Residency Defined

The residence of students, for tuition and fee purposes, is determined by acts of the Kansas legislature, rather than university policy.[1] The legislature has also granted the Kansas Board of Regents certain authority to adopt regulations and guidelines for the determination of residence, within the broader state law. The law and regulations are *different* than those that govern residency for any other purpose.

According to Kansas law and regulations, a resident, for tuition purposes, is someone who has resided (been physically present) in Kansas for 12 consecutive months prior to enrollment/re-enrollment as a U.S. citizen or permanent resident, and who has *demonstrated*, during those 12 months, the intent to make Kansas his or her permanent home. Intent is evaluated in light of:

1. The person's statement about why they came to Kansas in the first place, and
2. What the person has done since coming to Kansas (objective, verifiable facts).

Many factors are considered when evaluating intent. The Kansas Board of Regents' guidelines list nonconclusive factors or circumstances that could help support a claim for resident classification. The guidelines also specify a qualifier: "Any such factor, to be given weight, must be of at least one year's duration prior to enrollment/re-enrollment."

Residents of Kansas (for fee purposes) who leave the state retain their residency as long as they return to Kansas permanently within 60 months of departure.

A person who comes to Kansas to go to school, and who enrolls full time every semester after arriving, may not be able to demonstrate the intent to remain in Kansas permanently, as long as that pattern continues. In contrast, certain exceptions are authorized by state law to pay the equivalent of resident fees:

1. Regular employees of the university and their spouses and dependent children (does not apply to student assistants and graduate assistants);
2. Persons who are current military including members of the Kansas Air or Army National Guard, and their spouses and dependent children;
3. Veterans who live in Kansas and are eligible for post-9/11 benefits, or the eligible spouse or dependent child using the veteran's benefits;
4. Persons who graduated from a four-year program at an accredited Kansas high school within six months of their enrollment at a state university, and who were Kansas residents for fee purposes at, or within 12 months of, high school graduation;
5. Dependent students as long as at least one parent is a Kansas resident for fee purposes;
6. Persons who were recruited to, or transferred to Kansas within the last 12 months for a full-time job, and their spouses and dependent children;
7. Any person who is attending or has attended Haskell Indian Nations University and who is enrolled as an American Indian on a tribal membership roll maintained by the Bureau of Indian Affairs of the U.S. Dept. of the Interior; and
8. Persons who are enrolled as a member of the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the Prairie Band Potawatomi Nation, the Iowa Tribe of Kansas and Nebraska, the Sac and Fox Nation of Missouri in Kansas and Nebraska, or a Native Nation with historic ties to Kansas territories as identified by the Kansas Board of Regents. A list of all eligible Nations can be found on the registrar website (https://www.wichita.edu/residency_indigenous_americans/)[2].

The details about each of these exceptions are critical and are not all on this page. Several require certification of appropriate information on a special form. None of them is automatic. Contact the registrar's office for more information.

A person who is residing in Kansas and would not otherwise be considered a resident of Kansas *will* be considered to be a resident for tuition purposes *if* they have attended three years of high school in Kansas and graduated from an accredited Kansas high school or earned a Kansas GED *and* they are not on a student visa or eligible to pay resident rates in another state. This can apply to undocumented aliens and former Kansans who have not been back in Kansas long enough to re-establish residency. This law does not apply to an eligible person's spouse or dependents. People who have been admitted as nonresidents and think they are eligible to be considered residents because of this provision should contact the registrar's office. The three years of high school in Kansas (includes 9th grade), and Kansas high school graduation, must be documented. Individuals with nonpermanent resident status must document that and must sign an affidavit indicating that they will apply for permanent residency as soon as they are eligible. All students must sign an affidavit indicating that they are not eligible to pay resident rates in any other state.

Students applying for residency should contact the Office of the Registrar, 102 Jardine Hall. There are many details about establishing Kansas residency for tuition purposes that will be explained upon further inquiry.

Residency of new students enrolling for the first time at Wichita State is determined by the appropriate (undergraduate, graduate or international) admissions office according to the above law/regulations. Such students should address questions concerning residency to the appropriate admissions office.

When a continuing student, who was initially classified as a nonresident, thinks they meet these residency requirements, then they must apply for residency using a form available from the registrar's office. Lower fees do not necessarily mean that someone has been classified as a resident — there are no nonresident fees, for example, for certain badge or market-based tuition courses.

The responsibility of registering under proper residence is placed on the student. If there is any possible question of residence classification, it is the duty of a student when registering and paying fees to raise the question with the registrar's office. Students who disagree with their residency classification are entitled to an appeal, provided they file a written appeal with the registrar within 30 days from enrollment and pay the fees as originally assessed. A standard appeal form is provided by the registrar's office. If notice of the appeal is not given in writing within 30 days, the classification or reclassification by the registrar becomes final. Appeals are reviewed and decided by the university committee on residency, and its decision is final. The committee is not empowered to make exceptions, just to apply the law and regulations to individual circumstances.

Students must report their correct address at the time of registration each semester. The address given must be the student's actual place of residence, because it will be the one to which all correspondence from Wichita State is sent. Any change in residence must be updated via the address change link in the *my*WSU portal immediately. More complete

information on the residence law and regulations can be obtained from the registrar's office.

[1] The information in this section is a summary of Kansas law. It does not supersede the residency statutes or regulations which contain the detailed requirements that must be met in order to prove resident status.

[2] Link opens new window.