

# **RESIDENCE STATUS FOR TUITION PURPOSES**

## **Definition of In-State Residency**

The North Carolina School of the Arts defines “in-state residency” when referring to an academic program and/or tuition rate, as outlined and defined in North Carolina General Statute 116-143.1. The term is defined in detail in “A Manual to Assist the Public Higher Education Institutions of North Carolina in the Matter of Student Residence Classification for Tuition Purposes.” This manual may be found in most North Carolina libraries and/or any admissions or financial aid offices at any of the 16 constituent campuses of the University of North Carolina. The basis for determining the appropriate tuition charge rests upon whether a student is a resident or nonresident for tuition purposes. Each student must make a statement as to the length of his or her residency in North Carolina, with assessment by the institution of that statement to be conditioned by the following.

## **Residence**

To qualify as a resident for tuition purposes, a person must become a legal resident and remain a legal resident for at least 12 months immediately prior to classification. Thus, there is a distinction between legal residence and residence for tuition purposes. Furthermore, 12 months legal residence means more than simple abode in North Carolina. In particular it means “maintaining a domicile (permanent home of indefinite duration) as opposed to maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.” The burden of establishing facts which justify classification of a student as a resident entitled to in-state tuition rates is on the applicant for such classification, who must show his or her entitlement by the preponderance (the greater part) of the residentiary information.

## **Initiative**

Being classified a resident for tuition purposes is contingent on the students seeking such status and providing all information that the institution may require in making the determination. Admissions office staff members are eager to assist students who desire to discuss and/or initiate action which may allow an applicant to be considered for “in-state status for tuition purposes.”

## **Parents’ Domicile**

If an individual, irrespective of age, has living parent(s) or court-appointed guardian of the person, the domicile of such parent(s) or guardian is, prima facie, the domicile of the individual; but this prima facie evidence of the individual’s domicile may or may not be sustained by other information. Further non-domiciliary status of parents is not deemed prima facie evidence of the applicant child’s status if the applicant has lived (though not necessarily legally resided) in North Carolina for the five years preceding enrollment or re-registration.

## **Effect of Marriage**

Marriage alone does not prevent a person from becoming or continuing to be a resident for tuition purposes, nor does marriage in any circumstance ensure that a person will become or continue to be a resident for tuition purposes. Marriage and the legal residence of one’s spouse are, however, relevant information in determining residentiary intent. Furthermore, if both a husband and his wife are legal residents of North Carolina and if one of them has been a legal

resident longer than the other, then the longer duration may be claimed by either spouse in meeting the 12-month requirement for in-state tuition status.

### **Military Personnel**

A North Carolinian who serves outside the state in the armed forces does not lose North Carolina domicile simply by reason of such service. Students from the military may prove retention or establishment of residence by reference, as in other cases, to residency acts accompanied by residential intent.

In addition, a separate North Carolina statute affords tuition rate benefits to certain military personnel and their dependents even though not qualifying for the in-state tuition rate by reason of 12 months legal residence in North Carolina. Members of the armed services, while stationed in and concurrently living in North Carolina, may be charged a tuition rate lower than the out-of-state tuition rate to the extent that the total of entitlements for applicable tuition costs available from the federal government, plus certain amounts based under a statutory formula upon the in-state tuition rate, is a sum less than the out-of-state tuition rate for the pertinent enrollment. A dependent relative of a service member stationed in North Carolina is eligible to be charged the in-state tuition rate while the dependent relative is living in North Carolina with the service member and if the dependent relative has met any requirement of the Selective Service System applicable to the dependent relative. These tuition benefits may be enjoyed only if the applicable requirements for admission have been met; these benefits alone do not provide the basis for receiving those derivative benefits under the provisions of the residence classification statute reviewed elsewhere in this summary.

### **Grace Period**

If a person (1) has been a bona fide legal resident, (2) has consequently been classified a resident for tuition purposes, and (3) has subsequently lost North Carolina legal residence while enrolled at a public institution of higher education, that person may continue to enjoy the in-state tuition rate for a grace period of 12 months measured from the date on which North Carolina legal residence was lost. If the 12 months ends during an academic term for which the person is enrolled at a state institution of higher education, the grace period extends, in addition, to the end of that term. The fact of marriage to one who continues domiciled outside North Carolina does not by itself cause loss of legal residence, marking the beginning of the grace period.

### **Minors**

Minors (persons under 18 years of age) usually have the domicile of their parents, but certain special cases are recognized by the residence classification statute in determining residence for tuition purposes.

(a) If a minor's parents live apart, the minor's domicile is deemed to be North Carolina for the time period(s) that either parent, as a North Carolina legal resident, may claim and does claim the minor as a tax dependent, even if other law or judicial act assigns the minor's domicile outside North Carolina. A minor thus deemed to be a legal resident will not, upon achieving majority before enrolling at an institution of higher education, lose North Carolina legal residence if that person (1) upon becoming an adult "acts, to the extent that the person's degree of actual emancipation permits, in a manner consistent with bona fide legal residence in North

Carolina” and (2) “begins enrollment at an institution of higher education not later than the fall academic term next following completion of education prerequisite to admission at such institution.”

(b) If a minor has lived for five or more consecutive years with relatives (other than parents) who are domiciled in North Carolina and if the relatives have functioned during this time as if they were personal guardians, the minor will be deemed a resident for tuition purposes for an enrolled term commencing immediately after at least five years in which these circumstances have existed. If under this consideration a minor is deemed to be a resident for tuition purposes immediately prior to his or her 18th birthday, that person on achieving majority will be deemed a legal resident of North Carolina of at least 12 months duration. This provision acts to confer in-state tuition status even in the face of other provisions of law to the contrary; however, a person deemed a resident of 12 months duration pursuant to this provision continues to be a legal resident of the state only so long as he or she does not abandon North Carolina domicile.

### **Lost but Regained Domicile**

If a student ceases enrollment at or graduates from an institution of higher education while classified a resident for tuition purposes and then both abandons and reacquires North Carolina domicile within a 12-month period, that person, if he or she continues to maintain the reacquired domicile into reenrollment at an institution of higher education, may reenroll at the in-state tuition rate without having to meet the usual 12-month durational requirement. However, any one person may receive the benefit of this provision only once.

### **Change of Status**

A student admitted to initial enrollment in an institution (or permitted to reenroll following an absence from the institutional program which involved a formal withdrawal from enrollment) must be classified by the admitting institution either as a resident or as a nonresident for tuition purposes prior to actual enrollment. A residence status classification once assigned (and finalized pursuant to any appeal properly taken) may be changed thereafter (with corresponding change in billing rates) only at intervals corresponding with the established primary divisions of the academic year.

### **Transfer Students**

When a student transfers from one North Carolina public institution of higher education to another, he or she is treated as a new student by the institution to which he or she is transferring and must be assigned an initial residence status classification for tuition purposes.

### **Additional Information**

For additional information contact the Offices of Admissions, Registrar or Student Financial Aid at the North Carolina School of the Arts or refer to North Carolina General Statute 116-143.1.