

RESIDENCY

Q-1. What is the Louisiana residency requirement?

- A. Any independent or dependent student who actually resides in Louisiana while attending his last two full years at an eligible Louisiana high school, graduates from such a school, and FAFSA or TOPS on-line application lists Louisiana as state of residency for at least two full years preceding the date of high school graduation will be considered a Louisiana resident.

You may qualify based on the residency of a parent or court ordered custodian (“legal guardian”) who was a legal resident of Louisiana for at least the 24 months prior to the month of your high school graduation. If you are an independent student, you may also qualify based on you having been a legal resident of Louisiana for at least the 24 months prior to the month of your high school graduation.

If you are a dependent student and your parent is a member of the U.S. Armed Forces living in Louisiana under permanent change of station orders, but who does not claim Louisiana as his official state of legal residence, and you actually reside in Louisiana while attending your last two full years at an eligible Louisiana high school, and you graduate from such a school, you will meet the residency requirement if you can provide documentation that you and your parents resided in Louisiana such as copies of a lease, household bills, LA driver’s license, voter registration card, etc.

Q-2. How will LOSFA determine my residency?

- A. If you graduated from a Louisiana public or a Louisiana approved non-public high school, your residency will be determined from the Course Site Codes reported to the Department of Education’s Student Transcript System (STS). STS must show that all courses completed during the final two years of high school were earned in an eligible Louisiana high school and that you graduated from an eligible Louisiana high school, and the FAFSA or TOPS on-line application must show Louisiana as state of residence for at least two years prior to high school graduation. In addition, your FAFSA must indicate that you lived in Louisiana for at least two full years preceding the date of high school graduation.

If you completed a BESE approved home study program or you are an eligible non-graduate, your residency will be determined from the information provided on your FAFSA or on-line application. If you are an out-of-state or out-of-country graduate, you must complete a residency affidavit in addition to the FAFSA or TOPS on-line Application. If you are a home study student, an eligible non-graduate, a dependent of active duty military personnel, or a student for whom STS does not confirm Louisiana residency, residency will be determined from the information provided on your FAFSA or TOPS on-line application or from a completed residency affidavit.

Q-3. I received a letter/observed on the LOSFA Web site that I have been determined ineligible for TOPS due to residency. I have lived in Louisiana all my life. Why has this happened and what must I do to correct the mistake?

- A. LOSFA’s programming looks first at the information supplied by STS. A high school site code not recognized by STS will result in a determination that you do not meet the TOPS residency requirement.

If you do not meet the STS check, LOSFA’s programming will check the information supplied on the FAFSA or TOPS on-line application. If the data indicates that your parent was a Louisiana resident

for at least the 24 months preceding the month of your high school graduation and you are a dependent student, you will meet the residency requirement.

If residency information received from your FAFSA or TOPS on-line application is incorrect, you may complete a TOPS Affidavit of Residency (available from LOSFA's Web site (<https://mylosfa.la.gov/wp-content/uploads/2020/07/Affidavit-of-Res.pdf>) and provide the required supporting documentation. You may also submit a Student Aid Report (SAR) correction to the data you provided on your FAFSA. See the instructions on the SAR for making these corrections. (The FAFSA processor will send you this report shortly after your FAFSA is received).

If you are a dependent student who is qualifying based on the residency of a parent or court ordered custodian and your parent's or custodian's state or date of residency is incorrect on the FAFSA or TOPS on-line application, you should have your parent or custodian complete a TOPS residency affidavit and provide the required supporting documentation.

If you graduated from a high school outside of Louisiana and if your parent's or custodian's state or date of residency is incorrect on the FAFSA or TOPS on-line application, you must have your parent or custodian complete a TOPS residency affidavit and provide the required supporting documentation.

Q-4. What is a legal resident?

- A. A "legal resident" is a person who:
- Resides (actually lives) in Louisiana, and
 - If registered to vote, has registered to vote in Louisiana as evidenced by a voter's registration card; and
 - If licensed to drive a motor vehicle, has a Louisiana driver's license; and
 - If owning a motor vehicle located in Louisiana, has registered that vehicle in Louisiana; and
 - If earning a reportable income, has filed a Louisiana tax return.

