

Council on Postsecondary Education State of Rhode Island

Policy Number

S-5

Policy Title

Residency Policy

Policy History

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09/16/2025 Technical Revision (OPC)

Legal Citation

R.I.G.L. § 16-59-1 et seq

Definitions

A. For the purpose of determining in-state and out-of-state classifications, the word residency shall mean domicile: the legal, documented, true and permanent home and place of habitation. For the unemancipated student, the domicile will be that of the parents and/or guardians (with the exception of individuals qualifying for federal GI Bill benefits as outlined in section B (3)). For the emancipated student, the domicile will be that of the student.

B. The term emancipated student shall mean a student who has attained the age of 18 years and whose parents and/or guardians:

1. Have entirely surrendered the right to the care, custody and earnings of such student; and
2. Have not claimed the student as a dependent for tax purposes for two years; and
3. Do not provide regular financial assistance to the student; and
4. Whose income was not taken into account by any private or governmental agency furnishing financial education assistance to the student, including scholarships, loans, or otherwise.

If any of the aforesaid tests are not met, the student shall be presumed to be unemancipated.

Policy

A. Charges for Tuition and Fees

1. A student who is a resident of the State of Rhode Island shall be classified as a "resident student" and shall pay tuition and fees prescribed by the Council on Postsecondary Education for in-state students in public higher education.

A student who is not a resident of the State of Rhode Island shall be classified as a "non-resident student" and shall pay tuition and fees prescribed by the Council on Postsecondary Education for out-of-state students in public higher education.

2. A student who is neither a U.S. citizen nor a permanent resident of the United States, and who meets the following requirements to establish Rhode Island residency, shall pay tuition and fees prescribed by the Council on Postsecondary Education for in-state students:

a. Students who and unemancipated students whose parents have been granted authorization by the U.S. Department of Homeland Security to remain in the U.S. in any status that allows him or her to establish a domicile in the U.S., and

b. Who present evidence of being domiciled in Rhode Island for at least one year as provided in Section C below.

3. Nothing in these regulations shall be construed to revoke, amend or otherwise affect any agreement relating to student tuition and fees now in effect or entered into in the future pursuant to the provisions of the New England Board of Higher Education Compact.

B. Criteria

1. Unemancipated Students

a. Any unemancipated student whose parents and/or guardians have been residents of the state for one year immediately preceding the first class day of the first semester of the student's registration in a public college shall be classified as a resident student as long as the parents and/or guardians continue to be residents of the state.

b. Any unemancipated student who initially was classified as a non-resident student may thereafter obtain re-classification only if the student's parents and/or guardians establish and maintain residence in Rhode Island for a period of at least one year prior to the first class day of the semester for which the student seeks to be re-classified as a resident student.

c. The residency of an unemancipated student, including those whose parents and/or guardians are divorced or legally separated, shall follow that of the parent or guardian who has legal custody or the parent or guardian who is responsible for the financial support of the student, whichever favors the student's request for resident student status.

d. An unemancipated student under guardianship shall be required to present satisfactory documentary evidence of the appointment of the guardian in addition to a certification of the residency of the guardian, which shall be considered the residency of the student unless there

are circumstances indicating that such guardianship was created primarily for the purpose of conferring resident student status on the student.

e. An unemancipated student whose parent or guardian is a member of the Armed Forces and stationed in the state pursuant to military orders shall be entitled to the classification as a resident student during any semester the first class day of which is encompassed by the orders.

2. Emancipated Students

a. Any emancipated student may be classified as a resident student if the student meets the following tests:

1) At the time of emancipation, the student's parents and/or guardians were residents of Rhode Island for one year immediately preceding the first class day of the first semester of the student's registration at a public college or

Having become emancipated, the student establishes and maintains residency in Rhode Island for one year immediately preceding the first day of the first semester of the student's registration at a public college; and

2) The student does not hold residency in another state or foreign country; and

3) The student is and continues to be a resident of Rhode Island.

b. Any emancipated student who initially was classified as a non-resident student may thereafter obtain re-classification as a resident student only if the student establishes and maintains residency in Rhode Island for a period of at least one year prior to the first class day of the semester for which re-classification as a resident student is being sought.

c. A student from another state or foreign country who is enrolled at a public college for more than six credits per semester shall be presumed to be in Rhode Island primarily for educational purposes and will be presumed to have not been a resident of the state during the time so enrolled. Continued presence in Rhode Island during vacation periods or occasional interruptions in the course of study will not, of itself, overcome these presumptions.

3. Active Duty Military Members, Veterans, and their Families

a. Pursuant to the reauthorization of the federal Higher Education Act of 2008 and passage of the Veterans, Access, Choice and Accountability Act of 2014, the following individuals shall be entitled to classification as a Rhode Island resident for the purpose of determining tuition and fees:

1) An active duty member or the spouse or dependent of an active duty member of any branch of the Uniformed Services who has been on active duty for a period of more than 30 days.

2) Any active duty member who is injured while on active duty and whose injuries cause him/her to be on active duty for a period of less than 30 days.

3) A veteran of the Uniformed Services who is eligible for federal GI Bill educational benefits.

