



**KENTUCKY STATE
UNIVERSITY**

CHAPTER 2 -- UNDERGRADUATE ADMISSIONS

The B.R.E.D.S. Office (Building, Recruitment, Enrollment & Discovery Services Office)

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Admission to the University

Kentucky State University provides educational opportunities to all qualified students regardless of economic or social status. KSU does not discriminate on the basis of race, color, religion, sex, marital status, beliefs, age, national origin, sexual orientation, or physical or mental disability.

First-Year Admission to the University

Admission for first year applicants is based on a holistic review including high school grades, national college admission test results, and successful completion of pre-college curriculum. Applicants may submit official scores from either the ACT Assessment or the SAT I. Official test scores must be sent directly from ACT or SAT (College Board) testing headquarters.

Minimum Eligibility Requirement

All students who have completed the pre-college curriculum (see below) as prescribed by the Council on Postsecondary Education and have a 2.0 high school grade-point average are encouraged to apply to the first year class at KSU. Enrollment in the first year class is limited.

To be considered for admissions to Kentucky State University, new undergraduate students shall submit the following:

- the online application for Undergraduate Admissions
- Official High School Transcript with an unweighted GPA, and a Graduation Date posted for final transcripts
- Official ACT or the SAT. Test scores must be sent directly from the testing center to be considered official.
- Immunization Record

Prospective first year students are strongly encouraged to submit applications to the Building, Recruitment, Enrollment & Discovery Services Office (B.R.E.D.S.) early during their senior year. While the deadline for application is fluid, an early application can have a positive

impact on housing, financial aid (administered internally by the University and/or via privately funded scholarships), and other ancillary areas. High school students are strongly encouraged to take the ACT or SAT as often as possible to increase their opportunity of raising their scores. Academic Scholarships offered by the University considers an overall unweighted GPA and Composite test scores.

When registering for the test, please request scores to be sent to Kentucky State University.

High School Equivalency Certificates: Kentucky State University provides consideration for admission from first year applicants who are not high school graduates but who present a valid High School Equivalency Certificate and General Education Development test scores. Applicants must also take the ACT (or SAT I) and have the results sent directly to the B.R.E.D.S. Office from the testing agency.

The B.R.E.D.S. Office will confirm all students' transcripts arrive from a high school with a College Entrance Examination Board (CEEB) code, as well as, the high school seal and/or signature. If a transcript is from a high school that lacks a CEEB code or seal/signature, the B.R.E.D.S. Office will research the matter to confirm whether the school is recognized by the state department of education or home school association. The B.R.E.D.S. Office may request additional documentation at any point in the admission process. If a diploma is determined invalid, a high school equivalency exam may be required for admission consideration.

Moreover, to be considered for full admission, each applicant must have received or be receiving a high school diploma before the term for which the applicant is applying. Those individuals who have not graduated from accredited high schools may be required to have a GED and an official report of the student's GED scores mailed directly to the B.R.E.D.S. Office from the center where the applicant was tested.

Applications Are to Be Submitted Online to the University

Responses on the applications and on related materials must be complete and accurate; entrance may be denied or registration cancelled as a result of false or misleading statements. All questions about requirements should be referred to the B.R.E.D.S. Office at admissions@kysu.edu (<https://kysu-public.courseleaf.com/undergraduate/admissions/admissions@kysu.edu>), (502) 597-6813 or 1-877-367-5978, or by faxing information to (502) 597-5814.

Regular Admission Requirements

- 2.5 Unweighted cumulative grade point average or higher and
- 18 composite on the ACT or 960 on the SAT (Math and Reading sections only)
- All applicants who have completed less than 24 semester hours of college work must meet the following requirements based on a Pre-College Curriculum (PCC):
 - English (4 units): English I, II, III, and IV or AP English
 - Mathematics (3 units): algebra I, algebra II, and geometry
 - Science (3 units): at least one laboratory course, physical science, life science, or earth and space science
 - Social Studies (3 units): United States history, economics, government, world geography, world civilization
 - Health Education (½ unit)
 - Physical Education (½ unit)

- History and Appreciation of Visual and Performing Arts (1 unit)
- Foreign Language (2 units of the same foreign language)
- The following students are not required to meet the PCC requirements
 - Associate degree-seeking students
 - International students Non-resident students
 - Transfer students entering baccalaureate-degree status with twenty-four (24) or more semester credit hours applicable to a baccalaureate degree with a GPA of at least 2.00 on a 4.00 scale
 - Students enrolled in a community or technical college or a community college type program Active duty military personnel, their spouses and dependents
 - Students who have reached their 21st birthday before the beginning of the semester or term.

Student Admission Classifications

Under 13KAR2:045, the Commonwealth of Kentucky requires that all admission applications be reviewed to determine if documentation of residency is required. Each applicant is notified if documents are needed.

Kentucky Resident

A student who is a resident of Kentucky or whose parent(s) is (are) a resident(s) of Kentucky is considered a resident of the state. If a Kentucky resident graduated from an out-of-state high school, proof of residency must be submitted in order to avoid out-of-state tuition. Submission of a residency affidavit to the B.R.E.D.S Office may be required.

