

ADMINISTRATIVE MEMORANDUM

SUBJECT Interim Regulations for Implementation of New Statute Concerning Residency Classification for Tuition Purposes

NUMBER 16

DATE May 30, 1973

Attached is a copy of G. S. 116-143.1, as amended by the 1973 General Assembly under ratification date of May 23, 1973, which changes the law with respect to residency classification of students for tuition purposes. Note that, contrary to our original expectations, the effective date of this legislation is May 23 rather than July 1. Accordingly, contrary to original expectations, we do not now have the opportunity to draft comprehensive uniform University regulations for implementation of the new definitions prior to the effective date of those new definitions. This presents an immediate and serious problem with reference to the treatment of students already enrolled or soon to be enrolled in the various summer terms.

It is clear that there must be uniformity with respect to implementation of this law within the University system. To that end, a committee consisting of representatives from all campuses will be formed and will meet within the very near future, for the purpose of developing guidelines applicable to all institutions. In the interim, for purposes of classifying and billing summer-school students immediately in the absence of such comprehensive guidelines, the following rules shall be applicable at all campuses:

1. With respect to any student enrolling in the first session of summer school who by virtue of previous attendance at any state institution of higher education has been classified (under the previous law) as a nonresident for tuition purposes, such previously established classification shall continue to apply for purposes of billing with reference to the first summer session; provided, that such student shall be free to file a petition with appropriate institutional officials for a reclassification inquiry, under the terms of the new law; if pursuant to the reclassification inquiry initiated by the student's petition, it is determined (under the guidelines to be developed within the next few weeks by the committee referred to above) that the student should be reclassified (i.e. from nonresident to resident), appropriate refund will be made to the student as soon as possible; under this approach, all rulings on reclassification must be deferred, obviously, until the University-wide guidelines have been established; this means that such refund decisions may not be available until late in the session or, conceivably, until after the session has been concluded.

2. With respect to any student enrolling in the first session of summer school who has not previously been classified for tuition purposes and who has not lived in North Carolina for at least the twelve months immediately prior to such enrollment, the student shall be classified and billed as a nonresident at the out-of-state rate. Under these facts, the basic requirement of the statute would not have been satisfied by the student (i.e. the twelve-month waiting period) and there would be no basis for the filing of a petition by the student for in-state classification; resolution of this type of case, in other words, need not await the development of University guidelines, since the case is a pro forma noncontroversial one, to which there is but one correct answer, viz. nonresident.

3. With respect to any student enrolling in the first session of summer school who has not previously been classified for tuition purposes and who has lived in North Carolina for at least the twelve months immediately prior to such enrollment,

a. If the parents (or legal guardian) of the student are legal residents of North Carolina, the student shall be classified and billed initially as a resident for tuition purposes; provided, that the institution may thereafter undertake an evaluation of other evidence (pursuant to the University-wide guidelines to be developed by the committee referred to above) for purposes of determining whether the student in fact qualifies for such residency classification; in the event it is determined that the student in fact should have been classified as a nonresident, he shall be subject to the additional appropriate charge, through supplemental billing;

b. If the parents (or legal guardian) of the student are not legal residents of North Carolina, the student shall be classified and billed initially as a nonresident for tuition purposes; provided, that the student may petition for a reclassification inquiry, as in paragraph 1, above, with a resulting refund right if such petition produces a conclusion that the student in fact is eligible for resident classification under the new law.

Obviously, there is a premium on prompt development of comprehensive University guidelines, in order that any reevaluations precipitated by student petition during the first summer session may be resolved prior to the end of the first summer session. Accordingly, will you please respond promptly to the forthcoming notice from Mr. Robinson concerning the first meeting of the proposed committee. In the meantime, in meeting your responsibility to insure compliance with the above stated interim rules, please call Mr. Robinson with respect to any questions which you may have.



William Frida

1973 SESSION

RATIFIED BILL

CHAPTER 710

HOUSE BILL 326

AN ACT TO AMEND G.S. 116-143.1 (b) AS IT APPLIES TO ELIGIBILITY FOR RESIDENT TUITION FEES AT STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Amend G.S. 116-143.1 by deleting subsection (b) thereof in its entirety and by inserting a new subsection in lieu thereof to read as follows:

"(b) To qualify for in-state tuition a legal resident must have maintained his domicile in North Carolina for at least the 12 months immediately prior to his classification as a resident for tuition purposes. In order to be eligible for such classification, the individual must establish that his or her presence in the State during such twelve-month period was for purposes of maintaining a bona fide domicile rather than for purposes of mere temporary residence incident to enrollment in an institution of higher education; further, (1) if the parents (or court-appointed legal guardian) of the individual seeking resident classification are (is) bona fide domiciliaries of this State, this fact shall be prima facie evidence of domiciliary status of the individual applicant and (2) if such parents or guardian are not bona fide domiciliaries of this State, this fact shall be prima facie evidence of non-domiciliary status of the individual."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.

JAMES B. HUNT, JR.

James B. Hunt, Jr.

President of the Senate

JAMES E. RAMSEY

James E. Ramsey

Speaker of the House of Representatives