

**RULES
OF
THE TENNESSEE BOARD OF REGENTS
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE**

SYSTEMWIDE STUDENT RULES

**CHAPTER 0240-02-02
CLASSIFYING STUDENTS IN-STATE AND OUT-OF-STATE**

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0240-02-02-.01 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.

Authority: T.C.A. § 49-8-104. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.

0240-02-02-.02 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 (18) 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 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.
- (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

(Rule 0240-02-02-.02, continued)

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.

Authority: T.C.A. §§ 49-8-104 and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed August 11, 2004; effective December 29, 2004.

0240-02-02-.03 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 unemancipated person is that of his or her parent, except as provided in paragraph (5) of this rule.
- (4) Unemancipated students of divorced parents shall be classified as "in-state" when one (1) parent, regardless of custodial status, is domiciled in Tennessee, except as provided in paragraph (5) of this rule.
- (5) A student is classified "in-state" for fee and tuition purposes if the student is a citizen of the United States, has resided in Tennessee for at least one (1) year immediately prior to admission and has:
 - (a) Graduated from a Tennessee public secondary school;
 - (b) Graduated from a private secondary school that is located in this state; or
 - (c) Earned a Tennessee high school equivalency diploma.
- (6) The spouse of a student classified as "in-state" shall also be classified as "in-state", subject to the requirements of Tennessee Code Annotated, Title 4, Chapter 58.

Authority: T.C.A. §§ 49-8-104 and 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed August 11, 2004; effective December 29, 2004. Emergency rule filed August 4, 2014; effective through January 31, 2015. Amendment filed August 4, 2014; effective November 1, 2014.

0240-02-02-.04 OUT-OF-STATE STUDENTS WHO ARE NOT REQUIRED TO PAY OUT-OF-STATE TUITION.

- (1) An unemancipated, 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.

(Rule 0240-02-02-.04, continued)

- (2) An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and stationed in the 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 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) 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.
- (5) Military personnel and their spouses stationed in the State of Tennessee who would 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.
- (6) Any dependent child who qualifies and is selected to receive a scholarship under the Dependent Children Scholarship Act (T.C.A. § 49-4-704) because his or her 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 employment, shall not be charged out-of state tuition.
- (7) Students who are selected to participate in the institutions' Honors programs.
- (8) 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.
- (9) 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)
- (10) 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 degrees at that same institution without being required to pay out-of-state tuition, as long as he or she completes at least one (1) course of 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.
- (11) Students who participate in a study-abroad program, when the course(s) in the study-abroad program is/are the only course(s) for which the student is registered during that term, shall not be required to pay out-of-state tuition.

(Rule 0240-02-02-.04, continued)

- (12) 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.
- (13) A veteran enrolled in any Tennessee Board of Regents (TBR) institution of higher education in this state shall not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:
 - (a) Has not been dishonorably discharged from a branch of the United States armed forces or the National Guard;
 - (b) Is eligible for Post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - (c) Enrolls in the TBR institution, after satisfying all admission requirements, within twenty-four (24) months after the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.
- (14) To continue to qualify for in-state tuition and fees under paragraph (13), a veteran shall:
 - (a) Maintain continuous enrollment as defined by the TBR institution at which the veteran is enrolled; and
 - (b) Within one (1) year of enrolling in the TBR institution:
 - 1. Register to vote in this state; or
 - 2. Demonstrate by objective evidence intent to be a resident of this state by obtaining at least two (2) of the following:
 - (i) A Tennessee driver license;
 - (ii) A Tennessee motor vehicle registration;
 - (iii) Proof of established employment in the state; or
 - (iv) Other documentation clearly evidencing domicile or residence in the state, as determined by the Tennessee Higher Education Commission.

Authority: T.C.A. §§ 49-8-104 and 49-8-203 and Public Chapter No. 612, Tennessee Veterans Education Transition Support Act. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 29, 1986; effective October 29, 1986. Amendment filed July 29, 1988; effective October 29, 1988. Amendment filed February 8, 1989; effective May 29, 1989. Amendment filed August 7, 1995; effective December 29, 1995. Amendment filed August 11, 2004; effective December 29, 2004. Emergency rule filed August 4, 2014; effective through January 31, 2015. Amendments filed August 4, 2014; effective November 1, 2014.

0240-02-02-.05 PRESUMPTION. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in the 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.

Authority: T.C.A. § 49-8-104. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Repeal and new rule filed August 11, 2004; effective December 29, 2004.

0240-02-02-.06 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 providing 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.

Authority: T.C.A. § 49-8-104. **Administrative History:** Repeal of all rules by Public Chapter 261; effective: July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.

0240-02-02-.07 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.

Authority: T.C.A. § 49-8-104. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.

0240-02-02-.08 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.

Authority: T.C.A. § 49-8-104. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.

0240-02-02-.09 EFFECTIVE DATE. These regulations supersede all regulations concerning classification of persons for fees and tuition and admission purposes previously adopted by the Board of Regents and having been approved by the Governor, become effective on July 1, 1983, or upon their becoming effective pursuant to the provisions of T.C.A. §49-5-101 et seq. as amended.

Authority: T.C.A. § 49-8-106. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983.