Non-Resident

A student who is not a resident of or whose parent(s) is (are) not a resident(s) of Kentucky is considered a non- resident. Additional information can be obtained at the following website: www.lrc.ky.gov/kar/013/002/045.htm. (<https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=51403>)

Transfer Student

A student transferring less than 24 semester credit hours to Kentucky State University is considered a first year transfer. A student transferring 24 or more semester credit hours to Kentucky State University is considered a transfer student. Transfer students must submit the following additional documents for admission consideration:

- Transcripts of all college work completed from each institution if the applicant attended more than one school. For students transferring with less than 24 semester credit hours, the following is needed in addition to the college transcript(s).
- High school transcript with an Unweighted GPA, and a Graduation Date posted for final transcripts.
- Official ACT and or SAT scores. Test scores must be sent directly from the testing center to be considered official.

All transfer students who have completed 24 or more semester hours of college work must have earned a cumulative GPA of 2.00. The transfer student is not at liberty to disregard any part of their previous college or university records. Failure to report enrollment at another institution may result in dismissal and/or loss of credits earned at KSU. In the event of academic suspension/dismissal from any institution previously attended or currently being attended, an applicant must provide a letter of good standing from the last institution attended. Transfer applicants who were not eligible for admission to Kentucky State University upon graduation

from high school must present a minimum of 24 semester hours of college credit.

Kentucky General Education Transfer Policy

In an effort to promote a seamless transfer between Kentucky two-year and four-year public institutions, the Kentucky Council on Postsecondary Education (CPE) developed a policy to facilitate the transfer of credits from one Kentucky public college or university to another. This policy is called the General Education Transfer Policy and allows for the automatic transfer of a block of courses to satisfy general education degree requirements.

Students who transfer from another Kentucky public college or university may be

1. category certified,
2. core certified, or
3. general education certified by the Registrar of the school where the course work was completed.

KSU will honor any of these designations and will apply the transferred general education courses to the student's record at Kentucky State University in a manner that best serves the transferring student.

Undergraduate Transfer Policy

Students transferring to Kentucky State University are required to submit official transcripts from all previously attended institutions as part of the admissions process. Credits earned at a fully accredited institution may be transferred to KSU and applied toward a degree. A fully accredited institution is one in good standing and a member of one of the six regional academic accrediting associations.

Kentucky State University accepts transfer credits with a grade of D or better. Exceptions to this are transfer equivalents for ENG 101 English Comp I and ENG 102 English Comp II, which must have grades of C or better.

Credits that do not fulfill requirements will be accepted as free electives if grades of D or better were earned. If a grade of D is transferred and the student attempts to use this course to satisfy the requirements for a major or minor, or an area of specialization, the student will have to take the course at KSU and earn a grade of C or better. KSU will not give upper level credit for a course completed at junior or community colleges without validation that the course is equivalent to upper-level university courses with the respective departments reserving final approval.

Regardless of the number of hours accepted for transfer, all candidates for an undergraduate degree must complete 30 of their last 36 hours toward their degree at Kentucky State University.

International Student

A student who is not a citizen or permanent resident of the United States is considered an international student. The University welcomes admission inquiries from international students. International students should have a complete admission application on file three months before the beginning of the term (summer/fall/spring semester) in which they intend to enroll.

The international student must follow the following procedures:

- Submit an Application for Admission with a \$50.00 (US Funds) payment. Application fee made payable to Kentucky State University in the form of a money order or cashier's check;

- Submit a verification of graduation from high school or secondary institution;
- Submit official high school transcripts/certificate in English with translation certified (Nigerian students must submit WASC) Submit official SAT/ACT, IELTS or TOEFL scores; minimum TOEFL score of 70 iBT or IELTS score of 6.0.
- Demonstrate, via Declaration of Certification of Finance, that sufficient funds are available to finance the planned course of study without causing undue hardship on the student;
- Provide a statement from the bank, lending agency, or sponsor that stipulates the amount of money on reserve for tuition, fees, and living accommodations to matriculate in a four-year undergraduate program in the United States;
- Submit a transcript evaluation form (with determined G.P.A.) from an accredited transcript evaluation agency in the United States.

Prospective international students are encouraged to utilize the services of World Educational Services, Inc. (WES) for credential evaluation and verification. Instructions can be found at www.wes.org (<https://www.wes.org/>) or by an evaluation and translation service available at the National Association of Credential Evaluation Service.

Visas and Regulations

Pre-Arrival - Obtaining an F-1 Visa: Immigration and Customs Enforcement (ICE) is the U.S. Department of Homeland Security's bureau that oversees all non-immigrant international visitors to the U.S. International students needing a student visa to study at KSU must apply for an F-1 or J-1 visa. . Currently KSU is authorized to issue I-20s and DS-2019s, which is the core document that tells a U.S. Embassy or Consular Officer that a person should be issued an F-1 or J-1 student visa.

