

State of Iowa  
**Department of Education**  
Bureau of Community Colleges  
Grimes State Office Building  
Des Moines, Iowa

**Information on Classifying Students as Resident and Non-resident, Based  
on Iowa Community Colleges' Uniform Policy on Student Residency Status  
August, 2001**

1. **When does the revised Uniform Policy on Student Residency Status become effective?**
  - a) The State Board of Education approved the residency policy on June 7, 2001.
  - b) The revised tuition policy should be in effect for the fall college semester, 2001.
2. **What is Department of Education's recommendation for informing students of revised tuition policy?**
  - a) Colleges should inform all students of the State Board of Education's approved policy on resident and non-residency status. Information should be noted in publications (college catalogue, student handbook), registration materials, and in any orientation workshop for students. The college web site is also appropriate for informing students of college policies.
  - b) The community college process for students, who may want to appeal his/her status of residency; should be evident in the same information informing students of tuition fees and policies.
  - c) For fall, 2001, the college may have to hand out information to students because the college catalogue and handbook is already printed.
3. **What references in the Code of Iowa apply to community college resident and non-resident tuition?**

260C.14: "The board of directors of each community college shall:

- (2) *"Have authority to determine tuition rates for instruction. Tuition for residents of Iowa shall not exceed the lowest tuition rate per semester, or the equivalent, charged by an institution of higher education under the state board of regents for a full-time resident student... Tuition for nonresidents of Iowa shall not be less than the marginal cost of instruction of a student attending the college. A lower tuition for nonresidents may be permitted under a reciprocal tuition agreement between a merged area and an educational institution in another state, if the agreement is approved by the*

*State Board of Education. The board may designate that a portion of the tuition moneys collected from students be used for student aid purposes. "*

- (14) *"In its discretion, adopt rules relating to the classification of students enrolled in the community college who are residents of Iowa's sister states as residents or nonresidents for tuition and fee purposes. "*

Economic Development Department lists the following as Iowa Sister States (2002):

Hebei (Canton China)  
Yucatan, Mexico  
Cherkasy, Ukraine  
Stavropol, Russia

Veneto, Italy  
Yamanashi, Japan  
Terengganu, Malaysia  
Taiwan

**4. Can a community college charge resident tuition to ALL PERSONS attending?**

a) NO.

The code differentiates between resident and non-resident tuition. Therefore, there should be a difference in tuition rate--even if the difference is nominal, *but in no event may tuition for nonresidents of Iowa be less than the marginal cost of instruction of a student attending the college.*

There is a statutory exception for residents of Iowa's sister, means the eight (8) regions of other nations who have been designated by IDEED as sister --but this is up to the institution.

**5. Can a community college charge students resident tuition; if the student comes from a higher education institution that is part of a reciprocity agreement with the community college?**

a) Yes

A reciprocity agreement allows colleges from other states to enter into an agreement that students from their college may attend a college in another state for the same tuition rate as the home or host college.

**6. Can you charge a student from an institution that is part of a reciprocity agreement with your college--LESS tuition than the resident tuition of the Iowa community college?**

a) Yes,

If the reciprocity agreement is approved by the Iowa State Board of Education.  
260C.14 (2)

Colleges in a reciprocity agreement may agree that students will be charged a tuition that is the lower of the two colleges involved in the agreement. An example would be between a Missouri and an Iowa college. The Missouri college may have a lower

tuition rate for resident students than the Iowa community college and students from both institutions get charged the lower tuition rate.

**7. For how long does a student stay non-resident, based on their purpose of being at the community college?**

The determination for resident and non-resident is based on the **purpose of being in Iowa.**

- a) If a student does not intend to stay in Iowa or work in Iowa, he/she is non-resident status throughout his/her educational program. This could be for the full two years.
- b) If a student is clearly not interested in being an Iowa resident and does not have any plans to work or live in Iowa—he/she will be classified as non-resident and will stay in that classification until his/her plans change and the student shows adequate proof of his/her new intention to be a resident.
- c) An international student on a student visa is clearly in the U.S.A. for educational purposes and such students will be classified as non-residents for as long as he/she is in Iowa primarily to go to school.

**8. How long does a student stay as non-resident, if in the future he/she intends to live and/or work in Iowa?**

Once a student submits satisfactory proof to the community college that he/she is in Iowa for a primary purpose other than going to school, he/she must live in Iowa for 90 consecutive days. For example,

- a) A student who moves to Iowa for employment or family reasons in July and enrolls for first semester classes must be considered a non-resident for the first semester. Assuming the college is satisfied that the student intends on being an Iowa resident, the student may be charged resident rates for tuition for the second and all subsequent semesters.
- b) If a student intends to stay in Iowa for employment upon finishing his/her program, he/she may be classified as a resident if he/she has proof of living in Iowa 90 consecutive days prior to the semester in which he/she is enrolled.
- c) Participation in work-study programs (such as PELL) is not classified as Iowa employment, and therefore, does not alone indicate residency.

Merely being present in Iowa for the required 90 days does not indicate that the student is here for primarily non-educational reasons. The 90-day requirement is considered only after the student has shown, to the college's satisfaction, that he/she is in Iowa primarily for a reason other than to attend school.

**9. What are the items for proof of residency?**

Items of proof may be at least two documents that help determine a student's residency status. The college may ask for additional documents. No two documents may come from the same source. (See Uniform Policy Section 2A.)

- a) Colleges should be uniform in their method of determining residency.
- b) All students should be treated equally.
- c) All students should be able to appeal.

**10. Are non-U.S. citizens evaluated the same as U.S. citizens concerning residency?**

- a) YES

Each student must be evaluated as to his/her purpose of being in Iowa.  
*Legal aliens are afforded full equal protection under the federal and state constitutions. They cannot be discriminated against solely on the basis of alienage.*

*We must look at why they are in Iowa. If on a student visa --they do not meet definition of resident because they are here solely to study. If here for reasons other than to study and if they meet other criteria in place, they may indeed qualify as a resident. This is true for spouses and dependents.*

*There cannot be two classifications on non-resident--one for U.S. citizens and one for aliens.*

**11. Can a visa be an indication of intent?**

- a) Yes-- if student visa.

Staff should be familiar with all visa categories and know the purpose of such visas, but the decision for residency should be based on the intent of the student being in Iowa.