

CHAPTER 5

RESIDENCY REQUIREMENTS FOR TUITION
PURPOSES AT PUBLIC COLLEGES AND
UNIVERSITIES

Authority

N.J.S.A. 18A:3B-15(c) and 18A:62-4.

Source and Effective Date

R.1995 d.452, effective August 21, 1995.
See: 27 N.J.R. 1727(a), 27 N.J.R. 3171(b).

Executive Order No. 66(1978) Expiration Date

Chapter 5, Residency Requirements for Tuition Purposes at Public Colleges and Universities, expires on August 21, 2000.

Chapter Historical Note

Chapter 5 was adopted as New Rules by R.1995 d.452, effective August 21, 1995. See: Source and Effective Date.

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SUBCHAPTER 1. STATE RESIDENCY

9A:5-1.1 Eligibility for New Jersey resident tuition

(a) 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 State residents for tuition purposes.

(b) A dependent student as defined in regulations of the Student Assistance Board, who has been determined to be a State resident as defined in this subchapter, shall continue to be eligible for State resident tuition status despite a change of domicile to another state by the student's supporting parent(s) or guardian(s) provided that the student maintains New Jersey residency during each academic year of enrollment.

(c) Persons presumed to be residents or those whose residency status is challenged by the institution must, at the institution's discretion, prove residency according to this subchapter.

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 Proof of residency

(a) For the purposes of N.J.A.C. 9A:5-1.1, primary evidence of residency shall include a notarized affidavit by the student stating his or her residence and either:

1. For an independent student, a copy of his or her New Jersey income tax return or evidence of withholding of said tax; or
2. For a dependent student, a copy of the parent's(s') or guardian's(s') New Jersey income tax return or evidence of withholding of said tax.

(b) If the institution requires a student to document his or her residency status pursuant to this chapter, the student shall provide, in addition to that which is specified in (a) above, as much supplementary evidence as the institution deems necessary. Supplementary evidence may include a voter registration card, a motor vehicle license and/or a registration, or such other material as the institution deems acceptable.

(c) If primary evidence of residency is not immediately available due to the loss or destruction of records, 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.

SUBCHAPTER 2. COUNTY RESIDENCY

9A:5-2.1 Eligibility for county resident tuition

To qualify as a county resident for tuition purposes at county community colleges, a student must be a State resident as defined in N.J.A.C. 9A:5-1.1 and have permanent residency in the county or counties sponsoring the college before first enrolling at the college, as documented by a certificate of residency, a voter registration card, a motor vehicle license and/or registration, or such other material as the institution deems acceptable.