

### **3.18 IN-STATE/OUT-OF-STATE STATUS OF ENROLLED STUDENTS**

#### **3.18.1 Purpose**

This policy establishes criteria and guidelines to assist institutional officials in the classification of postsecondary students as in-state or out-of-state students in accordance with [70 O.S. § 3218.2](#), which authorizes the State Regents to set tuition and fees charged at public institutions.

#### **3.18.2 Determination of Residency**

As part of the admissions process, institutions are responsible for determining students' in-state or out-of-state status consistent with this policy.

The burden of proof to establish in-state status shall be upon the student. Since residence or domicile is a matter of intent, each case will be judged on its own merit by the appropriate administrative official(s) consistent with this policy.

- A. Attendance at a postsecondary educational institution, albeit a continuous and long-term experience, does not establish in-state status. Therefore, a student neither gains nor loses in-state status solely by attendance.
- B. Students attending an Oklahoma college or university may perform many objective acts, some of which are required by law (i.e. payment of taxes), and all of which are customarily done by some out-of-state students who do not intend to remain in Oklahoma after graduation, but are situational and necessary or voluntary (i.e. registering to vote, obtaining a driver's license). These acts and declarations alone are insufficient evidence of intent to remain in Oklahoma beyond the college experience.
- C. An out-of-state student attending an Oklahoma college or university on more than a half-time basis is presumed to be in the state primarily for educational purposes.
- D. An individual is not deemed to have acquired in-state status until they have been in the state for at least a year primarily as a permanent resident and not primarily as a student and have established domicile. Likewise, an individual classified as in-state shall not be reclassified as out-of-state until 12 months after leaving Oklahoma to live in another state.
- E. Unless residency has been established in another state, an individual who resided in Oklahoma at the time of graduation from an Oklahoma high school and has resided in the state with a parent or legal guardian for two years prior to graduation from high school will be eligible for in-state status, and as provided in this policy.
- F. Each spouse in a family shall establish his or her own status on a separate basis. Exceptions include the following: when an out-of-state status individual marries a person with in-state status, the out-of-state individual may be considered in-state after documentation of the marriage and proof of domicile are satisfied without the 12-month domiciliary waiting period, and as provided in this policy.
- G. Initial classification as out-of-state shall not prejudice the right of a person to be reclassified thereafter for following semesters or terms of enrollment as in-state provided that they establish domicile as defined in this policy. Institutions must establish procedures for students to appeal out-of-state status classification.
- H. Institutions may, but are not required, to waive out-of-state tuition (also known as Nonresident Tuition Waiver) in accordance with current State Regents' Tuition and Fees policy that allows any institution in the State System to waive a portion

of the out-of-state tuition, which amount shall not exceed the difference between out-of-state tuition and the amount paid by in-state students.

- I. When a student transfers from one institution to another, the institution to which the student transfers is not bound by the in-state or out-of-state classification previously determined and may request documentation to determine the student's in-state or out-of-state status.

#### 3.18.3 Dependent and Independent Persons

- A. The legal residence of a dependent person is the postsecondary student's parents, or the residence of the parent who has legal custody, or the parent with whom the student habitually resides. If the student is under the care of those other than the parents, the legal residence is that of the student's legal guardian.
- B. In-state/out-of-state classifications of postsecondary students with extenuating circumstances (e.g., divorced parents with joint custody when one parent or legal guardian lives out-of-state and claimed as a dependent on a tax return, etc.) may be considered on a case-by-case basis. Guidance for administrative officers charged with classifying students will be provided in the Procedures Handbook.
- C. A dependent person may establish independent person status through circumstances including, marriage, formal court action, abandonment by parents, etc. To qualify, a dependent person must have completely separated from the parental or guardian domicile and prove that the separation is complete and permanent. Additionally, the individual must provide evidence that they are responsible for their housing and living expenses. Mere absence from the parental or guardian domicile is not proof of its complete abandonment. If an applicant can provide adequate and satisfactory evidence of independent status and domicile, they may be granted in-state status.
- D. If an independent person can provide evidence of coming to Oklahoma to establish domicile, the applicant may be granted in-state status at the next enrollment occurring after expiration of 12 months following establishment of domicile in Oklahoma.

#### 3.18.4 Documented Foreign Nationals

Documented foreign nationals may attend as postsecondary students if they have appropriate educational visas. These individuals are eligible for in-state classification if they become lawful permanent residents, have resided in Oklahoma for at least 12 consecutive months, and meet domicile requirements as provided in this policy.

Documented foreign nationals who are present in the U.S. with visas that allow full-time employment for extraordinary ability in sciences, arts, education, business, athletics, as an executive, manager, or specialist of a treaty nation company operating in the U.S. are eligible for out-of-state tuition waivers as long as they remain in full-time working status. Dependents of these documented foreign nationals who are lawfully present in Oklahoma based on the documented foreign national's visa are also eligible for out-of-state tuition waivers.

#### 3.18.5 Students Impacted by War

Students who meet the criteria for SSR established by the [US Department of Homeland Security](#), or have been given TPS by [US Citizenship and Immigration Services](#), are eligible for in-state tuition. The university DSO must provide a letter of verification to support SSR or TPS eligibility.

