



Category
Classifying Students In-State or Out-of-State for the Purpose of Paying Fees and Tuition – 3:05:01:00
Approval
President’s Council Approved: May 24, 2016
Effective Date/Approved: May 24, 2016
Revised: January 12, 2009; May 24, 2016
Responsible Party: Vice President for Student Affairs

The following rules apply when determining whether students shall be classified “in-state” or “out-of-state” for fees and tuition purposes and for admissions purposes.

A. Definitions – Whenever used in these regulations:

1. Motlow State Community College is the institution designated when *institution* is referenced.
2. “Residence” shall mean continuous physical presence and maintenance of a dwelling place within Tennessee, provided that absence from Tennessee 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 just 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 of such un-emancipated person.
6. “Continuous enrollment” shall mean enrollment at Motlow State Community College as a full-time student, as such term is defined by the beginning of the period for which continuous enrollment is claimed. Such person need not enroll in summer 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, at Motlow State Community College.

B. Rules for determination of status

1. Every person having his or her domicile in Tennessee shall be classified “in-state” for fee and tuition purposes and for admission purposes.
2. Every person not having his or her domicile in Tennessee shall be classified “out-of-state” for said purposes.
3. The domicile of an un-emancipated person is that of his or her parent, except as provided in number 5 of this rule.

4. Un-emancipated students of divorced parents shall be classified "in-state" when one parent, regardless of custodial status, is domiciled in Tennessee, except as provided in number 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 in Tennessee; 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 T.C.A. Title 4, Chapter 58.

C. 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 Tennessee, move from Tennessee. However, such student shall not be required to pay out-of-state tuition nor be treated as an out-of-state student for admissions purposes so long as his or her enrollment at Motlow State Community College shall be continuous.
2. An un-emancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee 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 if his or her parent thereafter is transferred on military orders.
3. Part-time students, who are not domiciled in Tennessee but who reside in Tennessee and are employed full-time in Tennessee 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. (Part-time students are those classified as such by Motlow State Community College.)
4. Military personnel and their spouses stationed in 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 Tennessee primarily for education purposes.
5. 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.
6. 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.
7. 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.
8. Students who are domiciled out-of-state in Jackson and Madison Counties in Alabama (up to 3% of the full-time equated enrollment) are not required to pay out-of-state tuition at Motlow State Community College.
9. Students who are domiciled out-of-state in Limestone County in Alabama are not required to pay out-of-state tuition at Motlow State Community College.
10. 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.
11. A veteran enrolled in any TBR institution of higher education in Tennessee 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 Motlow State Community College, after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's DD Form 214, or an equivalent document.

- d. To continue to qualify for in-state tuition and fees, a veteran shall:
 1. Maintain continuous enrollment as defined by Motlow State Community College; and
 2. Demonstrate objective evidence of established residency in Tennessee by presenting at least two (2) of the following:
 - i. Proof of voter registration in the state,
 - ii. A Tennessee driver license,
 - iii. A Tennessee motor vehicle registration,
 - iv. Proof of established employment in the state, or
 - v. Other documentation clearly evidencing domicile or residence in the state, as determined by the Tennessee Higher Education Commission.
12. Students who are domiciled out-of-state and who are selected in the Motlow State Community College Honors Program are not required to pay out-of-state tuition. Formal selection and satisfactory continuance in the Honors Program are required in order to waive the out-of-state tuition.

D. Presumption

Unless the contrary appears from clear and convincing evidence, it shall be presumed that any emancipated person does not ~~require~~ acquire domicile in Tennessee while enrolled as a full-time student at Motlow State Community College, as such status is defined by Motlow State Community College.

E. Evidence to be considered for establishment of domicile

If a person asserts that he or she established domicile in Tennessee, he or she has the burden of proving that he or she has done so. Such a person is entitled to provide to Motlow State Community College, any and all evidence which he or she believes will sustain his or her burden of proof. Motlow State Community College will consider any and all evidence, provided to the Director of Admissions, 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.

F. Appeal

The Director of Admissions shall be responsible for initially classifying students "in-state" or "out-of-state." A student may appeal his or her initial classification to the Dean of Students through the Office of Student Affairs.

G. 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 Director of Admissions on or before the last day of registration for that semester.