



ARAPAHOE COMMUNITY COLLEGE

TUITION CLASSIFICATION INFORMATION

Tuition classification is governed by state law (Colorado Revised Statutes §23-7-101, *et seq.*, 1998) and by judicial decisions that apply to all public institutions of higher education in Colorado. Arapahoe Community College does not have discretion to make exceptions to the rules as defined by state law.

For additional information, you may write, or call the following office:

Office of Admissions Box 14
Arapahoe Community College
5900 S. Santa Fe Dr.
P.O. Box 9002
Littleton, CO 80160-9002
Telephone: 303-797-5624 or
303-797-5623
Fax: 303-797-5970

Summary of Tuition Classification Regulations

These tuition classification regulations are explained in greater detail following this section.

1. **In-state status** requires *domicile* (legal, primary residence) in Colorado for the year immediately preceding the first day of class. The only exceptions to the one-year domicile requirement, as provided by law, are for active-duty military personnel on permanent duty station in Colorado and for Olympic athletes in training at the United States Olympic Training Center in Colorado Springs, Colorado.
2. **Domicile** is defined as your true, fixed, and permanent home and place of habitation. Domicile is a legal characteristic that everyone has, and you can have only one domicile at any one time. Your domicile is your legal, primary residence.

3. If your parents are not Colorado domiciliaries, you must be a **qualified person**, to begin the *one-year domiciliary period*. A qualified person is someone who is either at least 22 years old, **or** married, **or** *emancipated*. Persons who are not citizens of the United States should read the section regarding aliens on page 3 for additional information.

4. **Unemancipated minors** are eligible for in-state tuition if at least one parent or court-appointed legal guardian has been domiciled in Colorado for one year.

5. **Emancipation** requires that your parents cannot provide financial support of any nature for any purpose. Parental support includes funds your parents may have previously set aside for your current support even if those funds are in your name. Parents may provide reasonable incidental gifts consistent with emancipation but may not provide significant funds that would be characteristic of a continuing parent-child support relationship.

6. To begin the one-year domiciliary period, a qualified person must be residing in Colorado with the present intention to reside permanently in Colorado. To demonstrate this intention, you should take actions that would be expected of any permanent resident of Colorado in your circumstances. These actions include severing from your former state of domicile such usual domiciliary connections as voter registration, driver's license, vehicle registration, employment, income tax filing and establishing these connections to Colorado.

7. Your in-state eligibility will be lost if you and your parents (depending on your age and parental support) maintain domicile outside Colorado for one year. However, if you are an unemancipated minor, you may retain in-state status if your parents have lived in Colorado at least four years (see **FOUR YEAR RULES** on page 2). Regaining in-state status requires a new one year domicile period.

During the one-year domicile period, you should comply with all legal obligations of a Colorado resident, despite being classified as out-of-state, or nonresident, for tuition purposes. You may be enrolled in school during this time.

You may leave the state for vacations or for other temporary reasons and need not maintain a residence in Colorado during a temporary absence. To maintain Colorado domicile during a temporary absence, you should keep Colorado connections, particularly voter registration and declaration of any out-of-state income on your Colorado state income tax return. On any other state tax return, you must file as a nonresident. However, residing in your previous home state for a substantial period of time (including summer) is some evidence of continued domicile in that place, although *such residence does not by itself disqualify you for in-state status*.

Qualified Person

You must be a qualified person to be eligible to establish a Colorado domicile and begin the one-year domicile period. Adults, emancipated minors, and graduate students are qualified students.