International students seeking an undergraduate degree at KSU, must go through the B.R.E.D.S Office application process to gain admission and provide the necessary information to secure an F-1 or J-1 student visa. Below is an overview of the steps and procedures required for international students, but more complete information is available at the following website: <https://www.kysu.edu/academics/global-strategies-and-international-affairs/international-admission/index.php>.

1. All F-1 students that study in the United States need a Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status." Once accepted to KSU, the international student will be notified by email guiding them on next steps to obtain their I-20s. In order for KSU Office of International Affairs (OIA) to process and issue I-20s, international students must provide official evidence of financial support or funding source to show the student has the ability cover their education cost for at least the first year of their study in the United States. Verification of the student's ability to pay is conducted through the Financial Certificate and receipt of original copies of information from the student's family, or student's sponsor's bank. Evidence of any award of a full scholarship or similar financial aid covering tuition, room, and board must also be part of the financial information provided. Detailed information on acceptable funding source is available at Global Studies and International Affairs (<https://www.kysu.edu/academics/global-strategies-and-international-affairs/>).
2. Once the above stated documents are received and verified to prove they are in compliance with all federal requirements, KSU will send the student via email or via international courier, an admission packet with the admission letter, information about the university, the Form I-20, and any other relevant documentation.
3. After the student receives the Form I-20, an interview appointment at the closest U.S. Embassy or Consulate in the student's country of residence should be arranged. At this appointment the U.S. consular official will either grant or deny an F-1 visa.

Post-Arrival: Maintaining Status - Once the student has been issued an F-1 visa and arrives on campus, KSU's Office of Global Studies and International Affairs (<https://www.kysu.edu/academics/global-strategies-and-international-affairs/>) is responsible for ensuring the student remains in status according to their visa as well as maintaining up-to-date information on the student in the SEVIS database. All international students are required to attend the mandatory international student orientation organized and presented by OIA. OIA will inform the accepted international students about the orientation schedule and agenda.

Immediately upon arrival on campus students should report to the Office of Global Studies and International Affairs (<https://www.kysu.edu/academics/global-strategies-and-international-affairs/>). In addition to issuing I-20s, KSU, via OIA, is required to report the enrollment of F-1 students every semester. Also, OIA must report in SEVIS current students that fail to enroll, maintain status, or complete their program. Schools are currently required to monitor records of the student's name, date and place of birth, country of citizenship, address, status, date of commencement of studies, degree program and field of study, practical training, termination date and reason, documents related to the student's admission, the number of credits completed per semester, and a copy of the I-20.

All this information resides in the SEVIS database rather than solely as hard files at each school. Under current federal regulations, even minor status violations (e.g., failing to inform ICE of change of major or failure to process a timely transfer) could result in loss of future employment authorization eligibility, the opportunity to return to the US after a visit abroad, or even possible deportation.

The student must check in with the Office of Global Studies and International Affairs (<https://www.kysu.edu/academics/global-strategies-and-international-affairs/>) at the beginning of each semester to verify information in SEVIS and verify the student's program of studies timeline. In order to keep students informed of these important changes, OIA will conduct occasional information sessions as well as provide up-to-date information concerning the new regulations on the OIA web page (<https://www.kysu.edu/academics/global-strategies-and-international-affairs/>).

Non-Degree Seeking Student

A student not seeking a degree from Kentucky State University is considered a non-degree student. This may include visiting students, early admission (high school) students, senior citizens, post-baccalaureate students without degree intentions, and students pursuing additional undergraduate course work for teacher certification or other career purposes.

Post-Baccalaureate Students

Students with an earned baccalaureate degree from a regionally accredited college or university who complete the regular application process and who desire to pursue a baccalaureate degree program at Kentucky State University, will be admitted to the University.

Non-Traditional Students

Students who are twenty-one years of age or older, or non-degree seeking, may receive conditional admission to the University (if they do not qualify for regular admission). Such students are exempted from the

PCC requirements and are not required to do remedial course work. In addition, such students may obtain University credit hours through Academic Unit Challenge Examinations or by satisfactory performance on the College Level Examination Program (CLEP) tests.

Students, who have not attended high school for more than five years, are over the age of 25 with a GED or high school diploma and have no post-secondary education credits, are a military veteran, or are over the age of 25 and have not completed sufficient hours to be considered a transfer student, will apply as a first-year student and will need to complete an application. (If you think that you qualify as a non-traditional student for other reasons, please consult the B.R.E.D.S Office, 312 Academic Services Building, toll-free 877-367-5978.)

If the SAT or ACT was taken in high school, have the scores sent directly from the testing agency to the B.R.E.D.S Office. (<https://kysu-public.courseleaf.com/undergraduate/admissions/admissions@kysu.edu>) If the SAT or ACT tests were not taken while in high school, KSU does not require the scores for admission to the University. However, if the student declares a major that requires ACT or SAT scores, the student will need to sit for these exam(s). The student's high school must send all official high school transcripts (or official GED results, if applicable) to the B.R.E.D.S Office. Official transcripts must be sent from each high school attended.