4) Any other individual who is eligible for transferred federal GI Bill educational benefits or the

Fry Scholarship.

b. This determination shall apply to both undergraduate and graduate students.

c. Any qualifying individual must meet the academic and eligibility requirements of Rhode Island College or the Community College of Rhode Island and any school, college or program within those institutions to which the individual might apply. Once the qualified individual is admitted to one of those institutions, he/she may then be granted resident status for the purpose of paying tuition.

d. Any active duty member, spouse, or dependent must submit service orders demonstrating active duty status. Any veteran or otherwise qualifying GI Bill recipient must have a Certificate of Eligibility issued by the Federal Department of Veterans Affairs as the appropriate confirmation of federal GI Bill educational benefits.

e. Any active duty military service member or veteran seeking in-state tuition rates under the above listed qualifications will be eligible for consideration regardless of their state of residency. Any other qualifying individuals seeking in-state tuition status under this policy must live in the state of Rhode Island while attending the public postsecondary institution of their choosing. However, the amount of time for which an individual has resided in the state will not factor into the determination of residency status.

f. The residency officers at the institutions have the right to request additional documentation and have the authority to make the final determination whether a qualified individual ultimately qualifies for in-state tuition rates.

g. The in-state tuition rate benefit to qualified veterans, their spouses and dependents begins on July 1, 2015. Therefore, qualified veterans, and any qualified spouses and dependents are eligible for in-state tuition rates for any term of enrollment begun after July 1, 2015. Any student who enrolled prior to July 1, 2015 but meets the eligibility requirement after July 1, 2015, may apply for re-classification as an in-state student.

h. The status as a Rhode Island resident does not apply immediately to state-sponsored financial aid. In order to qualify for state-sponsored financial aid, a veteran must be a Rhode Island resident since January 1st prior to the academic year in which the applicant enrolls at an institution. The student's Free Application for Federal Student Aid (FAFSA) must be filed on or before March 1 for the year in which the student is seeking state-sponsored financial aid.

i. Students who originally apply for federal financial aid as an out-of-state student and are then re-classified as an in-state student under this policy may have their overall financial aid package adjusted in accordance with the in-state tuition rates.

C. Procedures for Institutions

1. The institutional residency officer shall classify each person accepted by a public college as a resident or non-resident student. Said classification shall be based upon all relevant information made available to the residency officer, including, but not limited to, information submitted by or on behalf of the student. The residency officer may, as a condition of registration, require such written documents and other relevant evidence as are deemed necessary or helpful to determine the residence of the applicant.

2. Any student who has been classified as a non-resident student and who claims that his or her status has changed during attendance at the institution may request the residency officer for a re-classification, submitting relevant evidence in support of this claim.

Based upon relevant evidence, the institution may request the residency officer to re-classify a student, if the student's status has changed during attendance at the institution.

If the residency officer determines that the student has become a resident, the student shall be classified as a resident student effective as of the beginning of the semester next following the determination. Decisions on classification will be communicated to the student in written form. Requests for a change of classification will not be considered more than once in any semester.

Any student who is classified as a non-resident student by the residency officer may, by filing a written request with the residency officer within thirty days of receipt of notification of the classification, appeal the residency officer's decision to the Board of Residency Review. The residency officer shall thereupon transmit the record, including a statement of the reasons for the decision to the Board of Residency Review, and the board shall decide the appeal upon the record together with such additional written information as the student may furnish or the board may require.

The Board of Residency Review shall hold an informal hearing. The decision of the Board of Residency Review shall be final.

D. Penalties

Misrepresentation of facts in order to qualify for resident student classification shall be considered cause for the recapture of back-due tuition and/or for suspension or permanent exclusion from a public college. Moreover, it may subject the student to criminal prosecution.

E. Student Success Act, R.I.G.L. §16-59-9.3

In addition to the above, in 2021 the Rhode Island General Assembly passed the Student Success Act (R.I.G.L. §16-59-9.3, effective July 12, 2021) which provides the following requirements regarding students who shall be exempt from paying out of state tuition:

Notwithstanding any other provision of the general or public laws:

(1) A student, other than a nonimmigrant alien within the meaning of 8 U.S.C. § 1101(a)(15), who meets all of the following requirements shall be exempt from paying nonresident tuition at Rhode Island public universities, colleges, or community colleges, if he or she:

- (i) Attended an approved Rhode Island high school for three (3) or more consecutive years;
- (ii) Continues to reside in the state of Rhode Island;
- (iii) Has graduated from an approved Rhode Island high school or received a high school equivalency diploma from the state of Rhode Island;
- (iv) Has filed, or will file, upon matriculation, with the Rhode Island public university, college, or community college of expected attendance, an affidavit stating that:

- (A) The student meets the requirements of subsections (1)(i) and (1)(ii) of this section; and
- (B) If the student is not a United States citizen and does not have a lawful immigration status, that the student has filed an application for lawful immigration status, or will file the application

as soon as the student is eligible to do so. The affidavit shall not require students to reveal their immigration or citizenship status.

(2) Any nonimmigrant foreign national student, who has resided in Rhode Island for three (3) years and has attended a Rhode Island high school for three (3) years, will be eligible to pay the same in-state tuition as any other Rhode Island student.

(3) Identifiable student information obtained pursuant to subsection (1) of this section shall be confidential to the extent provided by state and federal law (including the federal Family Educational Rights and Privacy Act (FERPA)). If information obtained pursuant to this section regarding a student's immigration status is provided to any agency for purposes other than the implementation of this section, the entity providing the information shall promptly notify the student.

(4) The Rhode Island council for postsecondary education shall prescribe rules and regulations as may be necessary for the implementation of this section.