If you are completing a TOPS Affidavit of Residency on behalf of your child, you will be required to submit a copy of all documents that you mark "YES". If you filed a Louisiana tax return, you must submit page one of the return, not the electronic declaration page.

If none of the documents show an issue date of at least 24 months before the month of your child's high school graduation, additional documentation will be required.

Note: A parent or court ordered custodian who is incarcerated in a Louisiana prison or jail is considered a Louisiana resident during the period of incarceration.

Q-5. What is a "court ordered custodian"?

- A. A "court ordered custodian" is an adult appointed by a court of competent jurisdiction to have custody and care of a minor and who demonstrates he/she provides the primary support for such minor (sometimes referred to as a "court appointed custodian" or a "legal guardian"). Documents such as powers of attorney and Provisional Custody by Mandate are not acceptable since they are not issued by a court. The custodianship (court appointment) must be in effect before the date you graduate from high school to be considered.

Q-6. How do I know whether I am a dependent or independent student?

A. All students are classified as dependent unless LOSFA determines the student is “independent” for purposes of TOPS. The determination may be based on information provided by you on the FAFSA or in documents provided to LOSFA. LOSFA will automatically classify you as independent if you are reported as an independent student by the federal processor on the FAFSA.

Q-7. What are the requirements to be an “independent student”?

A. In order to be an independent student, you:

1. must have reached 24 years of age prior to January of the year preceding the academic year for which you are applying for aid; or
2. be a veteran of the U.S. Armed Forces; or
3. be an orphan or a ward of the court or was a ward of the court until age 18; or
4. have legal dependents other than a spouse; or
5. be a graduate or professional student; or
6. be married; or
7. be determined an independent student by a financial aid officer exercising professional judgment in accordance with applicable provisions of the Higher Education Act of 1965, as amended (**may include certain emancipated and homeless/self-supporting students**); or
8. must currently be serving in the U.S. Armed Forces on active duty for purposes other than training.

Q-8. What are the requirements to be classified as an “orphan”?

A. An orphan is a person who does not live with either parent because:

1. both parents are deceased; or
2. both parents have abandoned him; or
3. a court proceeding has severed the parental rights of both the parents; or
4. one parent is deceased and the other parent abandoned him; or
5. one parent is deceased and a court proceeding has severed the parental rights of the other parent; or
6. one parent abandoned him and a court proceeding has severed the parental rights of the other parent.

Q-9. How do you calculate the 24 month period for residency of a parent, court ordered custodian, or independent student?

A. The TOPS statute requires that a parent or court ordered custodian or the independent student actually live in Louisiana for the 24 months preceding the student’s graduation from high school. Months are calendar months and are counted backward starting with the month preceding the month of high school graduation.

For example, if you will be graduating in May 2022, you would start counting with April 2022 and count backward 24 months. You would have to demonstrate legal residency from May 2020 through April 2022.

Q-10. I am a 2022 high school graduate and I have lived in Louisiana for most or all of my life. Why does the Web site show my date of residency as “2015”?

A. The 2022-2023 FAFSA asks if your parent has been a legal resident since January 1, 2017 (five years). If the answer is “yes” to the residency question, the computer automatically enters “7” as the date of residency. The date is simply a default date. There is no need to correct this because TOPS only requires the 24 consecutive months of residency preceding the month of your date of high school graduation.

If you answer “no” to the question has your parent been a legal resident since January 1, 2017, programming will populate the month and year that was entered on the FAFSA by your parent as the month he/she became a resident of Louisiana.

Q-11. My grandparent is raising me because my parents have completely abandoned me, but my grandparent has never become my “court ordered custodian.” How will that affect my residency? What can I do to remedy this problem?

