

MONTANA UNIVERSITY SYSTEM GUIDE TO MONTANA RESIDENCY POLICY

What is Montana residency for tuition purposes?

The Montana University System has different tuition rates for state residents and non-residents. Out-of-state tuition fees are higher than in-state tuition fees. The test for residency for tuition and fee purposes is unique, and residency requirements for other purposes may differ. State law and Board of Regents policy 940.1 set the rules governing who qualifies as a resident for tuition-paying purposes. Students must meet these requirements to be considered residents for tuition purposes.

How and when is a student's residency status determined?

A student's initial residency classification is made during the admissions process based on information provided on the student's admission application. If you are a new applicant and have questions about your initial residency determination, please contact the admitting office at the campus where you applied.

If you are classified as non-resident and believe that you qualify as a resident for tuition purposes, you must seek reclassification with the campus. The campus will determine your in-state or out-of-state status based on a questionnaire and supporting documentation. You should carefully answer the questionnaire. Any incorrect or false responses may result in retroactive reclassification and/or criminal penalties under Montana law. Make sure you include verification documentation (i.e., supply photocopies of your driver's license, voter registration, car registration, etc.). You must meet the requirements for residency on or before the fifteenth instructional day for the school term for which reclassification is sought. It is your responsibility to meet any filing deadlines that are imposed by your campus.

The burden of proof rests with the student to provide clear and convincing evidence of satisfying Montana residency requirements. Submitting a questionnaire does not guarantee classification as a resident for tuition purposes. No determinations regarding a request for reclassification are made verbally, and the outcome of your request for reclassification will be communicated to the student (and not the parent).

A student may appeal an initial classification decision or a reclassification decision. It is your responsibility to follow any on-campus appeal process. A student has 14 days to appeal the final campus decision to the Commissioner of Higher Education pursuant to Board of Regents policies 203.5.3 and 940.1. A student may appeal the Commissioner's decision to the Board of Regents within 30 days of receiving the decision.

Requirements to establish Montana residency

With certain exceptions, a person must be domiciled in Montana to be eligible for in-state status. Domicile requires both physical presence in Montana and evidence of intent to stay. Evidence of intent to stay includes registering a vehicle in Montana, getting a Montana driver's license or identification card, and registering to vote in Montana.

Students *cannot* meet the domicile test for Montana residency for tuition purposes when:

- attending a non-Montana based school as a resident of the state in which the school is located;
- paying taxes in another state as a resident of that state;
- maintaining an out-of-state driver's license or identification card;
- maintaining a vehicle registration from another state for a vehicle owned or operated in Montana;
- maintaining voter registration in another state; or
- holding a visa or other classification that does not allow permanent residence in the U.S.

Applicants should determine which pathway applies to them: a pathway based on domicile or a pathway based on an exception to the domicile test. If you are granted in-state status under a pathway based on an exception to the domicile test, in-state status generally will be lost if you no longer meet the requirements for the exception. Consequently, if you can also meet the requirements for in-state status under a pathway based on domicile, it is to your advantage to be classified based on domicile rather than on an exception.

The pathways to residency include (*denoting a pathway based on domicile):

1. Dependent student*
 - Student is financially dependent on parent/guardian.
 - The student can demonstrate financial dependence, meaning at least 50% of their income and financial support come from their parent/guardian and/or student is claimed as a dependent on parent/guardian's tax returns for the latest or current tax years.
 - The student and the parent/guardian can demonstrate domicile in Montana for at least 12 months before the term for which the student is applying for residency.

2. Independent student*
 - Student is not financially dependent on parent/guardian.
 - Student can demonstrate financial independence, meaning at least 50% of their income and financial support come from their own income and resources and student was not and will not be claimed on parent/guardian's tax returns for the latest and current tax years.
 - Student can demonstrate domicile in Montana for at least 12 months before the term for which the student is applying for residency.

