

**POLICY ON CLASSIFICATION FOR ADMISSION, TUITION AND CHARGE
DIFFERENTIAL PURPOSES – STUDENTS RESIDING IN CONTIGUOUS
COUNTIES**

I. POLICY

The Board of Regents of the University System of Maryland (USM) has approved and recognized a category of Frostburg State University (University) students residing in contiguous counties for the purpose of assessing tuition. The requirements set forth in this policy are designed to provide a fair and equitable basis for determining a student's classification for tuition purposes. The person seeking Contiguous County status shall have the burden of proving that he or she satisfies all requirements set forth in this policy. Assignment of Contiguous County status will be made by the University upon a review of the totality of facts known or presented to it.

II. REQUIREMENTS

A. For the purposes of this policy, a Contiguous County student is an undergraduate student whom the University determines satisfies all of the following criteria and by clear and convincing evidence demonstrates to the University that he or she is a permanent resident of one of the counties contiguous to the University approved by the Board of Regents. The contiguous counties approved by the Board of Regents include Somerset, Bedford, Fulton and Franklin counties in Pennsylvania; Loudoun county in Virginia; and Morgan, Berkeley, Jefferson, Grant, Mineral, and Hampshire counties in West Virginia. For the purposes of this policy, "permanent resident" is defined as a person who satisfies all the following conditions:

1. Is not in the contiguous county primarily to attend the University and receive the contiguous county tuition differential. The student is expected to demonstrate his or her primary reason for being in the contiguous county.

Any one of the following circumstances raises a presumption that the student is residing in the contiguous county primarily for the purpose of attending the University,

- a. The student was attending high school or residing outside of the contiguous county where residency is claimed at the time of application for admission to the University.
- b. The student is not financially independent.

- c. The student is financially dependent upon a person not a resident of a contiguous county.

The student bears the burden of rebutting the presumption. Satisfying the requirements listed in two through nine does not rebut the presumption.

2. Owns and continuously occupies or rents and continuously occupies living quarters in one of the counties listed above. There must exist a genuine deed or lease in the individual's name reflecting payments/rents and terms typical of those in the community at the time executed.

Persons not having such a lease may submit an affidavit reflecting payments/rents and terms as well as the name and address of the person to whom payments are made which may be considered as meeting this condition. As an alternative to ownership or rental of living quarters in a contiguous county, a student may share living quarters in a contiguous county which are owned or rented and occupied by a parent, legal guardian, or spouse; **and**,

3. Maintains within a contiguous county substantially all personal property; **and**,
4. Pays state and county income tax (if appropriate) on all earned taxable income in the state and county in which the contiguous county is located; **and**,
5. Registers all owned motor vehicles in the state in which the contiguous county is located, **and**
6. Possesses a valid driver's license from the state in which the contiguous county is located; **and**
7. If registered to vote, is registered in the state in which the contiguous county is located; **and**
8. Receives no public assistance from a state other than the one in which the contiguous county is located or from a city, county or municipal agency other than the contiguous county; **and**
9. Has a legal ability under federal and state law to live permanently without interruption in the state in which the contiguous county is located.

- B. Students not entitled to contiguous county status under the preceding paragraphs shall be assigned Out-of-State status for admission, tuition, and charge-differential purposes.

III. PROCEDURES

- A. An initial determination of contiguous county status will be made by the University at the time a student's application for admission is under consideration. The determination made at that time, and any determination made thereafter, shall prevail for each semester/term until the determination is successfully challenged in a timely manner.
- B. A change in status must be requested by submitting to the University "Petition for Change in Classification for Admission, Tuition and Charge Differential" to the Registrar. A student applying for a change to contiguous county status must furnish all required documentation with the Petition by the deadline set forth by the University, or if the University has no such deadline, by the last published date to register for the forthcoming semester/term for which the change in classification is sought.
- C. The student shall notify the University Registrar's Office in writing within fifteen (15) days of any change in circumstances that may alter contiguous county status.
- D. In the event incomplete, false, or misleading information is presented, the University may, at its discretion, revoke contiguous county status **and** take disciplinary action. If contiguous county status is gained due to false or misleading information, the University reserves the right to retroactively assess Out-of-State charges for each semester/term affected.

IV. DEFINITIONS

- A. **Financially Dependent:** For the purposes of this policy, a financially dependent student is one who is claimed as a dependent for tax purposes or who receives more than one-half of his or her support from others during the twelve (12) month period immediately prior to the last published date for registration for the semester or session. If a student receives more than one-half of his or her support in the aggregate from more than one person, the student shall be considered financially dependent on the person providing the greater amount of support.
- B. **Financially Independent:** A financially independent student is one who (1) declares himself or herself to be financially independent as defined herein; (2) does not appear as a dependent on the Federal or State income

tax return of any other person; (3) receives less than one-half of his or her support from any other person or persons; and (4) demonstrates that he or she provides through earned income that has been self-generated, one-half or more of his or her total expenses.

- C. Parent: A parent may be a natural parent, or, if established by a court order recognized under the law of the states of Maryland, Virginia, Pennsylvania or West Virginia as an adoptive parent.
- D. Guardian: A guardian is a person so appointed by a court order recognized under the law of the states of Maryland, Virginia, Pennsylvania or West Virginia.
- E. Self-Generated: Self-generated describes income which is derived solely from compensation for an individual's own efforts as evidenced, for example, by federal or state W-2 forms or IRS Form 1099, where interest income is based upon finances created from one's own efforts. For the purposes of this policy, sources of funds, which include but are not limited to, trusts, grants, stipends, awards, benefits, loans and gifts (including federal and state aid, grants and loans) may not be used as self-generated income.
- F. Spouse: A spouse is a partner in a legally contracted marriage.
- G. Child: A child is a natural child or a child legally adopted pursuant to a court order recognized under the law of the State of Maryland or a law of the state in which the contiguous county is located.
- H. Regular Employee: A regular employee is a person employed by USM who is assigned to a State budget line or who is otherwise eligible to enroll in a State retirement system. Examples of categories NOT considered regular employees are graduate students, contingent employees and independent contractors.
- I. Continuous Enrollment: A student who is enrolled at the University for consecutive fall and spring semesters, until completion of the student's current degree program.

V. APPEALS

Any student who wishes to appeal the decision of contiguous county status previously determined by the Office of the Registrar or the Admissions Office, may do so in writing to the Appeals Board for Residency Status. This board shall consist of representatives designated by the Provost, the Vice President for Student and Educational Services and the Vice President for Administration and

Finance or their designee(s). The appeal will be reviewed by the board members in the order listed. Only by unanimous agreement of the board members will the decision of the Office of the Registrar or Admissions be overruled. Upon request, the President or designee has the authority to waive any residency requirements if it is determined that the student is indeed a permanent resident and application of the criteria creates an unjust result.

A student desiring to appeal should obtain and submit the “Petition for Change in Residency Classification for Admission, Tuition and Charge Differential” through the office that made the original residency status decision, the Office of the Registrar or the Admissions Office.

Internal Policy