MEMORANDUM

To: Registrars and Directors of Admissions
From: Katherine Raymond
    Senior Associate General Counsel
Re: Change to Rules Regarding Resident Tuition for Students Dependent on Out-of-State Parents

October 17, 2013

I am writing to advise you that the University has made a change in its policy regarding resident tuition for students dependent on out-of-state parents. The rule that CUNY had followed for many years was that students under the age of 24 whose parents resided out-of-state had to prove that they were financially independent in order to be eligible for the resident tuition rate. However, a recent decision in a lawsuit (Strauss v. CUNY) held that CUNY’s irrebuttable presumption that dependent students under the age of 24 were not New York State residents was unconstitutional.

Under the new policy, a student under the age of 24 whose parent(s) or legal guardian(s) reside out of state, who otherwise meets CUNY’s residency requirements and is not financially independent from his/her parents, is eligible for the resident tuition rate if the student can show that he/she has changed his/her domicile, i.e., the place that he/she has a bona fide intention of living permanently, to New York State. Such a showing must be made by clear and convincing evidence. The policy further provides:

Students who claim that New York is their domicile are expected to have a New York State driver’s license or New York State issued identification card dated a minimum of twelve (12) months prior to the start of the semester. In addition, a student is expected to submit documentary evidence indicating he/she has changed his/her domicile to New York, such as the following:

1. evidence that the student has filed a New York State resident income tax return for the previous calendar year;
2. evidence that the student resided in the State of New York for a significant period of time for other-than-educational purposes prior to attending CUNY;
3. evidence that the student resides in property owned by the student or
his/her parent(s) or legal guardian(s) in the State of New York;
4. evidence showing that the student uses his/her New York address as
his/her sole address of record for all purposes including on health and auto
insurance records, bank accounts, tax records, loan and scholarship
records, school records, military records, leases and similar kinds of
documents.

The revised language is contained in Section IV, Part I(A) of the Tuition and Fee Manual,
which can be found at http://www.cuny.edu/about/administration/offices/la/tuition-fee-
manual.html.

This new policy is effective for the Spring 2014 semester. You should be aware
that the Office of Legal Affairs has been applying the new policy to Fall 2013 residency
appeals.

If you have any questions, please feel free to contact me at
katherine.raymond@cuny.edu or Katarzyna Zieba at katarzya.zieba@cuny.edu.

c: James Garvin, William Fox, James Murphy, Gordon Taylor