Non-traditional students may be required to take certain placement exams in order to determine accurate course placement. Students who earned 24 semester credit hours or more of college course work after high school will have to apply as a transfer student and must submit a transcript of this work to the Office of Admissions. A non-traditional student must maintain a minimum GPA of 2.0 for the first 24 semester credit hours. If the minimum GPA of 2.0 is not maintained, an ACT or SAT exam will be required.

Visiting Students

A student in good standing at an accredited college may be admitted to the University as a Visiting student. To be eligible for consideration, an applicant must submit an application, a letter of good standing from the current institution, and a \$50.00 in U.S. funds for international applications. Visiting student status does not constitute admission or matriculation as a degree candidate. The Visiting students, however, are subject to the same fees and regulations as a regular student except for the continuation-in-residence requirements.

Home-Schooled Students

A student who has received a home school diploma must submit the following in lieu of a high school transcript:

- A notarized statement from the home school teacher detailing the content of the student's home school curriculum and the duration of such, and
- A copy of the student's home school diploma.

Senior Citizens / Donovan Scholar

Kentucky residents, age 65 or older, may complete the application, be admitted to the University, and have all tuition and fees waived. The University may limit the enrollment of these students if classes are filled or if their admission necessitates additional classes. You must submit a copy of your driver's license to the Bursar's Office to verify age and residency.

Readmission

Students who have previously attended Kentucky State University and who wish to reenter must secure readmission from the Registrar's Office. In order to be eligible for re-admission to the University, students who attended another institution for one semester must have earned an overall average of C or better since last attending Kentucky State. The student must complete the University's Re-enrolling Form (<https://www.kysu.edu/documents/registrar/ksu-re-admit-application-2022.pdf>) and supply the Registrar's Office (<https://kysu-public.courseleaf.com/undergraduate/admissions/registrar@kysu.edu>) with an official transcript from the institution previously attended.

Student Residency

As a part of the state-supported system of higher education in Kentucky, Kentucky State University is governed by 13 KAR 2:045, a statewide policy for determining residency. For additional information and a copy of the affidavit for a review of residency status, contact the B.R.E.D.S. Office (<https://kysu-public.courseleaf.com/undergraduate/admissions/admissions@kysu.edu>).

Students eligible to receive Veterans Affairs (VA) GI Bill® Education benefits qualify for the in-state tuition rate pursuant to the Veterans Access, Choice and Accountability Act of 2014 which requires postsecondary institutions to offer in-state tuition rates to qualified veterans and their dependents, regardless of state residency status. In addition, Kentucky Law (13 KAR 2:045) states: "a person eligible for benefits under the federal Post 9/11 Veterans Educational Assistance Act of 2008, 38 U.S.C. 33013325, or any other education benefits provided under Title 38 of the United States Code shall be entitled to Kentucky resident status for purposes of tuition charged at state-supported institutions." (All Kentucky State University students captured under the aforementioned Federal Statute and State Law will be certified by the School Certifying Official (SCO) at the in-state tuition rate). **GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA).**

13 KAR 2:045. Determination of residency status for admission and tuition assessment purposes. Relates to: KRS 13B, 164.020, 164.030, 164A.330 (6) 38 U.S.C 3301-3325 (As amended at ARRS, June 9, 2015)

Statutory Authority:

KRS 164.020(8) Necessity, Function, and Conformity: KRS 164.020(8) requires the Council on Postsecondary Education to determine tuition and approve the minimum qualifications for admission to a state supported postsecondary education institution and authorizes the Council to set different tuition amounts for residents of Kentucky and for nonresidents. This administrative regulation establishes the procedure and guidelines for determining the residency status of a student who is seeking admission to, or who is enrolled at, a state-supported postsecondary education institution.

Section 1. Definitions

1. **Academic term** means a division of the school year during which a course of studies is offered, and includes a semester, quarter, or single consolidated summer term as defined by the institution.
2. **Continuous enrollment** means enrollment in a state-supported postsecondary education institution at the same degree level for consecutive terms, excluding summer term, since the beginning of the period for which continuous enrollment is claimed unless a sequence of continuous enrollment is broken due to extenuating

circumstances beyond the student's control, such as serious personal illness or injury, or illness or death of a parent.