<p>ADULTS</p> <p>You are eligible to establish domicile and begin the one-year domicile period if you are at least 22 years old, or are married, or are emancipated from your parents, or if you are a graduate student. Persons not so qualified are unemancipated minors and assume the domicile of their parents or court-appointed legal guardian.</p> <p>EMANCIPATED MINORS</p> <p>You are an emancipated minor if you are less than 23 years old and if your parents have entirely surrendered the right to your care, custody, and earnings; and if they are no longer under any duty to support you; and if they have made no provision for your support. This means that your parents cannot provide you with financial support of any nature for any ordinary or necessary expense. Parental support includes, but is not limited to, gifts and loans (including PLUS loans) that you depend on for financial support. Trust funds or other assets established by your parents before the one-year domicile period are regarded as evidence of nonemancipation if circumstances indicate that the funds or assets were intended, or could reasonably have been expected, to provide support for the period you claim to be emancipated.</p> <p>If you are an emancipated minor granted in-state tuition status, you are subject to reclassification as an out-of-state resident if your parents resume support.</p> <p>Insurance</p> <p>You may be covered under your parents' health and automobile insurance if you may be covered despite not being their dependent and if you pay all costs, such as additional premiums and deductibles, associated with your coverage.</p> <p>MARRIED STUDENTS</p> <p>If you have been married for one year (365 consecutive days), you are emancipated regardless of parental support. Marriage to a Colorado resident does not by itself qualify you for in-state tuition status. Although such a marriage may be considered some evidence of intent, you must maintain your own Colorado domicile for one year.</p>	<p>Unemancipated Minors</p> <p>If you are less than 23 years old and depend on your parents for financial support, you are an unemancipated minor.</p> <p>Unemancipated minors must qualify for in-state tuition through their parents or court-appointed legal guardians. As an unemancipated minor, you qualify for in-state tuition if either of your parents, regardless of custody, has been domiciled in Colorado for the one year preceding the first day of class, even though you may reside elsewhere. The parent-child or guardian-child relationship must exist for one year.</p> <p>FOUR YEAR RULE</p> <p>If your parents (or court-appointed legal guardians maintain Colorado domicile for four years and then establish domicile elsewhere, you will remain eligible for in-state tuition if:</p> <ol style="list-style-type: none"> Your parents leave Colorado after your junior year of high school and if you enroll at a Colorado public college or university within three years and six months after your parents leave Colorado. <p><i>AND</i></p> <ol style="list-style-type: none"> You maintain continuous Colorado domicile. This provision will generally be met if you continue to reside in Colorado after your parents leave or if you reside outside the state only temporarily (for example, to attend college or for military service) while maintaining Colorado domiciliary connections such as voter registration and income tax filing as described under the heading "Colorado Domicile" below. <p>GUARDIANSHIPS</p> <p>You may qualify for in-state tuition through the domicile of a Colorado guardian only if your guardian has legal custody as defined by Colorado Revised Statutes §19-1-103(73). The court appointing the guardianship must certify that the primary purpose of the appointment is not to qualify the student for in-state tuition. The court must also certify that your parents do not provide substantial financial support. The guardianship must be in effect for one year to qualify you for in-state status.</p>	<p>Aliens</p> <p>Persons who are lawful permanent residents or who are admitted as refugees are eligible to establish domicile for tuition purposes.</p> <p>Nonimmigrant aliens who are residing in Colorado for purposes other than education may qualify for in-state status after one year of Colorado residence. Non-immigrants in the following student categories cannot qualify for in-state tuition: F-1, F-2, H-3, H-4 (if the visa holder is the spouse or child of an H-3), J-1 and J-2 (if the J-1 visa holder is a student or trainee), M-1, and M-2.</p> <p>Military Personnel</p> <p>Active-duty members of the armed forces of the United States and Canada on permanent duty station in Colorado and their dependents (as defined by military regulations) are eligible for in-state status, regardless of domicile or length of residence in Colorado. The military member must have reported to a duty station in the state, as certified by his or her military command, not later than the first day of class of the applicable academic term. Unless the student meets the requirement for domicile in Colorado for one year as detailed above, this eligibility expires as of the first term that begins after retirement, permanent change of duty station, or loss of dependent status.</p> <p>To retain domicile during an absence from Colorado due to military orders, military personnel must maintain Colorado voter registration. Military personnel may retain legal residence in their original state, or they may establish a new legal residence in their original state, or they may establish a new legal residence in a state in which they reside due to military orders. They may not establish domicile in Colorado while residing elsewhere or while being physically present in the state only on a temporary basis.</p>
--	--	---

Evidence of Domicile

You can establish domicile in Colorado only if you are residing in Colorado with the *present intention to reside permanently in the state*. Evidence of Colorado domicile includes actions *that in your circumstances* would normally be expected of, or that would be characteristic of, any permanent resident. For example, vehicle registration is relevant only if you have a motor vehicle. You are expected to take appropriate action on all factors relevant in your circumstances.

