

College of Graduate Studies

TBR Policy No. 3:05:01:00



Regulations for Classifying Students In-State and Out-of-State for the Purposes of Paying College or University Fees and Tuition and For Admission Purposes

I. INTENT

It is the intent that the public institutions of higher education in the State of Tennessee shall apply uniform rules, as described in these regulations 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.

II. DEFINITIONS.

Wherever used in these regulations;

(1) "Public higher educational institution" shall mean a university or community college supported by appropriations made by the Legislature of this State.

(2) "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.

(3) "Domicile" shall mean a person's true, fixed, and permanent home and place of habitation; it is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere. Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.

(4) "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."

(5) "Parent" shall mean a person's father or mother. If there is a non-parental guardian or legal custodian of an un-emancipated 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 un-emancipated person.

(6) "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 inter-sessions beyond the normal academic year in order that his or her 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.

III. RULES FOR DETERMINATION OF STATUS

(1) Every person having his or her domicile in this State shall be classified "in-state" for fee and tuition purposes and for admission purposes.

(2) Every person not having his or her domicile in this State shall be classified "out-of-state" for said purposes.

(3) The domicile of an un-emancipated person is that of his or her parent. Un-emancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee.

(4) The spouse of a student classified as "in-state" shall also be classified as "in-state".

IV. OUT-OF-STATE STUDENTS WHO ARE NOT REQUIRED TO PAY OUT-OF-STATE TUITION

(1) An un-emancipated, currently enrolled student shall be reclassified out-of-state should his or her 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 his or her enrollment at a public higher educational institution or institutions shall be continuous.

(2) An un-emancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in this State or at Fort Campbell pursuant to military orders shall be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he or she is currently enrolled, shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.

(3) A person whose domicile is in a county of another state lying immediately adjacent to Montgomery County, or whose place of residence is within thirty (30) miles of Austin Peay State University

shall be classified out-of-state but shall not be required to pay out-of-state tuition at Austin Peay State University.

(4) A person whose domicile is in Mississippi County, Arkansas, or either Dunlin County or Pemiscot County, Missouri and who is admitted to Dyersburg State Community College shall not be required to pay out-of-state tuition.

(5) 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)

(6) Part-time students who are not domiciled in this State but who are employed full-time in the State, or who are stationed at Fort Campbell pursuant to military orders, 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.

(7) Military personnel and their spouses stationed in the State of Tennessee 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. This provision shall not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.

(8) 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)

(9) Active-duty military personnel who begin working on a college degree at a TBR institution while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degrees, can continue to completion of the degrees at that same institution without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.

(10) 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.

(11) 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.

V. HONORS PROGRAMS

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

VI. PRESUMPTION

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.

VII. EVIDENCE TO BE CONSIDERED FOR ESTABLISHMENT OF DOMICILE

If a person asserts that he or she has established domicile in this State he or she has the burden of proving that he or she has 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 he or she believes will sustain his or her 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.

VIII. APPEAL

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 such institution by which a student may appeal his or her initial classification.

IX. EFFECTIVE DATE FOR RECLASSIFICATION

If a student classified out-of-state applies for in-state classification and is subsequently so classified, his or her in-state classification shall be effective as of the date on which reclassification was sought. However, out-of-state tuition will be charged for any quarter 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 quarter or semester.

X. EFFECTIVE DATE

These regulations supersede all regulations concerning classification of persons for fees and tuition and admission purposes previously adopted by the State Board of Regents, and having been approved by the Governor, become effective July 1, 1983, or upon their becoming effective pursuant to the provisions of T.C.A. Section 4-5-101 et seq. as amended.

Source: SBR 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.

Application for Tennessee Residency for Fee-Paying Purposes

Directions: Please read the regulations below and all of the questions carefully before completing the application. Space is provided on the last page for you to elaborate further on your reasons for seeking in-state classification for fee-paying purposes. The more complete an explanation you provide the more efficiently a decision will be rendered. Complete and return this application to the College of Graduate Studies, MTSU Box 42, Middle Tennessee State University, Murfreesboro, TN 37132. It is advisable to file this application at least one (1) month prior to your enrollment. Make a copy of this application for your personal records.