### 3.18.6 Foreign Service Officers and Members of the Intelligence Community

Foreign service officers (22 U.S.C. § 3903) employed by the United States Department of State and members of the intelligence community (50 U.S.C. § 3003) enrolled in a State System institution are entitled to pay in-state tuition and fees if their home residency is Oklahoma, even if they permanently work abroad to fulfill their duties. Spouses and dependent children of foreign service officers and members of the intelligence community are also eligible for in-state tuition. See 20 U.S.C. § 1015d.

### 3.18.7 Uniformed Services and Other Military Service/Training

The following section is compliant with 38 U.S.C. § 3679(c) and [70 O.S. § 3247](#).

#### A. Active Uniformed Services

The following shall be eligible for in-state status:

1. Members of the uniformed services, along with their dependent children and spouses, who provide evidence that they are on full-time active duty status of more than thirty (30) calendar days in the uniformed services stationed in Oklahoma or temporarily present through military orders. Further, when members of the armed services are transferred out-of-state, the member, their spouse and dependent children shall continue to be classified as in-state as long as they remain continuously enrolled.
2. Regardless of the residency of the student, the dependent children or spouse of a person who is currently serving as a member of the active uniformed services of the United States on full-time active duty status of more than thirty (30) calendar days for whom Oklahoma is the home of record.
3. A person who files with a State System institution at which they intend to register a letter of intent to establish residence in the state and who:
  - a. Is entitled to educational or training assistance under 38 U.S.C. § 3319 by virtue of a relationship to a person who is currently serving on active duty; and
  - b. Resides in the state while enrolled in the institution, regardless of the student's formal state of residence or the active service member's home of record.
4. Former full-time active uniformed services personnel who remain in Oklahoma after their service may retain their in-state status without the 12-month requirement if they establish domicile as provided in this policy.

#### B. Discharged or Released from Active Uniformed Service (Regardless of the Home of Record)

A student who files with a State System institution at which the student intends to register a letter of intent to establish residence in the state and who resides in the state while enrolled in the institution shall be eligible for in-state status (i.e., in-state tuition), regardless of the residency of the student or home of record, if the student:

1. Is a person who:
  - a. Was discharged or released from a period of not fewer than ninety (90) calendar days of active duty uniformed service; and
  - b. Is pursuing a course of education with educational assistance under Chapters 30, 33 or 35 of Title 38 of the United States Code.

2. Is a person who is entitled to assistance under 38 U.S.C. § 3319 by virtue of a relationship to a person who was discharged or released from a period of not fewer than ninety (90) calendar days of active duty uniformed services.
  3. Is a person who is pursuing a course of education with educational assistance under Chapter 31 of Title 38 of the United States Code.
  4. Is a member of the uniformed services, or the spouse or dependent of a member of the uniformed services, who has been stationed for more than one (1) year in Oklahoma at any time in the previous ten (10) years before the date of enrollment in the course(s) concerned.
- C. Discharged or Released from Active Uniformed Service (Oklahoma Home of Record)
- A person, or dependent children or spouse of a person, who was discharged or released from a period of not fewer than ninety (90) calendar days of active uniformed service and for whom Oklahoma is the home of record shall be eligible for in-state status.
- D. Military Reserve Member on Full-Time Active Duty
- Regardless of the residency of the student, the dependent children or spouse of a person who is currently serving as a member of the military reserve on full-time active duty of more than thirty (30) calendar days and for whom Oklahoma is the home of record shall be eligible for in-state status.
- E. Reserve Officer Training Corps
- A person who is participating in or has received a partial or full scholarship from the Air Force, Army, or the Navy/Marines ROTC shall be eligible for in-state status, even if the scholarship has ended.
- F. Oklahoma National Guard
- A person who is a current member of the Oklahoma National Guard shall be eligible for in-state status.
- G. To be eligible for in-state status as provided in this policy and to maintain eligibility, the student shall:
1. Have secured admission to and enroll full-time or part-time in a program of study; and
  2. Satisfy admission and retention standards.
- H. A student who meets the eligibility requirements for in-state status shall maintain in-state status if the student remains continuously enrolled at an institution within the State System after the student:
1. Is discharged or released from active duty service;
  2. Exhausts education assistance provided under Chapter 30, 31, 33 or 35 of Title 38 of the United States Code; or
  3. Exhausts education assistance provided under 38 U.S.C. § 3319.
- 3.18.8 Full-Time Professional Practitioner or Worker
- A U.S. citizen or lawful permanent resident who provides evidence of having come to Oklahoma to practice a profession on a full-time basis, conduct a business full time, or work on a full-time basis shall be immediately classified as in-state status along with

the individual's spouse and dependents without the 12-month domiciliary requirement so long as they continue in full-time employment capacity or until they independently establish in-state status as provided in this policy.

A full-time professional practitioner or worker who is temporarily assigned to another location but maintains domicile in Oklahoma shall be considered to have in-state status along with the practitioner's spouse and dependent children.

#### 3.18.9 Citizens of Freely Associated States

In accordance with 48 U.S.C. § 1988(b)(1)(E), citizens of the three Freely Associated States, which are the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, are eligible for out-of-state tuition waivers. Effective on July 1, 2024, for the 2024-25 award year and each award year thereafter, an institution shall not charge more than its in-state tuition rate to citizens of the three Freely Associated States.

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