

CHAPTER 5
RESIDENCY REQUIREMENTS FOR TUITION
PURPOSES AT PUBLIC COLLEGES
AND UNIVERSITIES

Authority

N.J.S.A. 18A:62-4.

Source and Effective Date

R.2001 d.254, effective July 16, 2001.
See: 33 N.J.R. 1287(a), 33 N.J.R. 2497(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 5, Residency Requirements for Tuition Purposes at Public Colleges and Universities, expires on January 12, 2007. See: 38 N.J.R. 2781(a).

Chapter Historical Note

Chapter 5, Residency Requirements for Tuition Purposes at Public Colleges and Universities, was adopted as R.1995 d.452, effective August 21, 1995. See: 27 N.J.R. 1727(a), 27 N.J.R. 3171(b).

Chapter 5, Residency Requirements for Tuition Purposes at Public Colleges and Universities, was readopted as R.2000 d.307, effective June 23, 2000. See: 32 N.J.R. 1122(a), 32 N.J.R. 3325(a).

Chapter 5, Residency Requirements for Tuition Purposes at Public Colleges and Universities, was repealed, and Chapter 5, Residency Requirements for Tuition Purposes at Public Colleges and Universities, was adopted as new rules by R.2001 d.254, effective July 16, 2001. See: Source and Effective Date.

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SUBCHAPTER 1. ELIGIBILITY FOR STATE RESIDENT TUITION

9A:5-1.1 State domicile required

(a) Domicile is defined as the place where a person has his or her true, fixed, permanent home and principal establishment, and to which, whenever he or she is absent, he or she has the intention of returning.

(b) Persons residing in New Jersey for a period of 12 months before first enrolling at a public higher education institution in this State are presumed to be domiciled in this State for tuition purposes.

(c) Persons residing in New Jersey for less than 12 months before first enrolling at a public higher education institution in this State are presumed not to be domiciled in this State for tuition purposes.

(d) Persons presumed not to be domiciled in New Jersey or persons presumed to be domiciled in New Jersey but whose domiciliary status is challenged by the institution may demonstrate domicile in New Jersey according to N.J.A.C. 9A:5-1.2.

(e) Residence established solely for the purpose of attending a particular educational institution does not constitute domicile for tuition purposes.

(f) Dependent students as defined in the rules of the Higher Education Student Assistance Authority at N.J.A.C. 9A:9-2.6 are presumed to be domiciled in the state in which their parent(s) or legal guardian(s) is domiciled. Dependent students whose parent(s) or legal guardian(s) is not domiciled in New Jersey are presumed to be in the State for the temporary purpose of obtaining an education and presumed not to be domiciled in New Jersey.

(g) A dependent student who has been determined to be eligible for State resident tuition shall continue to be eligible despite a change of domicile to another state by the student's supporting parent(s) or legal guardian(s), provided that the student continues to reside in New Jersey during each academic year of enrollment.

Case Notes

College's policy of charging undergraduate-degree holding students enrolled in undergraduate courses graduate tuition rates was constitutional; petitioner did not belong to a suspect class, MSC advanced a rational basis for implementing its policy, and the policy was not selectively enforced. *McKinnon v. Montclair State College*, 94 N.J.A.R.2d (HED) 13.

9A:5-1.2 Evidence of domicile

(a) For the purposes of N.J.A.C. 9A:5-1.1, a student may present and/or an institution may require the following as primary evidence of being domiciled in New Jersey:

1. Copies of the student's New Jersey income tax return or evidence of withholding of New Jersey income tax, and/or copies of the parent's(s') or legal guardian's(s') income tax return or evidence of withholding of income tax.

2. Evidence of ownership of or a long-term lease on a permanent residence in this State by the student or the student's parent(s) or legal guardian(s).

(b) A student may present and/or an institution may require supplementary evidence of being domiciled in New Jersey, which may include the following:

1. A New Jersey driver's license;

2. A New Jersey motor vehicle registration;
3. A New Jersey voter registration card;
4. A sworn, notarized statement from the student and/or his or her parent(s) or legal guardian(s) declaring domicile in New Jersey;
5. Any other supplementary evidence that the institution deems necessary to support the student's claim of domicile in New Jersey, including, but not limited to, evidence regarding the domicile of a student's parent(s) or legal guardian(s) for students whose domicile is determined by the institution to be with their parent(s) or legal guardian(s).

(c) If primary evidence of domicile is not available due to the loss or destruction of records or other unusual circumstances, the institution may make a determination based exclusively on supplementary evidence.

(d) In every instance, the institution shall keep with the student's records copies of the evidence it used in determining domicile pursuant to this section.

9A:5-1.3 Determination; reconsideration of initial decision

(a) The institution shall decide each case of student domicile, as defined at N.J.A.C. 9A:5-1.1(a), on the basis of evidence submitted.

(b) A student who disagrees with the institution's initial determination of domicile shall be entitled to file with the institution a request for reconsideration. The institution shall publish in appropriate official documents, such as catalogues and student handbooks, the procedures for filing such a request. An administrator who did not participate in the initial determination of domicile shall act on the reconsideration request.

(c) A student may request reconsideration of domiciliary status at any time if the student's circumstances have changed. If a request for reconsideration results in eligibility for in-State tuition, the in-State rate shall not be retroactive but shall apply to charges for the next academic term.

(d) The institution's determination of a student's domicile is final.

SUBCHAPTER 2. ELIGIBILITY FOR COUNTY RESIDENT TUITION

9A:5-2.1 Requirements

To qualify for county resident tuition at county community colleges, a student must meet the requirements of N.J.A.C. 9A:5-1 regarding State residency and domicile. In addition, a student must have permanent residency in the county or counties sponsoring the college before first enrolling at the college, as documented by a certificate of residence or such other material as the institution deems necessary.