



TUITION CLASSIFICATION REGULATIONS

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

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

Tuition Classification Officer
Regent Administrative Center 101
Campus Box 20
University of Colorado at Boulder
Boulder, CO 80309-0020
Telephone: 303-492-6970
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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 to the one-year domicile requirement.

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 domiciliary, 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 of age, **or** married, **or** emancipated, **or** a graduate student. Persons who are not citizens of the United States should read the section regarding aliens on page 3 for additional information.

4. **Unemancipated minors** (students under age 23) are eligible for in-state tuition if a parent or court-appointed legal guardian has been domiciled in Colorado for one year.

5. **Emancipation** requires you to demonstrate financial and residential independence. This means that you cannot receive financial support from your parents, extended family or other similar sources, including from funds your parents or others may have previously established in your name. Parents and family may provide reasonable incidental gifts consistent with emancipation, so long as such gifts are not inconsistent with the concept of financial independence.

6. To begin the one year domicile 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 all 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, and income tax filing, and establishing these connections in Colorado.

7. Your in-state eligibility may be lost if you or your parents 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 RULE, page 2).

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 leave the state for short vacations or for other temporary reasons of short duration but you need to maintain a residence in Colorado during a temporary absence. To maintain Colorado domicile during a temporary absence, you should keep Colorado connections, particularly a lease or other proof of payment for your housing, 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. Residing outside of Colorado for a substantial period of time (including school breaks) is evidence of a break in Colorado domicile

Qualified Person

You must be a qualified person to be eligible to establish a Colorado domicile and begin the one year domicile period necessary to qualify for in-state tuition. Adults, emancipated minors, married students and graduate students are qualified persons.

Adults (age 23 or older)

You are eligible to establish domicile and **begin** the one year domicile period if you are at least 22 years of age, married, a graduate student or emancipated from your parents. You must have reached the age of 23 by the time classes begin in the term for which you wish to be considered a resident.

Adult students cannot qualify for in-state tuition through their parents. Students less than age 23 will be able to qualify through their parents.

Emancipated Minors

You are an emancipated minor if you are 22 years of age or younger and have been financially and residentially independent for at least one year. This means your parents and others have entirely surrendered the right to your care, custody, and earnings, are no longer under a duty to support you, and have made no provision for your support. You must have income necessary to pay all of your ordinary or necessary expenses, including tuition. Financial support from sources outside your personal income, including gifts and loans (including PLUS loans), and trust funds or other assets established by your family or others are regarded as evidence of non-emancipation if the funds or assets were intended, or could reasonably have been

expected, to provide support for the period you claim to be emancipated.

If you are an emancipated minor granted in-state tuition status, you are subject to reclassification as non-resident if your parents or others resume support.

- *Income Tax Dependence*

It will be considered evidence of non-emancipation if your parents claim you as a dependent for state or federal income tax purposes during any period of time in which you claim you were emancipated.

- *Insurance*

Maintaining health or automobile insurance on a policy purchased by your parents or others will be considered evidence of non-emancipation.

Married Students

If you are married, 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.

Unemancipated Minors

If you are 22 years of age or younger and depend on your parents or others for financial support, you are an unemancipated minor. Unemancipated minors must qualify for in-state tuition through their biological or adoptive parents or court-appointed legal guardians.

As an un-emancipated minor, you qualify for in-state tuition if either of your parents, regardless of custody, has been domiciled in Colorado for the one year prior to the first day of class, even if you reside elsewhere.

The parent-child or guardian-child relationship must also have been in effect for one year.

Four Year Rule

If your parents (or court-appointed legal guardians) maintain Colorado domicile for four years and establish domicile elsewhere, you will remain eligible for in-state tuition if:

a. 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.

OR

b. 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 (see "Colorado Domicile" on page 4.)

Guardianships

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.

Aliens

Persons who are lawful permanent residents or who are admitted as

refugees are eligible to establish domicile for tuition purposes.

Nonimmigrant aliens who are residing in Colorado *for purposes other than education* may qualify for in-state status after one year of Colorado residence. The nonimmigrant categories subject to this provision are determined by the Colorado Commission on Higher Education.

Nonimmigrants in the following categories cannot qualify for in-state tuition: F-1, F-2, H-3, J-1, M-1, and M-2.

- H-4 will qualify unless the visa holder is the spouse or child of an H-3
- J-2 will qualify if the J-1 visa holder is not a student or trainee.
- H-1B, L, K, V, E, O and P visas may qualify.

ASSET (SB13-033)

A student (other than a nonimmigrant alien) may be classified as an in-state student for tuition purposes if: (1) the student attended high school in Colorado for at least 3 years immediately preceding the date the student graduates from a Colorado high school or earns a Colorado GED; (2) the student is admitted to a Colorado institution of higher education or attends any institution of higher education under a Colorado reciprocity agreement within 12 months of graduation or earning a GED; and **if the student does not have a lawful immigration status**(3) the student submits an affidavit through the COF application process stating that the student does not have lawful immigration status but has applied for lawful presence or will apply as soon as the student is eligible.

Additionally, a student who does not have lawful immigration status and graduated from a

Colorado high school or earned a GED **prior to** September 1, 2013, but was not admitted to a Colorado institution within 12 months of graduating or earning a GED may nonetheless be qualified as an in-state student if the student has been continuously physically present in Colorado for at least 18 months prior to enrolling in a Colorado institution.

