

3.05.01.00 Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes



3.05.01.00 Policy for Classifying Students In-State & Out-of-State for Paying College Fees & Tuition & for Admission Purposes

Policy/Guideline Area

Student Policies

Applicable Divisions

TCATs, Community Colleges

Purpose

It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in this policy and not otherwise, in determining whether students shall be classified "in-state" or "out-of-state" for fees and tuition purposes and for admission purposes.

Definitions

- Public higher educational institution - shall mean a community college or college of applied technology supported by appropriations made by the Legislature of this State.
- Residence - shall mean continuous physical presence and maintenance of a dwelling place within this State, provided that absence from the State for short periods of time shall not affect the establishment of a residence.
- Domicile - shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where they intend to remain, and to which one expects to return when they leave without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.

- Emancipated person - shall mean a person who has attained the age of eighteen years and whose parents have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed "emancipated person."
- Parent - shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an unemancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.
- Continuous enrollment - shall mean enrollment at a public higher educational institution or institution of this State as a full-time student, as such term is defined by the governing body of said public higher educational institution or institutions, for a normal academic year or years or the appropriate portion or portions thereof since the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer sessions or other such intersessions beyond the normal academic year in order that enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic years, or appropriate portion thereof, of the public higher educational institutions in which such person enrolls.

Policy/Guideline

I. Rules for Determination of Status

- A. Every person having domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes. For guidance regarding the Eligibility Verification for Entitlement Act (EVEA) and residency, see Exhibit 1 (EVEA Verification), Exhibit 2 (Residency Appeal Guide), and Exhibit 3 (EVEA/TN Residency Verification Flowcharts).

- B. Every person not having domicile in this State shall be classified "out-of-state" for said purposes.
 - C. The domicile of an unemancipated person is that of their parent, except as provided in subsection E.
 - D. Unemancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee, except as provided in subsection E.
 - E. A student is classified "in-state" for fee and tuition purposes if the student is a citizen of the United States (regardless of their parent or guardian citizenship status), has resided in Tennessee for at least one (1) year immediately prior to admission and has:
 - 1. Graduated from a Tennessee public secondary school;
 - 2. Graduated from a private secondary school that is located in this state; or
 - 3. Earned a Tennessee high school equivalency diploma.
 - F. The spouse of a student classified as "in-state" shall also be classified as "in-state", subject to the requirements of T.C.A. § 4-58-101 et seq.
- II. Out-of-State Students who are Not Required to Pay Out-of-State Tuition
- A. An unemancipated, currently enrolled student shall be reclassified out-of-state should their parent, having theretofore been domiciled in the State, remove from the State. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as enrollment at a public higher educational institution or institutions shall be continuous.
 - B. A person whose domicile is in Mississippi County, Arkansas, or either Dunklin County, New Madrid County, or Pemiscot County, Missouri and who is admitted to Dyersburg State Community College shall not be required to pay out-of-state tuition.

- C. A person, who is not domiciled in Tennessee, but has a bona fide place of residence in a county which is adjacent to the Tennessee state line and which is also within a 30 mile radius (as determined by THEC) of a city containing a two year TBR institution, shall be classified out-of-state, but admitted without tuition. The two year institution may admit only up to three percent (3%) of the full-time equivalent attendance of the institution without tuition. (THEC may adjust the number of the non-residents admitted pursuant to this section every three (3) years.) (See T.C.A. § 49-8-102)
 - 1. Students originally admitted to a TBR community college authorized to grant a border county waiver of out-of-state tuition are not entitled to that waiver at any other TBR institution.
- D. Part-time students who are not domiciled in this State but who are employed full-time in the State shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in the State by more than one employer, resulting in the equivalent of full-time employment.
- E. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment shall not be required to pay out-of-state tuition. (T.C.A. § 49-4-704)
- F. Students who participate in a study abroad program, when the course/courses in the study abroad program is/are the only course/courses for which the student is registered during that term, shall not be required to pay out-of-state tuition.
- G. Students who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs, according to established guidelines, shall not be required to pay out-of-state tuition.

H. A person who is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau shall not be required to pay out-of-state tuition. (Public Law 118-42, The Consolidated Appropriations Act of 2024)

I. Military and Veterans

1. Military personnel, their spouses, and their unemancipated children who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but shall not be required to pay out-of-state tuition.
2. Veterans, active duty military personnel, reservists, members of the national guard, and ROTC program cadets, regardless of residence and regardless of whether using Veterans Administration benefits, will be classified as in-state when enrolled at a TBR institution.
3. A veteran or other individual eligible to receive educational benefits administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition or any out-of-state fee, when the veteran or other individual is:
 - a. Enrolled in any public institution of higher education in this state;
 - b. Utilizing such benefits at the enrolling institution; and
 - c. Living in this state, regardless of the individual's formal state of residency. (T.C.A. § 49-7-1304.)

J. Honors Programs

1. Each institution will establish policies regarding out-of-state tuition scholarships for students selected for admissions into formal honors programs at the institution.

K. Presumption

1. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at any public or private higher educational institution in this State, as such status is defined by such institution.

L. Evidence to be Considered for Establishment of Domicile

1. If a person asserts that they have established domicile in this State, they have the burden of proving that they have done so. Such a person is entitled to provide to the public higher educational institution by which he seeks to be classified or reclassified in-state, any and all evidence which they believe will sustain the burden of proof. Said institution will consider any and all evidence provided to it concerning such claim of domicile but will not treat any particular type or item of such evidence as conclusive evidence that domicile has or has not been established.

M. Appeal

1. The classification officer of each public higher educational institution shall be responsible for initially classifying students "in-state" or "out-of-state". Appropriate procedures shall be established by each institution by which a student may appeal the initial classification.

N. Effective Date for Reclassification

1. If a student classified out-of-state applies for in-state classification and is subsequently so classified, the in-state classification shall be effective as of the date on which reclassification was sought.
2. Out-of-state tuition will be charged for any trimester or semester during which reclassification is sought and obtained unless application for reclassification is made to the admissions officer on or before the last day of registration of that trimester or semester.

Exhibits

For Exhibits, click the Attachments button at the top right of the page.



Sources

Authority

T.C.A. § 49-8-203; All Federal and State statutes, codes, rules and regulations referenced in this policy.

History

TBR Meetings, December 13, 1974; February 21, 1975, March 21, 1986, September 16, 1988; June 29, 1990; June 24, 1994; March 30, 2001; December 7, 2001; December 5, 2003; June 30, 2006; June 20, 2014; Revised at TBR Board Meeting September 16, 2015. Ministerial change, January 11, 2018, by revision of T.C.A. § 49-7-1304 and Repeal of T.C.A. § 49-7-1305; Revisions approved at Board Meeting September 23, 2022; Ministerial changes May 2, 2024; Ministerial changes and updated exhibits May 30, 2024; Revisions approved at Board Meeting December 10, 2024.

Related Polices

[5.01.04.10 Classification of Benefits for Fees & Tuition](#)