

Kansas Administrative Regulations

State Board of Regents

Article 3.—Guidelines for the Determination of Residency for Fee Purposes

88-3-2. Definition of "residence" for fee purposes.

(a) Except as otherwise provided in the rules and regulations of the state board of regents, "residence" means a person's place of habitation, to which, whenever the person is absent, the person has the intention of returning. A person shall not be considered a resident of Kansas unless that person is in continuous physical residence, except for brief temporary absences, and intends to make Kansas a permanent home, not only while in attendance at an educational institution, but indefinitely thereafter as well.

(b) The factors that, while not conclusive, shall be given probative value in support of a claim for resident status include the following:

- (1) Continuous presence in Kansas, except for brief temporary absences, during periods when not enrolled as a student;
- (2) employment in Kansas;
- (3) payment of Kansas state resident income taxes;
- (4) reliance on Kansas sources for financial support;
- (5) commitment to an education program that indicates an intent to remain permanently in Kansas;
- (6) acceptance of an offer of permanent employment in Kansas;
- (7) admission to a licensed practicing profession in Kansas; or
- (8) ownership of a home in Kansas.

No factor shall be considered in support of a claim for resident status unless the factor has existed for at least one year before enrollment or re-enrollment.

(c) The following circumstances, standing alone, ordinarily shall not constitute sufficient evidence of a change to Kansas residence:

- (1) Voting or registration for voting in Kansas;

- (2) employment in any position normally filled by a student;
- (3) lease of living quarters in Kansas;
- (4) a statement of intention to acquire residence in Kansas;
- (5) residence in Kansas of the student's spouse;
- (6) vehicle registration in Kansas;
- (7) acquisition of a Kansas driver's license;
- (8) payment of Kansas personal property taxes; or
- (9) continuous enrollment in a postsecondary educational institution in Kansas.

(d) If a person is continuously enrolled for a full academic program as defined by the institution where enrolled, it shall be presumed that the student is in Kansas for educational purposes, and the burden shall be on the student to prove otherwise.

(e) Maintenance of ties with another state or country, including financial support, voting, payment of personal property taxes, registering a vehicle or securing a driver's license in that state or country, may be considered sufficient evidence that residence in the other state or country has been retained.

Editor's Note:

Prior regulations 88-3-1 to 88-3-8 relating to guidelines for the determination of residence were revoked, E-68-6, Jan. 15, 1968, and were permanently revoked Jan. 1, 1969. The numbers were reassigned to the present subject.

Regulations 88-3-1 to 88-3-7, adopted in 1968, were revoked, E-71-35, Aug. 20, 1971, and permanently revoked Jan. 1, 1972. The numbers were reassigned as follows:

(Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986; amended Nov. 18, 1991; amended July 24, 1998.)

***** Authenticated Kansas Administrative Regulation *****