

University of Wisconsin

GUIDELINES

Higher Education Opportunity Act 20 U.S.C. 1015d
In-State Tuition for Members of the Armed Forces and their Families

I. 20 U.S.C. 1015d

(a) Requirement

In the case of a member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in a State that receives assistance under this chapter, such State shall not charge such member (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.

(b) Continuation

If a member of the armed forces (or the spouse or dependent child of a member) pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of subsection (a) shall continue to apply to such member, spouse, or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

(c) Effective date

This section shall take effect at each public institution of higher education in a State that receives assistance under this chapter for the first period of enrollment at such institution that begins after July 1, 2009.

(d) Definitions

In this section, the terms "armed forces" and "active duty for a period of more than 30 days" have the meanings given those terms in [section 101 of Title 10](#).

II. Application and Deadline

Individuals wishing to receive in-state tuition as an active duty member of the armed forces (MOAF) whose domicile or permanent duty station is in Wisconsin, or as the spouse or dependent of an MOAF whose domicile or permanent duty station is in Wisconsin, must provide the information listed below to the office that handles residency at the University of Wisconsin institution he or she wishes to attend. This application must be received within 1 month of the first day of classes of the first term the applicant wishes this provision to apply. A list of residency contacts at each University of Wisconsin institution is available at <http://www.uwsa.edu/acss/residency/contacts.htm>. The residency decision will be determined by the institutional residency office.

III. Required Documentation

For an institution to grant in-state tuition under this federal statute, documentation is required to demonstrate the permanent duty station or domicile of the MOAF. Permanent duty station" is demonstrated by an MOAF's Orders identifying Wisconsin as the permanent duty station. Domicile is demonstrated by showing an intent to make Wisconsin the MOAF's home indefinitely. Domicile is not necessarily the same as "home of record," nor is it necessarily synonymous with the MOAF's place of residence. Accordingly, individuals wishing to be considered for receipt of in-state tuition from a University of Wisconsin institution under the

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provisions of Federal Law 20 U.S.C. 1015d should provide the following documentation as appropriate:

A. To document “permanent duty station” of the MOAF, provide:

1. A copy of the current deployment Orders of the MOAF

B. To document “domicile” of the MOAF, provide:

1. A copy of most current form DD 2058, State of Legal Residence Certificate
2. A copy of the current deployment orders of the MOAF
3. A copy of the MOAF’s Wisconsin state income tax form for the most recent year

C. If the applicant is a dependent of the MOAF, ALSO provide:

1. A copy of MOAF’s Federal Income tax form for most recent year
2. Notarized affidavit from MOAF stating intention to claim applicant as dependent

D. If the applicant is the spouse of the MOAF, ALSO provide:

1. Marriage certificate or tax statements documenting spousal relation to MOAF

NOTE: The residency counselor at the UW institution may request additional documentation if he or she believes the above documents are insufficient to demonstrate eligibility under the statute. .

IV. Definitions

1. The term “armed forces” means the Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. 101(a)(4)
2. The term “active duty” means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty. 10 U.S.C. 101(d)(1)
3. The term “active duty for a period of more than 30 days” means active duty under a call or order that does not specify a period of 30 days or less. 10 U.S.C. 101(d)(2)
4. “Spouse” is a husband or wife of the MOAF
5. “Dependant” is a dependant for tax purposes of the MOAF
6. “Continuously enrolled” means that the MOAF, their spouse, or dependent maintained enrollment without break each consecutive Fall and Spring term after qualifying under this statute.