New residents are allowed a reasonable period of time after first coming to Colorado to take appropriate actions consistent with domiciliary intent. See, for example, the time periods allowed for driver's license and vehicle registration, below. If the classification officer judges that you did not regard Colorado as your permanent home when you first came to Colorado, the one-year domicile period cannot begin until these actions are taken, unless other *clear and convincing evidence* of Colorado domicile can be provided.

COLORADO DOMICILE

The tuition classification officer considers the following evidence, as specified by law, and any additional relevant information, when evaluating requests for in-state tuition. Because domicile is defined as a true, fixed, and permanent home, *individuals who are physically present in Colorado only on a temporary basis cannot establish domicile merely by taking these actions*. Establishing a new domicile requires actual residence on a permanent basis.

- Payment of **Colorado state income tax** (if your income is sufficient to be taxed), All taxable income accrued after you move to Colorado, regardless of source, must be reported to Colorado. You should file part-year resident returns for each state of residence for the year you move into Colorado. For subsequent years, you should file a full-year resident Colorado return for any other state in which you are required to file. For additional information, contact the Colorado Department of Revenue, 1375 Sherman Street, Denver, CO 80203; telephone 303-232-2446.

- **Colorado driver's license.** If you have a driver's license from another state, you must apply for a Colorado driver's license within 30 days of moving to Colorado (if you are employed) or within 120 days (if unemployed). These grace periods apply only to the date you first move to Colorado. If you do not drive, you may obtain a Colorado Identification Card.
- **Colorado vehicle registration.** If you operate a motor vehicle, you must register it in Colorado within 30 days of moving to Colorado (if you are employed) or within 120 days (if unemployed). This grace period applies to you only to the date you first move to Colorado. *This law applies to any vehicle you have, whether or not you are the registered owner.* Contact your county clerk for vehicle registration.
- **Voter registration in Colorado.** You may register to vote with your county clerk or when you obtain a Colorado driver's license. Voter registration information is available from the County Clerk.

NON- COLORADO DOMICILE

The following items are evidence indicating domicile outside Colorado:

- **Failure to pay Colorado state income tax** (if your income is sufficient to be taxed). Income earned in another state by a resident of Colorado is taxable in Colorado. Filing a non-resident Colorado tax return is persuasive evidence of domicile outside Colorado.
- **Failure to comply with any law imposing a mandatory duty on a permanent resident of Colorado.** Examples include failure to register a motor vehicle and failure to change your driver's license to Colorado within the statutory periods, as well as failure to file a Colorado state income tax return if your income is sufficient to be required to do so.
- **Return to your former state of residence** for a substantial period of time during the summer or during other periods when not enrolled as a student or between academic sessions.

- Maintenance of a home in another state.
- Prolonged absence from Colorado, except for military or civilian government service or for temporary absences required by an employer. If your parents live in Colorado and if you reside outside Colorado for less than three years, this factor is not weighed against you. However, if you reside outside Colorado for one year or more, other factors may support judgment that you have lost in-state status.
- Any other factor particular to your situation that indicates non-Colorado domicile. Examples include applying for a loan in another state where domicile in that state is a condition for granting the loan, and voting or registering to vote in another state.

OTHER MATTERS

Your initial tuition classification is determined from information you supply on your application for admission to Arapahoe Community College. You may file a petition if you wish to contest out-of-state classification or if you believe you have subsequently become eligible for in-state status. If the Tuition Classification Officer denies your petition, you may appeal to the Tuition Classification Hearing Board.

Because Colorado residency status is governed solely by Colorado regulations. The fact that you might not qualify for in-state status in any other state does not guarantee in-state status in Colorado. The tuition classification statute places the burden of proof on you to provide clear and convincing evidence or eligibility.

Information submitted to qualify for in-state classification is subject to independent verification. Individuals submitting false information or falsified supporting documents are subject to both criminal charges and College disciplinary proceedings.

Revised Aug. 2004