

OACRAO RESIDENCY WORKSHOP NOTES

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Administrative Code for E-8 Ohio National Guards

The code will be updated to include non-resident Ohio National Guardsmen. (3333.42 approved 2009)

Forwarding inquiries to OBOR

OBOR would like a courtesy heads-up either email or phone call to alert them when inquiries are coming their way for clarification of the Administrative Law and maybe some background information.

Forever Buckeye (3333.31)

(D) (1) The rules of the chancellor for determining student residency shall grant residency status to a person who, while a resident of this state for state subsidy and tuition surcharge purposes, graduated from a high school in this state, if the person enrolls in an institution of higher education and establishes domicile in this state, regardless of the student's residency prior to that enrollment.

The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

- Approved June 30, 2011. There is a 90 day window for any appealing before it becomes fully approved (mid-Sept./Oct.); Honor contingently those students that are eligible.
- Granting of residency is 'immediate.' Students do not have to wait 12 months.
- They must submit a high school transcript and proof of Ohio domicile (re-established – follow C-3)
 - GED are not eligible
 - Home schooling may count – based on documentation from ODE
 - International students- VISA status would trump (I-184)
- This provision is for the individual only. Spouses and dependents are not eligible under forever buckeye.
- Need code and directive on how to proceed.
- MU working with administrators to implement now and work with the current students. One the documentation is out, we will publish on our website. Reports have been produced and we will reach out to those students. Questions went out to the listserv inquiring what others are doing (request from administration).

C-2 status language

The ‘intent’ is to be an Ohio resident permanently and not coming for the benefits of education. Concerns: if the code is too strict, we may begin excluding those who might possibly have been approved for in-state residency. Guidelines should be more clear on ‘independent and self-supporting’ and whether or not loans/financial support from Ohio resident parties can qualify. Does this take away from being independent?

There is struggle with the written text from the Administrative Code and the guidelines that are being used for documented evidence.

Financial aid budgeted does not disqualify as a source of income. Exclude students that are here only for school; counts as a way to pay for education.

OACRAO Government Relations (GRTE)

This group addresses legislative issues of concern to membership. They will be putting together a committee to discuss and work through residency issues such as consistency, clear guidelines, possible common (on-line) application etc.

Time away during the 12-month review period for someone trying to establish their independence. How much time flexibility do you allow? For example, how long in the summer if not in classes? Can they be gone every break for the entire break – particularly in December? Although we won’t always know this detail, we often do because of submitted documentation re: working, etc. The expectation is that students should not be absent from the state any longer than winter break, spring break and three weeks in the summer.

Domestic partners. Several of us recognize domestic partners in a variety of ways, but the state does not. So, would you recognize clearly documented “dependence” on a domestic partner as you would dependence on a spouse/parent/guardian? Michelle (downtown) had proposed to a student in such a circumstance that the DP should simply gift her enough support. I don’t like that approach because then – at least in theory – any student could move to Ohio and become instantly dependent by gifts from “Aunt Mary/Uncle George”.....

Miami has not received any applications for domestic partners. Ohio does not recognize domestic partners and we would not recognize it for residency for tuition purposes. However, the person may apply on their own behalf as an independent student

(C-2 or E-1)

Gift limits. For someone working through the independence period, do you set any limits (\$\$ amount or % of expenses, etc.) on the amount of non-Ohio gifts they can receive? How about OH gifts – e.g. from the same Aunt Mary and Uncle George in #2. They’re looking for ways around the residency rules! Students are not allowed to be “gifted” a sum of money, less than 12 months prior to the beginning of their review period to use toward residency. Miami believes that OBOR has limited “gifts” to \$100.

529 Plans

Do you set any limits on the timing – I don't see any 12-month requirement? 529 plans have come up in the past and individuals were not sure how to handle them because of where they were generated and in whose name. We have not had any to consider. Additional information (may not be relevant): I do know that there are federal and state tax benefits and the owner does not receive a 1099 form to report taxable/non-taxable income until the year they begin to make withdrawals. The website is vague.

Housing. Do you allow a student working through the 12-month review period for independence to live in housing owned by Mom/Dad and/or other close relative? If so, how do you discern what "reasonable rent" is so that it's not considered a gift?

The state guidelines do not grant residency to individuals or their dependents solely on the basis that they own property or a business in Ohio. We have not allowed non-resident ownership of a home in Ohio to be considered for residency.

Non-documentable income. How do you work with this issue – e.g. the student or the spouse of a student trying to establish residency who teaches piano lessons, is a nanny (for cash), is an independent contractor, etc.? Do you ask them to submit tax estimates so that you have SOME documentation? cash employment income is only eligible if it is subjected to Ohio taxation. The student must provide documentation that the income has been subjected to Ohio taxation. Otherwise it is not eligible.

Names on financial accounts. Do you automatically exclude consideration of financial accounts in which the student has parents and/or other non-OH people named on the accounts? Yes, we do exclude these accounts from the consideration of financial assistance. They are treated the same as custodial accounts. The account must be transferred solely to the student 12 at least months prior to applying for residency.