3. Professional Student Exchange Program (PSEP) applicant*
 - Student is applying to professional student exchange programs, such as WICHE, WWAMI, Minnesota Dental, ICOM, or WIMU, and has been domiciled in Montana for at least 24 months before the program certification deadline.
 - That a student has previously been classified as a resident does not mean that the student will be a resident for purposes of application to a professional student exchange program.
 - Residency requirements must be met by the October 15 certification deadline the year before a student enters professional school.
 - Students obtaining in-state status under subsection H. of the policy (domicile exceptions) are not eligible for these professional student exchange programs.
 - All PSEP application and award information is communicated via the Award Montana Portal. For PSEP questions and information, please email awardmontana.edu.

4. Professional Program Student*
 - Student is applying to a program of law, pharmacy, or physical therapy.
 - Student can demonstrate maintenance of domicile in Montana for at least 12 months.
 - Student had a primary residence in Montana for at least 12 months immediately before the student's first admitted semester.

5. Graduate of Montana High School
 - Student graduated from an accredited high school in Montana.
 - Student enrolls in a Montana University System college or university within 4 years of graduating from high school.
 - Student attended the high school for their entire senior year or student's parent/guardian was employed and resided in Yellowstone National Park when the student graduated from high school.

6. Montana University System Employee
 - Student (or student's spouse or dependent student's parent) is living in Montana and is employed at least ¾ time by the Montana University System.

7. Full-time employee in Montana
 - Any student who meets one of the following criteria:
 - Student (or student's spouse or dependent student's parent) lives in Montana, has full-time employment in Montana, files a Montana state resident tax return, and did not come to Montana primarily for the student's education; or
 - Student (or student's spouse or dependent student's parent) has full-time employment in Montana, files all required Montana taxes, derives more than 50% of family income from the Montana employment, and lives in a state other than Montana that provides reciprocal treatment for Montana residents.

8. Service Member
 - Student meets one of the following criteria:
 - Montana National Guard member in good standing;
 - Spouse or dependent child of a Montana National Guard member in good standing;
 - Service member stationed in Montana on military orders;
 - Spouse or dependent child of a service member stationed in Montana on military orders;
 - A veteran who was discharged or released from a period of not fewer than 90 days of active service and is using one of the following chapters of VA benefits:
 - Chapter 30 (Montgomery GI Bill® - Active Duty);
 - Chapter 31 (Veteran Readiness and Employment); or
 - Chapter 33 (Post 9/11 GI Bill®).
 - Spouse or dependent of a veteran or service member who is using one of the following chapters of VA benefits:
 - Chapter 33 (Post 9/11 GI Bill®) – Transfer of Entitlement; or
 - Chapter 35 (Dependents' Educational Assistance).
 - A student planning to seek residency based on this pathway is encouraged to reach out to the applicable school certifying official for guidance on what documentation may be required.

9. Incarcerated Student
 - Student incarcerated in Montana participating in a Second Chance Pell and/or Prison Education Program.

If no pathway applies to you and exceptional circumstances exist, you may file an affidavit of intent to establish residency. Exceptional circumstances include, for example, seeking refuge from domestic violence or remaining in Montana as a minor when a parent moves from Montana to establish residency elsewhere. Filing an affidavit of intent does not guarantee resident classification.

Applicable presumptions

All students have to provide evidence to demonstrate in-state residency for tuition and fee purposes. When considering evidence for residency classification, several presumptions apply:

- A student not classified as in-state is a non-resident for tuition and fee purposes.
- The domicile of a minor is that of the person's parent or guardian.
- An individual cannot establish residency or domicile if absent from Montana for more than 30 days during the 12-month period.
- An individual cannot establish residency or domicile if obtaining a loan, financial assistance, scholarship, or any benefit requiring residence in another state.
- An individual abandons in-state status if absent from Montana for 12 or more months.
- An individual cannot establish residency or domicile while in Montana primarily for purposes of education; and
- An individual cannot establish residency for tuition purposes while registered for more than half of a full-time credit load.

