferor is a member of the uniformed service who is serving on active duty will be granted in-county tuition (regardless of his/her formal State of residence).
2. Veterans and their dependents (not using Chapter 30 or Chapter 33 benefits or the Marine Gunnery Sergeant John David Fry Scholarship) who are stationed, living, or domiciled in Maryland who are entering the College for the first time, are considered residents of Frederick County. If the veteran moves out of the state, the dependents and spouse may maintain in-county residence as long as they stay continuously enrolled in courses at the College.

### IV. International and Foreign National Students

- A. A foreign national lawfully eligible for study in the United States may be considered a resident for tuition purposes if he/she 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.
- B. The following visa status types determine residency as indicated:
- |   |               |
|---|---------------|
| 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 and H4 (Temporary Worker and dependents) .....       | In-County     |
| H2 and 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 US citizen/Frederick County resident)..... | In-County     |
| L (Intra-company transferee).....                       | In-County     |

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- M (Foreign vocational student, 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
- C. 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.
- D. 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.
- E. 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.
- F. 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.

### **V. 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 the Admissions Office stating that he/she 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.

### **VI. 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 physical 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)

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- 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).

### **VII. Reclassification of Residency**

- A. Students requesting reduced tuition rate based on a change in residency must submit proof of actual address change as defined in Section V to the Admissions Office and complete the "Change of Address" form available either online at [www.frederick.edu](http://www.frederick.edu) or in the Admissions Office in Jefferson Hall, Suite 101. The proof of residency and "Change of Address" form must be submitted in one of the following ways:
  - 1. in-person to the Admissions Office in Jefferson Hall, Room 101,
  - 2. online through personal "myfcc" email account to [admissions@frederick.edu](mailto:admissions@frederick.edu)
  - 3. by fax (240-629-7896), or
  - 4. via U.S. postal mail.
- B. Request for change in residency classification 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 is not retroactive. A student who changes his/her residency during a semester and provides proof after the "last day to add" will have their residency adjusted for the following semester.
- C. In order to comply with USPS regulations regarding bulk and pre-sort mailings, the College verifies current addresses of students with the National Change of Address (NCOA) listing every 90 days. If there has been a change of address, the student will be notified by email and 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 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.