3. **Degree level** means enrollment in a course or program which could result in the award of
 - a. Certificate, diploma or other program award at an institution;
 - b. Baccalaureate degree or lower including enrollment in a course by a non-degree-seeking post-baccalaureate student;
 - c. Graduate degree or graduate certification other than a first-professional degree in law, medicine, dentistry or Pharm. D; or
 - d. Professional degree in law, medicine, dentistry, or Pharm. D.
4. **Dependent person** means a person who cannot demonstrate financial independence from parents or persons other than a spouse and who does not meet the criteria for independence established in Section 5 of this administrative regulation.
5. **Determination of residency status** means the decision of a postsecondary education institution that results in the classification of a person as a Kentucky resident or as a nonresident for admission and tuition assessment purposes.
6. **Domicile** means a person's true, fixed, and permanent home and is the place where the person intends to remain indefinitely, and to which the person expects to return if absent without intending to establish a new domicile elsewhere.
7. **Full-time employment** means continuous employment for at least forty-eight (48) weeks at an average of at least thirty (30) hours per week.
8. **Independent person** means a person who demonstrates financial independence from parents or persons other than a spouse and who meets the criteria for independence established in Section 5 of this administrative regulation.
9. **Institution** means an entity defined in KRS 164.001(12) if the type of institution is not expressly stated and includes the Kentucky Virtual University, the Council on Postsecondary Education, and the Kentucky Higher Education Assistance Authority.
10. **Kentucky resident** means a person determined by an institution for tuition purposes to be domiciled in and is a resident of Kentucky as determined by this administrative regulation.
11. **Nonresident** means a person who is
 - a. domiciled outside of Kentucky
 - b. currently maintains legal residence outside Kentucky, or
 - c. is not a Kentucky resident as determined by this administrative regulation.
12. **Parent** means one (1) of the following:
 - a. A person's father or mother; or
 - b. A court-appointed legal guardian if:
 - i. The guardianship is recognized by an appropriate court within the United States;
 - ii. There was a relinquishment of the rights of the parents; and
 - iii. The guardianship was not established primarily to confer Kentucky residency on the person.
13. **Preponderance of the evidence** means the greater weight of evidence, or evidence which is more credible and convincing to the mind.
14. **Residence** means the place of abode of a person and the place where the person is physically present most of the time for a non-educational purpose in accordance with Section 3 of this administrative regulation.
15. **Student financial aid** means all forms of payments to a student if one (1) condition of receiving the payment is the enrollment of the

student at an institution and includes student employment by the institution or a graduate assistantship.

16. **Sustenance** means
 - a. Living expenses, such as room, board, maintenance, and transportation; and
 - b. Educational expenses, such as tuition, fees, books, and supplies.

Section 2. Scope

1. State-supported postsecondary education institutions were established and are maintained by the Commonwealth of Kentucky primarily for the benefit of qualified residents of Kentucky. The substantial commitment of public resources to postsecondary education is predicated on the proposition that the state benefits significantly from the existence of an educated citizenry. As a matter of policy, access to postsecondary education shall be provided so far as feasible at reasonable cost to a qualified individual who is domiciled in Kentucky and who is a resident of Kentucky.
2. In accordance with the duties established in KRS 164.020, the Council on Postsecondary Education may require a student who is neither domiciled in, nor a resident of, Kentucky to meet higher admission standards and to pay a higher level of tuition than resident students.
3. Unless otherwise indicated, this administrative regulation shall apply to all student residency determinations, regardless of circumstances, including residency determinations made by:
 - a. The state-supported institutions for prospective and currently-enrolled students;
 - b. The Southern Regional Education Board for contract spaces;
 - c. Reciprocity agreements, if appropriate;
 - d. The Kentucky Virtual University;
 - e. Academic common market programs;
 - f. The Kentucky Educational Excellence Scholarship Program; and
 - g. Other state student financial aid programs, as appropriate.

Section 3. Determination of Residency Status; General Rules

1. A determination of residency shall include:
 - a. An initial determination of residency status by an institution:
 - i. During the admission process;
 - ii. Upon enrollment in an institution for a specific academic term; or
 - iii. For admission into a specific academic program;
 - b. A reconsideration of a determination of residency status by an institution based upon a changed circumstance; or
 - c. A formal hearing conducted by an institution upon request of a student after other administrative procedures have been completed.
2. An initial determination of residency status shall be based upon:
 - a. The facts in existence when the credentials established by an institution for admission for a specific academic term have been received and during the period of review by the institution;
 - b. Information derived from admissions materials;
 - c. If applicable, other materials required by an institution and consistent with this administrative regulation; and
 - d. Other information available to the institution from any source.
3. An individual seeking a determination of Kentucky residency status shall demonstrate that status by a preponderance of the evidence.
4. A determination of residency status shall be based upon verifiable circumstances or actions.

5. Evidence and information cited as the basis for Kentucky domicile and residency shall accompany the application for a determination of residency status.
 6. A student classified as a nonresident shall retain that status until the student is officially reclassified by an institution.
 7. A student may apply for a review of a determination of residency status once for each academic term.
 8. If an institution has information that a student's residency status may be incorrect, the institution shall review and determine the student's correct residency status.
 9. If the Council on Postsecondary Education has information that an institution's determination of residency status for a student may be incorrect, it may require the institution to review the circumstances and report the results of that review.
 10. An institution shall impose a penalty or sanction against a student who gives incorrect or misleading information to an institutional official, including payment of nonresident tuition for each academic term for which resident tuition was assessed based on an improper determination of residency status. The penalty or sanction may also include:
 - a. Student discipline by the institution through a policy written and disseminated to students; or
 - b. Criminal prosecution.
- a. i. Whether the person has been claimed as a dependent on the federal or state tax returns of a parent or other person for the year preceding the date of application for a determination of residency status; or
 - ii. Whether the person is no longer claimed by a parent or other person as a dependent or as an exemption for federal and state tax purposes; and
 - b. Whether the person has financial earnings and resources independent of a person other than an independent spouse necessary to provide for the person's own sustenance.
3. An individual who enrolls at an institution immediately following graduation from high school and remains enrolled shall be presumed to be a dependent person unless the contrary is evident from the information submitted.
 4. Domicile may be inferred from the student's permanent address, parent's mailing address, or location of high school of graduation.
 5. Marriage to an independent person domiciled in and who is a resident of Kentucky shall be a factor considered by an institution in determining whether a student is dependent or independent.
 6. Financial assistance from or a loan made by a parent or family member other than an independent spouse, if used for sustenance of the student:
 - a. Shall not be considered in establishing a student as independent; and
 - b. Shall be a factor in establishing that a student is dependent.

