

**RULES
OF
THE UNIVERSITY OF TENNESSEE
(ALL CAMPUSES)**

**CHAPTER 1720-01-01
CLASSIFYING STUDENTS IN-STATE AND OUT-OF-STATE**

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1720-01-01-.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: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and T.C.A. § 49-9-105. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

1720-01-01-.02 DEFINITIONS. Wherever used in these regulations:

- (1) “Public higher education 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 or having established 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 are no longer under any legal obligation to support or maintain such 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 emancipated person.
- (6) “Continuous enrollment” or “continuously enrolled” shall mean enrollment at a public higher educational institution or institutions of this State as a full-time student, as such term is defined by the governing body of said public higher education 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

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enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed "continuous." Enrollment shall 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.

- (7) "U.S. Armed Forces" shall mean the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.
- (8) "Veteran" means:
 - (a) a former member of the U.S. Armed Forces; or
 - (b) a former or current member of a reserve or Tennessee national guard unit who was called into active military service of the United States, as defined in Tennessee Code Annotated § 58-1-102.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and T.C.A. § 49-9-105. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 19, 1995; effective February 28, 1996. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

1720-01-01-.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 fee and tuition purposes and for admission purposes.
- (3) The domicile of an unemancipated person is that of his or her parent, except as provided in paragraph (4) of this Section .03. Unemancipated students of divorced parents shall be classified "in-state" when one (1) parent, regardless of custodial status, is domiciled in Tennessee, except as provided in paragraph (4) of this Section .03.
- (4) A student shall be classified as "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 Tennessee; or
 - (c) Earned a Tennessee high school equivalency diploma.
- (5) The spouse of a student classified as "in-state" shall also be classified "in-state."
- (6) All classifications shall be subject to the Eligibility Verification for Entitlements Act, Tennessee Code Annotated § 4-58-101 *et seq.*

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee 1807, Chapter 64. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 19, 1995; effective February 28, 1996. Repeal and new rule filed March 27, 2015; effective August 25, 2015.

1720-01-01-.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.
- (2) An unemancipated person whose parent is not domiciled in this State but is a member of the armed forces and 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. 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) 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.
- (4) A member of the U.S. Armed Forces on active duty for more than thirty (30) days and who has a permanent duty station in the State of Tennessee (or the spouse or dependent child of such a member) who should 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 continue to apply to such a member, spouse, or dependent child while continuously enrolled at that public higher education institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.
- (5) A person who is domiciled in the Kentucky counties of Fulton, Hickman, or Graves shall be classified out-of-state and shall not be required to pay out-of-state tuition at The University of Tennessee at Martin if qualified for admission. This exemption is on condition that Murray State University in Murray, Kentucky, continues to admit Tennessee residents from selected Tennessee counties to enroll at that institution without payment of out-of-state tuition.
- (6) Any dependent child not domiciled in Tennessee but 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 be classified out-of-state but shall not be required to pay out-of-state tuition.
- (7) A veteran, or any individual entitled to the veteran's educational benefits, enrolled in any public 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 or the eligible individual:
 - (a) Is eligible for post-9/11 GI Bill benefits or Montgomery GI Bill benefits; and
 - (b) Enrolls in a public institution of higher education, after satisfying all admission requirements, within three (3) years 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.

(Rule 1720-01-01-.04, continued)

To continue to qualify for in-state tuition and fees after three (3) years have passed from 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, a veteran or eligible individual shall:

- (a) Maintain continuous enrollment (as defined by the public institution of higher education in which the veteran is enrolled); and
- (b) Demonstrate objective evidence of established residency in this State by presenting at least two (2) of the following:
 1. Register to vote in the State of Tennessee; or
 2. Demonstrate by objective evidence intent to be a resident of the State of Tennessee by obtaining at least two (2) of the following:
 - (i) Proof of voter registration in this State;
 - (ii) A Tennessee driver license;
 - (iii) A Tennessee motor vehicle registration;
 - (iv) Proof of established employment in this State; or
 - (v) Other documentation clearly evidencing domicile or residence in the state, as determined by THEC.
- (8) Students not domiciled in Tennessee but who are selected to participate in institutional undergraduate honors programs specified by the public higher education institution in which the student is enrolled shall be classified out-of-state but shall not be required to pay out-of-state tuition.
- (9) A "covered individual" under the federal Veterans Access, Choice, and Accountability Act of 2014, Public Law 113-146, who maintains continuous enrollment at the same public institution of higher education.

Authority: T.C.A. §§ 49-7-1304, 49-7-1305, 49-9-105, 49-9-209, and 49-9-209(e); Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; 20 U.S.C. § 1015d; and 38 U.S.C. § 3679. **Administrative History:** Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 18, 1989; effective January 29, 1990. Amendment filed October 19, 1995; effective February 28, 1996. Repeal and new rule filed May 27, 2015; effective August 25, 2015. Amendments filed December 28, 2016; effective March 28, 2017.

1720-01-01-.05 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 or part-time student at any public or private higher educational institution in this State, as such status is defined by such institution.

Authority: Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and T.C.A. § 49-9-105. **Administrative History:** Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

1720-01-01-.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 proving that he or she has done so. Such a person is entitled to provide to the public higher educational institution

(Rule 1720-01-01-.06, continued)

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: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and T.C.A. § 49-9-105. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

1720-01-01-.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: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and T.C.A. § 49-9-105. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

1720-01-01-.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 semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the last day of regular registration of that semester.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; Public Acts of Tennessee, 1807, Chapter 64; and T.C.A. § 49-9-105. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Repeal and new rule filed May 27, 2015; effective August 25, 2015.

1720-01-01-.09 REPEALED.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5; and Public Acts of Tennessee 1807. Administrative History:* Original rule filed November 23, 1976; effective December 23, 1976. Repeal filed May 27, 1986; effective August 12, 1986.