Military Exceptions

Active Duty Members not Domiciled in Colorado

1. Active-duty members of the armed forces of the United States and Canada on either Permanent Change Station (PCS) or Temporary Duty Yonder (TDY) or Temporary Assigned Duty (TAD) orders in Colorado are eligible for in-state status, regardless of domicile or length of residence in Colorado.

A **dependent** of a member of the armed forces is eligible for in-state tuition classification when the member moves to Colorado on a PCS basis, regardless of the length of the member's or dependents residency in Colorado. After qualifying as an in-state student, a member of the armed forces of the United States on active duty, or the member's dependent, shall not lose his or her eligibility for in-state tuition status if the member retires or separates from the military.

Dependent means a spouse of a member of the armed services who was the member's spouse at the time that the member was stationed in Colorado and at the time the spouse is requesting in-state tuition classification and any child under twenty-two years of age born to or legally adopted by the member of the armed forces who enrolls in a public institution of higher education within twelve years after the member was stationed in Colorado.

2. Military dependents continuously enrolled in a Colorado college continue to qualify for in-state tuition if the military member is transferred outside Colorado or retires and remains in Colorado.

Military Members Domiciled In Colorado

To retain domicile during an absence from Colorado due to military orders, military personnel must maintain Colorado as their state of legal residence for tax purposes, and voters must maintain Colorado voter registration.

Military personnel may retain 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.

Persons domiciled in Colorado for one year who enter active duty military service, and who return permanently to Colorado within 6 months of discharge, and their dependents, qualify for in-state tuition regardless of changes of domicile while on active duty.

Veteran Exception

Honorably discharged members of the Armed Forces moving permanently to Colorado qualify for in-state tuition. **Dependents** of veterans are eligible for in-state tuition classification if the dependent has completed two years of high school in Colorado.

Veteran dependents continuously enrolled in a Colorado college continue to qualify for in-state tuition regardless of changes in the veterans domicile.

Section 702 Veterans Choice Act

- Applies to a Veteran who lives in the state and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
- A spouse or child of a veteran (as described above) using transferred benefits who lives in the state and enrolls in the school within three years of the transferor's discharge from a period of active duty service of 90 days or more.
- A spouse or child (as described above) using benefits under the Marine Gunnery Sergeant John David Fry Scholarship who lives in the state and enrolls in the school within three years of the Service member's death in the line of duty following a period of active duty service of 90 days or more.

Military dependents continuously enrolled in a Colorado college continue to qualify for in-state tuition if the military educational benefits are exhausted.

Colorado National Guard

Members of the Colorado National Guard who maintain their sole legal residence in Colorado and their dependents also qualify for in-state tuition regardless of length of residence.

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 would normally be expected of, or that would be characteristic of, any Colorado 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 moving to Colorado to take appropriate actions consistent with domiciliary intent. See, for example, the time periods required for driver's license and vehicle registration, below.

Note: 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, absent other clear and convincing evidence of Colorado domicile.

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, *persons 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 as demonstrated by twelve continuous months of physical presence in the state.

- **Payment of Colorado state income tax.** All taxable income accrued after you move to Colorado, regardless of source, must be reported to the Colorado Department of Revenue. You should file part-year resident returns for each state of residence for the year you move into Colorado. For subsequent years, you must file a full-year resident Colorado return and a nonresident return for any other state in which you are required

to file. For additional information, contact the Colorado Department of Revenue; telephone 303-238-SERV (7378) or online at: www.colorado.gov/revenueonline.

- **Colorado driver's license.** If you have a driver's license from another state, you must apply for a Colorado driver's license within 120 days of moving to Colorado. If you do not drive, you must obtain a Colorado identification card. These documents are available from the Driver's License Division, located in Boulder at 28th Street and Iris Avenue; telephone 303-442-3006.

- **Colorado vehicle registration.** If you operate a motor vehicle, you must register it in Colorado within 180 days of moving to Colorado. Contact your county clerk for vehicle registration.

- **Colorado Voter registration.** You may register to vote with your county clerk, or when you obtain your Colorado driver's license, as soon as you move into the State. Boulder County voter registration information is available at: www.bouldercounty.org/elections.

- **Permanent employment** or acceptance of future permanent employment in Colorado.

- **Ownership of residential real property in Colorado that is your primary residence.** Ownership of vacation or income property is not an indication of domicile.

- **Graduation from a Colorado high school if the following are met:**

- Students (other than a non-immigrant alien)
- Three years attending a Colorado High School
- Graduation or GED from Colorado High School
- Immediately attending a Colorado college

- **Continued residence in Colorado** during the summer or during other periods when not enrolled as a student or during periods between academic sessions.
- **Other factors particular to your situation** may be considered also, and should be documented.

Non-Colorado Domicile

The following items are evidence indicating domicile outside Colorado:

- **Failure to pay Colorado state income tax.** Income earned in another state by a resident of Colorado is taxable in Colorado. Filing a nonresident 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. However, if you reside outside Colorado for one

year or more, other factors may support a 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 or receiving college financial aid from another state where domicile in that state is a condition for receiving funds, and voting or registering to vote in another state, etc.

Other Matters

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

Because Colorado residency status is governed solely by Colorado regulations, lack of eligibility for in-state status in another 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* of 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 University disciplinary proceedings.