If a presumption applies to you, you must overcome the presumption with clear and convincing evidence. In general, it is difficult to overcome a presumption. Because each case is unique, the evidence that is sufficient to overcome a presumption will vary. If you are planning to take a full-time credit load or to be outside of Montana for more than 30 days during the applicable residency period, you should discuss the matter with the campus to determine how your decision may affect your residency status.

Other things to know

- The term "resident for tuition and fee purposes" differs from other definitions of Montana residency. You can be a resident for other purposes and not be a resident for tuition purposes.
- Because residency is complex and depends on the ability of a student to document their situation, we will not make a residency decision without reviewing a fully-completed questionnaire and supporting documentation. Any suggestions about how a particular circumstance may affect your ability to meet the requirements for residency should not be taken as a guarantee that you will or will not be classified as a resident.
- Domicile requires both physical presence and evidence of intent to stay, which includes relinquishing all valid legal ties with a former state of residence and affirmatively creating legal ties and relationships with Montana.
- Physical presence in Montana solely for educational purposes does not constitute the establishment of a Montana residence.
- During and after the 12-month period, you are expected to act in a manner consistent with

Montana residency and to do all those things required by law of a Montana resident.

- Your intent to make Montana your permanent residence will be questioned if you return to your former state of residence when school is not in session.
- The financial independence requirement makes it difficult for most undergraduates who do not have a parent living in Montana to qualify for classification as a resident.
- You are considered financially independent if you were not and will not be claimed as an income tax dependent by any individual for the previous and current tax years and are self-sufficient.
 - This definition may differ from the definition used by the financial aid office at your campus.
 - To be self-sufficient, you must pay the majority of your expenses and more than 50% of your income and financial support must come from your own income and resources, such as employment, commercial/institutional loans in your name only, financial aid, and savings from your earnings.
 - Parent PLUS loans cannot be considered self-support.
 - Loans or gifts from parents or other individuals cannot be considered self-support.
 - Trust and investment accounts, including 529 College Savings Plans, must have been established and funded before the student's 14th birthday. The student must be the named beneficiary and must have independent access to the account during the period under review for financial independence.
- You may qualify as a resident if you are a student who is financially dependent on a Montana resident parent who meets the requirements for residence for tuition purposes.
- "Parent" means a biological or adoptive parent whose parental rights have not been terminated.
- To "operate" a vehicle means that some other person or entity is the owner of the vehicle and is allowing the student to regularly use the vehicle. "Regularly use" means that the student frequently, habitually, and unrestrictedly uses or has the opportunity to use the vehicle in question. For example:
 - A student did not "operate" a vehicle for purposes of the residency policy when the student drove a number of vehicles over the course of the year, including ones borrowed from his parents, employer, and girlfriend. The fact that one of the numerous vehicles he operated but did not own was registered out of state did not negate his intent to become a Montana resident.
 - A student "operated" a vehicle for purposes of the residency policy when her out-of-state parents owned the car that she used for daily personal use.
- Property ownership in Montana is not sufficient by itself to show domicile in Montana. It is not uncommon for a person to own property in Montana and maintain domicile elsewhere.
- The documents you submit are all used to help us piece together an understanding of your particular situation. Submitting all documents helps to paint a complete picture but does not guarantee approval. If you don't submit the requested information, your request for reclassification may be denied on that basis.
- You must comply with the submission deadlines and requirements set by the appropriate campus or program. If you miss a submission deadline, your request for reclassification may be reviewed for the following term.
- If your request to change residency classification is not approved by the time tuition is due, you are responsible for paying non-resident tuition and fees. If residency is granted, you will be reimbursed the tuition differential. To inquire about the reimbursement process, contact your campus directly. It can take weeks for a questionnaire to receive an initial review. If required documentation is

missing, or if additional documentation is required, it will further delay the process. Therefore, you should be prepared to pay the non-resident tuition rate by the tuition deadline.

- Non-U.S. citizens who possess a visa type that requires them to maintain a foreign domicile cannot be classified as residents for tuition purposes as their visa type does not allow them to establish a permanent domicile in Montana.