



March 25, 2003

## **MEMORANDUM**

To: Mr. Dalton B. Floyd, Jr., Chair, and Members  
Commission on Higher Education

From: Ms. Susan Cole, Chair and Members  
Student Services Committee

### **Determination of Rates of Tuition and Fees** **Proposed Regulatory Amendments**

The Student Services Division is charged with providing technical assistance to residency officers throughout the public and private sector. As a result of conversations with these residency officers, we found many common areas that could be addressed by providing additional definitions and/or clarification to the current regulation. Accordingly, the Division undertook the task of updating the residency regulation.

In summary, the following issues were incorporated in the regulation:

- Acknowledged the role that residency plays in the eligibility criteria of the State's tuition assistance/scholarship programs;
- Incorporated language that would address the residency implications of the non-traditional family;
- Replaced time-line inferences that were open to interpretation with activity-based criteria; and
- Clarified other criteria to add more specificity.

The regulations include modifications to several definitions addressed by students/parents. These include:

- “Family’s Domicile in this State is Terminated” has been defined as a work-related transfer rather than a voluntary relocation.
- “Full-Time Employment” has been modified to allow for compliance when a person meets the eligibility requirements of the Americans with Disabilities Act and cannot work the requisite thirty-seven and one-half hours per week.
- “Guardian” was redefined to agree with current tax law that provides for eligibility of dependency of the minor child if 5 dependency tests can be passed. This definition provides an opportunity for students raised by grandparents, brother, sisters, uncles, aunts, etc. to meet the dependency criteria of the regulation and to have their residency established based on the person(s) upon whom they are truly dependent.
- “Immediately prior to enrollment” has been defined as “the period of time between the offer of admission and the first day of class of the term for which the offer was made, not to exceed one calendar year.” This definition provides a finite point in time from which to measure the action and no longer calls on the judgment of the residency officer to determine what “immediately” means on his/her campus.
- “Parent” has been amended to include “Stepfather” and “Stepmother”.
- “Spouse” has been defined as the husband or wife of a married person in accordance with the South Carolina Code of Laws. And,
- “United States Armed Forces” has been amended to include the Air Force, Army, Marine Corps, Navy, and Coast Guard.

Other revisions include:

- A student claiming financial independence is allowed to use “loans” as a source of income. We have further defined this to specify a requirement that the loan be a “commercial loan” rather than a personal loan that may have come from a family member.
- For divorced parents, we acknowledged the establishment of “joint custody”.
- Court ordered payment of the “cost of (the students) college education” has been defined to include “at least the cost of (the students) tuition and fees”.
- Revised the regulation relative to a dependent non-resident alien to be consistent with the remainder of the regulation in that the residency of the

dependent is based upon the residency of the person upon whom they are dependent. This revision addresses the potential post 9/11 delays in the processing of permanent resident status and the potential for the parents receiving their “green card” prior to the student.

- Specified that non-citizens who may be eligible for the payment of in-state tuition and fees as a result of the holding of certain visa classifications were not and could not become eligible for state sponsored tuition assistance /scholarships.
- Acknowledged state guidelines in the timelines required to possess a state drivers license and vehicle registration as evidence of the intent to establish state residency. And,
- Acknowledged that transfer between the state’s colleges and universities of a student seeking a certificate, diploma, associate, baccalaureate, or graduate level degree did not constitute a break in enrollment and, as such, would not cause the student to be considered a resident at one school and not at the school to which the student transferred or progressed.

**Recommendation**

The Student Services Committee recommends that the Commission on Higher Education approve the proposed amendments to the regulations for the Determination of Rates for Tuition and Fees. If approved, the amended regulation will be submitted to the General Assembly for approval under the Administrative Procedures Act.