A. If you are not independent (See question 7), and you did not complete all of your last two years at a Louisiana high school and graduate from such a school, then you must have one parent or a “court ordered custodian” who has been a resident of Louisiana for the 24 months preceding your graduation from high school. If your grandparent is not a “court ordered custodian,” if there is no parent who meets the Louisiana residency requirements, and you did not complete your last two years at a Louisiana high school and graduate from such a school, then you will not meet the residency requirement for a TOPS Award.

Q-12. Can I qualify for TOPS if one or both of my parents are in the military and stationed outside of Louisiana? What documentation is needed for that?

A. Yes. If your parent who is a member of the Armed Forces is on active duty and the official military personnel or pay records (DD Form 2058) show that he claims Louisiana as his legal residence, you will meet the residency requirement if the military parent has filed a Louisiana tax return for the two most recent tax years. You must submit a completed TOPS Affidavit of Residency, a copy of your parent’s DD Form 2058, a copy of both tax returns, and all other required documents listed on the affidavit.

Q-13. Can I qualify for TOPS if my parents were transferred by the military into Louisiana? What documentation is needed for that?

A. Yes. If your parent was classified as a Louisiana resident when transferred to Louisiana, you can meet the residency requirements. (See the previous question and answer.)

If your parent who is a member of the Armed Forces was not a Louisiana resident prior to being assigned to Louisiana, you can meet the residency requirements if:

1. The military parent who is transferred to Louisiana under permanent change of station orders changes his DD Form 2058 to establish Louisiana as his legal residence not later than 180 days after reporting to such station and thereafter complies with all Louisiana income tax laws and regulations while stationed in Louisiana. You must submit to LOSFA a completed TOPS

Affidavit of Residency and a copy of a DD Form 2058 validated by your parent's military personnel officer and showing Louisiana as the member's state of legal residence at the time you apply for TOPS. The DD Form 2058 must reflect that it was filed within 180 days after the member reported to a duty station in Louisiana.

OR

2. You actually resided in Louisiana while attending your last two full years at an eligible Louisiana high school and graduated from such a school.

OR

3. After the 180 day period, your parent who is a member of the Armed Forces may still become a Louisiana resident by changing the DD Form 2058 to declare Louisiana as his or her legal residence and paying Louisiana income taxes; however, your parent must reside in Louisiana for 24 months preceding the month you graduate from high school.

OR

4. Your parent who is not a member of Armed Forces (the spouse of the military member) may establish Louisiana as his or her legal residence and reside in Louisiana for 24 months preceding the month you graduate from high school.

Q-14. My parents are residents of Louisiana, but do not file tax returns, are not registered to vote, and do not drive. Can I be considered for TOPS?

A. Yes. If you graduate from an eligible Louisiana high school or complete a home study program approved by BESE and submit a FAFSA or TOPS on-line application certifying that your parents are and have been residents of Louisiana for at least the 24 months preceding the month of your high school graduation, you will meet the TOPS residency requirement.

If you do not meet the requirements above or if you graduate from an out-of-state or out-of-country high school, you must submit a TOPS Affidavit of Residency. Along with the completed affidavit, you must submit documents that support one or both parents' residency in Louisiana for the required 24 months. The documents must show that one of your parents actually resided in Louisiana for the 24 month period. The documents can include, but are not limited to, utility bills, rent payments, rental agreements, pay stubs, and sworn statements from others attesting to the residency. This list is illustrative only. Many other documents may suffice. Each student in this situation is reviewed individually based on the information submitted, so you should contact LOSFA if you have questions or other documentation that is not included in this list.

Q-15. I attended boarding school in Louisiana for my final two years of high school. Can I meet the residency requirement for TOPS?

A. Possibly. Your transcript must reflect that you earned credit for the last four semesters of high school immediately prior to graduation and graduated from an approved Louisiana high school. The FAFSA application or TOPS on-line application must also show that a parent resided in Louisiana 24 months prior to graduation.

Q-16. My Louisiana college/university has granted me Louisiana resident status and has approved me for in-state tuition. Can I meet the residency requirement for TOPS?

A. Not necessarily. The fact that a college or university has approved you for in-state tuition does not mean that you meet the TOPS residency requirement.