Section 4. Presumptions Regarding Residency Status

1. In making a determination of residency status, it shall be presumed that a person is a nonresident if:
 - a. A person is, or seeks to be, an undergraduate student and admissions records show the student to be a graduate of an out-of-state high school within five (5) years prior to a request for a determination of residency status;
 - b. A person's admissions records indicate the student's residence to be outside of Kentucky when the student applied for admission;
 - c. A person moves to Kentucky primarily for the purpose of enrollment in an institution;
 - d. A person moves to Kentucky and within twelve (12) months enrolls at an institution more than half time;
 - e. A person has a continuous absence of one (1) year from Kentucky; or
 - f. A person attended an out-of-state higher education institution during the past academic year and paid in-state tuition at that institution.
2. A presumption arising from subsection (1) of this section shall only be overcome by preponderance of evidence sufficient to demonstrate that a person is domiciled in and is a resident of Kentucky.

Section 5. Determination of Whether a Student is Dependent or Independent

1. In a determination of residency status, an institution shall first determine whether a student is dependent or independent. This provision shall be predicated on the assumption that a dependent person lacks the financial ability to live independently of the person upon whom the student is dependent, and therefore, lacks the ability to form the requisite intent to establish domicile. A determination that a student is independent shall be one (1) step in the overall determination of whether a student is or is not a resident of Kentucky.
2. In determining the dependent or independent status of a person, the following information shall be considered as well as other relevant information available when the determination is made:

Section 6. Effect of a Determination of Dependent Status on a Determination of Residency Status

1. The effect of a determination that a person is dependent shall be:
 - a. The domicile and residency of a dependent person shall be the same as either parent. The domicile and residency of the parent shall be determined in the same manner as the domicile and residency of an independent person; and
 - b. The domicile and residency of a dependent person whose parents are divorced, separated, or otherwise living apart shall be Kentucky if either parent is domiciled in and is a resident of Kentucky regardless of which parent has legal custody or is entitled to claim that person as a dependent pursuant to federal or Kentucky income tax provisions.
2. If the parent or parents of a dependent person are Kentucky residents and are domiciled in Kentucky, but subsequently move from the state:
 - a. The dependent person shall be considered a resident of Kentucky while in continuous enrollment at the degree level in which currently enrolled; and
 - b. The dependent person's residency status shall be resumed if continuous enrollment is broken or the current degree level is completed.

Section 7. Member or Former Member of Armed Forces of the United States, Spouse and Dependents; Effect on a Determination of Residency Status

1. A member, spouse, or dependent of a member whose domicile and residency was Kentucky when inducted into the Armed Forces of the United States, and who maintains Kentucky as home of record and permanent address, shall be entitled to Kentucky residency status:
 - a. During the member's time of active service; or
 - b. If the member returns to this state within six (6) months of the date of the member's discharge from active duty.

2. a. A member of the armed services on active duty for more than thirty (30) days and who has a permanent duty station in Kentucky shall be classified as a Kentucky resident and shall be entitled to in-state tuition as shall the spouse or a dependent child of the member.
 - b. A member, spouse, or dependent of a member shall not lose Kentucky residency status if the member is transferred on military orders while the member, spouse, or dependent requesting the status is in continuous enrollment at the degree level in which currently enrolled.
3. Membership in the National Guard or civilian employment at a military base alone shall not qualify a person for Kentucky residency status under the provisions of subsections (1) and (2) of this section. If a member of the Kentucky National Guard is on active duty status for a period of not less than thirty (30) days, the member shall be considered a Kentucky resident, as shall the spouse or a dependent child of the member.
4. A person eligible for benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008, 38 U.S.C. 3301-3325, or any other educational benefits provided under Title 38 of the United States Code shall be entitled to Kentucky resident status for purposes of tuition charged at state supported institutions.
5. A person's residency status established pursuant to this section shall be reassessed if the qualifying condition is terminated.