MTSU ID # or SSN: _____ Residency application for term: _____

Status: Full-time student Part-time student

Home phone number: _____

Work phone number: _____

A. GENERAL INFORMATION

Full legal name _____
Last First Middle Maiden

Present mailing address _____
Street/Number City State Zip

Length of time at this address: _____ Years _____ Months / Own Rent Other _____
(Documentation: photocopy of deed, lease, or other public records)

Permanent mailing address _____
Street/Number City State Zip

Length of time at this address: _____ Years _____ Months / Own Rent Other _____
(Documentation: photocopy of deed, lease, or other public records)

Date and place of birth _____
Date City County State Country

Have you resided in Tennessee continuously since birth? Yes No

If you answered No to question 5, state when and why you moved to Tennessee: _____

Do you attend or have you previously been enrolled at Middle Tennessee State University? Yes No

If Yes, give dates: From _____ to _____

Are you a citizen of the U.S.? Yes No If No, permanent resident or visa type _____

Are you registered to vote in the U.S.? Yes No If Yes, in which state are you registered? _____

B. AUTOMOBILE

Do you have a driver's license? Yes No If Yes, what state issued the license? _____

Driver's license number _____

Do you own an automobile Yes No

If Yes, in what state is your automobile registered? _____ Expiration date _____
(Documentation: Photocopy of auto registration)

C. PARENTAL INFORMATION

Did either parent or guardian claim you as a dependent on his/her most recent income tax return? Yes No

(Documentation: Photocopy of address and dependent sections of tax form)
If you answered No, skip to section D, "Employment."

Father's name _____
Last First Middle

Father's address _____
Street/Number City State Zip

Mother's name _____
Last First Middle

Mother's address _____
(if different than father's) Street/Number City State Zip

D. EMPLOYMENT

Are you presently employed? (may be full-time or a combination of employers to meet the requirement) Yes No

If Yes, number hours worked each week _____

If Yes, employer's name _____

Employer's location _____ Starting Date _____
(Documentation: Original copy of letter from employer(s) on official stationery which verifies the above information)

E. MILITARY

Have you served or do you presently serve as an active member of the U.S. Military? Yes No

Date of entry: _____

Date of separation from active duty: _____

If currently on active duty, what is your legal state of residence as maintained by your branch of service? _____
(Documentation: Letter from personnel officer stating home of record)

Address given at time of discharge of release (mailing address on DD-214): _____

Street/Number City State Zip
(Documentation: Photocopy of DD Form 214)

F. MARITAL

(Documentation: Photocopy of marriage license, spouses TN Driver License, tax records)

Spouse's name _____
Last First Middle

Social Security Number _____

Date of marriage _____ Place of marriage _____
City/State

Has your spouse lived in Tennessee continuously since birth? Yes No

If No, when did spouse establish his/her most recent residence in Tennessee? Month _____ Year _____

Is spouse a citizen of the U.S.? Yes No If No, is spouse a permanent resident or visa type _____

For what reason(s) did spouse come to Tennessee? _____

Does spouse now attend or have they previously been enrolled at MTSU? Yes No

If Yes, give dates: From _____ to _____

G. EXPLANATION OF RESIDENCY REQUEST

What is the basis for your claim to be a resident for fee-paying purposes while attending Middle Tennessee State University? Using the regulations on page one of this application, please specify which regulation applies to your specific situation. Attach additional sheets if needed.

This application will not be processed unless dated and signed:

My signature below is to certify to the correctness and completeness of the information supplied. I further indicate that I understand that the University may contact any of the persons referred to above for the purpose of obtaining additional pertinent information, and that I further understand that any false information provided in the foregoing statements will disqualify me from being considered a resident of Tennessee and that I may be required to withdraw from the University.

Signature of applicant _____ Date _____