Section 8. Status of Nonresident Aliens; Visas and Immigration

1. a. A person holding a permanent residency visa or classified as a political refugee shall establish domicile and residency in the same manner as another person.
 - b. Time spent in Kentucky and progress made in fulfilling the conditions of domicile and residency prior to obtaining permanent residency status shall be considered in establishing Kentucky domicile and residency.
2. A person holding a non-immigrant visa with designation A, E, G, H-1, H-4 if accompanying a person with an H-1 visa, I, K, L, N, R, shall establish domicile and residency the same as another person.
3. a. An independent person holding a non-immigrant visa with designation B, C, D, F, H-2, H-3, H-4 if accompanying a person with an H-2 or H-3 visa, J, M, O, P, Q, S, TD, or TN shall not be classified as a Kentucky resident, because that person does not have the capacity to remain in Kentucky indefinitely and therefore cannot form the requisite intent necessary to establish domicile as defined in Section 1(6) of this administrative regulation.
 - b. A dependent person holding a visa as described in paragraph (a) of this subsection, but who is a dependent of a parent holding a visa as described in subsection (2) of this section, shall be considered as holding the visa of the parent.
 - c. A dependent person holding a visa described in subsection (2) of this section or paragraph (a) of this subsection, if a parent is a citizen of the United States and is a resident of and domiciled in Kentucky, shall be a resident of Kentucky for the purposes of this administrative regulation.
4. A person shall be a Kentucky resident for the purpose of this administrative regulation if the person graduated from a Kentucky high school and:
 - a. Is an undocumented alien;
 - b. Holds a visa listed in subsections (2) or (3)(a) of this section; or
 - c. Is a dependent of a person who holds a visa listed in subsections (2) or (3) (a) of this section.
5. a. Except as provided in paragraph (b) of this subsection, a person who has petitioned the federal government to reclassify visa status shall continue to be ineligible until the petition has been granted by the federal government.
 - b. A person who has petitioned the federal government to reclassify his or her visa status based on marriage to a Kentucky resident and who can demonstrate that the petition has been filed and acknowledged by the federal government, may establish Kentucky domicile and residency at that time.

Section 9. Beneficiaries of a Kentucky Educational Savings Plan Trust

A beneficiary of a Kentucky Educational Savings Plan Trust shall be granted residency status if the beneficiary meets the requirements of KRS 164A.330 (6).

Section 10. Criteria Used in a Determination of Residency Status.

1. a. A determination of Kentucky domicile and residency shall be based upon verifiable circumstances or actions.
 - b. A single fact shall not be paramount, and each situation shall be evaluated to identify those facts essential to the determination of domicile and residency.
 - c. A person shall not be determined to be a Kentucky resident by the performance of an act that is incidental to fulfilling an educational purpose or by an act performed as a matter of convenience.
 - d. Mere physical presence in Kentucky, including living with a relative or friend, shall not be sufficient evidence of domicile and residency.
 - e. A student or prospective student shall respond to all requests for information regarding domicile or residency requested by an institution.
2. The following facts, although not conclusive, shall have probative value in their entirety and shall be individually weighted, appropriate to the facts and circumstances in each determination of residency:
 - a. Acceptance of an offer of full-time employment or transfer to an employer in Kentucky or contiguous area while maintaining residence and domicile in Kentucky;
 - b. Continuous physical presence in Kentucky while in a non-student status for the twelve (12) months immediately preceding the start of the academic term for which a classification of Kentucky residency is sought;
 - c. i. Filing a Kentucky resident income tax return for the calendar year preceding the date of application for a change in residency status; or
 - ii. Payment of Kentucky withholding taxes while employed during the calendar year for which a change in classification is sought;
 - d. Full-time employment of at least one (1) year while living in Kentucky;
 - e. Attendance as a full-time, nonresident student at an out-of-state institution based on a determination by that school that the person is a resident of Kentucky;
 - f. Abandonment of a former domicile or residence and establishing domicile and residency in Kentucky with application to or

- attendance at an institution following and incidental to the change in domicile and residency;
- g. Obtaining licensing or certification for a professional and occupational purpose in Kentucky;
 - h. Payment of real property taxes in Kentucky;
 - i. Ownership of real property in Kentucky, if the property was used by the student as a residence preceding the date of application for a determination of residency status;
 - j. Marriage of an independent student to a person who was domiciled in and a resident of Kentucky prior to the marriage; and
 - k. The extent to which a student is dependent on student financial aid in order to provide basic sustenance.
3. Except as provided in subsection (4) of this section, the following facts, because of the ease and convenience in completing them, shall have limited probative value in a determination that a person is domiciled in and is a resident of Kentucky:
 - a. Kentucky automobile registration;
 - b. Kentucky driver's license;
 - c. Registration as a Kentucky voter;
 - d. Long-term lease of at least twelve (12) consecutive months of non-collegiate housing; and
 - e. Continued presence in Kentucky during academic breaks.
 4. The absence of a fact contained in subsection (3) of this section shall have significant probative value in determining that a student is not domiciled in or is not a resident of Kentucky.

Section 11. Effect of a Change in Circumstances on Residency Status

1. If a person becomes independent or if the residency status of a parent or parents of a dependent person changes, an institution shall reassess residency either upon a request by the student or a review initiated by the institution.
2. Upon transfer to a Kentucky institution, a student's residency status shall be assessed by the receiving institution.
3. A reconsideration of a determination of residency status for a dependent person shall be subject to the provisions for continuous enrollment, if applicable.

Section 12. Student Responsibilities

1. A student shall report under the proper residency classification, which includes the following actions:
 - a. Raising a question concerning residency classification;
 - b. Making application for change of residency classification with the designated office or person at the institution; and
 - c. Notifying the designated office or person at the institution immediately upon a change in residency.
2. If a student fails to notify an institutional official of a change in residency, an institutional official may investigate and evaluate the student's residency status.
3.
 - a. If a student fails to provide, by the date specified by the institution, information required by an institution in a determination of residency status, the student shall be notified by the institution that the review has been canceled and that a determination has been made.
 - b. Notification shall be made by registered mail, return receipt requested.
 - c. Notification shall be made within ten (10) calendar days after the deadline for receipt of materials has passed.

4.
 - a. The formal hearing conducted by an institution and the final recommended order shall be a final administrative action with no appeal to the Council on Postsecondary Education.
 - b. A formal administrative hearing conducted by the Council on Postsecondary Education for residency determinations related to eligibility for the Academic Common Market and Regional Contract Programs shall be conducted pursuant to the provisions of KRS Chapter 13B and 13 KAR 2:070. The recommended order issued by the President of the Council shall be a final administrative action.
5. A student shall not be entitled to appeal a determination of residency status if the determination made by an institution is because a student has failed to meet published deadlines for the submission of information as set forth in subsection (3) of this section. A student may request a review of a determination of residency status in a subsequent academic term.

Section 13. Institutional Responsibilities

Each institution shall:

1. Provide for an administrative appeal process that includes a residency appeals officer to consider student appeals of an initial residency determination and which shall include a provision of fourteen (14) days for the student to appeal the residency appeals officer's determination;
2. Establish a residency review committee to consider appeals of residency determinations by the residency appeals officer. The residency review committee shall make a determination of student residency status and notify the student in writing within forty-five (45) days after receipt of the student appeal;
3. Establish a formal hearing process as described in Section 14 of this administrative regulation; and
4. Establish written policies and procedures for administering the responsibilities established in subsections (1), (2), and (3) of this section and that are:
 - a. Approved by the institution's governing board;
 - b. Made available to all students; and
 - c. Filed with the council.

Section 14. Formal Institutional Hearing

1. A student who appeals a determination of residency by a residency review committee shall be granted a formal hearing by an institution if the request is made by a student in writing within fourteen (14) calendar days after notification of a determination by a residency review committee.
2. If a request for a formal hearing is received, an institution shall appoint a hearing officer to conduct a formal hearing. The hearing officer shall:
 - a. Be a person not involved in determinations of residency at an institution except for formal hearings; and
 - b. Not be an employee in the same organizational unit as the residency appeals officer.
3. An institution shall have written procedures for the conduct of a formal hearing that have been adopted by the board of trustees or regents, as appropriate, and that provide for:
 - a. A hearing officer to make a recommendation on a residency appeal;
 - b. Guarantees of due process to a student that include:

- i. The right of a student to be represented by legal counsel; and
 - ii. The right of a student to present information and to present testimony and information in support of a claim of Kentucky residency; and
 - c. A recommendation to be issued by the hearing officer.
4. An institution's formal hearing procedures shall be filed with the Council on Postsecondary Education and shall be available to a student requesting a formal hearing.

Section 15. Cost of Formal Hearings

1. An institution shall pay the cost for all residency determinations including the cost of a formal hearing.
2. A student shall pay for the cost of all legal representation in support of the student's claim of residency.

(17 Ky.R. 2557; eff. 4-5-1991; Am. 22 Ky.R. 1656; 1988; eff. 5-16-1996; 23 Ky.R. 3380; 3797; 4099; eff. 6-16-1997; 24 Ky.R. 2136; 2705; 25 Ky.R. 51; eff. 7-13-1998; 25 Ky.R. 2177; 2577; 2827; eff. 6-7-1999; 749; 1238; eff. 11-12-2002; 36 Ky.R. 1083; 1951; 2033- M; eff. 4-2-2010; TAm eff. 11-20-2014; 41 Ky.R. 2108; 42 Ky.R. 9; eff. 7-13-2015; TAm 7-13-2015).

University Residency Appeals Policy and Procedures

The B.R.E.D.S. Office of Admissions determines the residency status of students at the time of application to the University in compliance with 13 Kentucky Administrative Regulation 2:045. A student who questions their residency status, a new applicant, should direct all inquiries to the B.R.E.D.S. Office. All currently enrolled students should submit documentation to the Office of the Registrar. Upon completion of the required affidavit by the student and submission of all required documentation, a written residency decision will be made by the B.R.E.D.S. Office or Registrar's Office. A student may appeal this decision within 14 days from the date of the residency decision through the B.R.E.D.S. Office to the University Residency Admission/Recruitment Committee, which is established to consider residency classification appeals. The University Residency Admission/Recruitment Committee shall issue its written decision and shall notify the student within 45 days of the receipt of the appeal. Appeals should be addressed to the

Director of B.R.E.D.S.
 Kentucky State University
 312 Academic Service Building
 400 E. Main Street
 Frankfort, KY 40601.