



Key Message

Military dependents may lose in-state tuition classification due to the timing of reassignments or changes to the service member's military status. States can deem a dependent of a service member a resident despite changes in the service member's military status following acceptance.

Analysis

In many states, a child or spouse of an active-duty service member can lose in-state tuition for higher education if the military sponsor is assigned out of state before their dependent starts classes.

Best Practices

Arizona (Arizona Revised Statutes 15-1802)

<https://www.azleg.gov/ars/15/01802.htm>

"E. ... A spouse or a dependent child does not lose in-state student classification under this subsection if the spouse or dependent child qualifies for in-state tuition classification at the time the spouse or dependent child is accepted for admission to a community college under the jurisdiction of a community college district governing board or a university under the jurisdiction of the Arizona board of regents. ... "

California (California Education Code 68074)

https://california.public.law/codes/ca_educ_code_section_68074

"(a) A student who is a natural or adopted child, stepchild or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty is entitled to resident classification only for the purpose of determining the amount of tuition and fees.

"(b) If that member of the armed forces of the United States, whose dependent natural or adopted child, stepchild or spouse is in attendance at an institution, (1) is thereafter transferred on military orders to a place outside this state where the member continues to serve in the armed forces of the United States, or (2) is thereafter retired as an active member of the armed forces of the United States, the student dependent shall not lose his or her resident classification so long as he or she remains continuously enrolled at that institution."



New Mexico (New Mexico Statutes 21-1-4.5)

<https://codes.findlaw.com/nm/chapter-21-state-and-private-education-institutions/nm-st-sect-21-1-4-5.html>

“C. A spouse or child of an active member of the armed forces who is assigned to duty elsewhere immediately following assignment to duty in New Mexico shall be deemed an in-state resident for purposes of determining tuition fees at all state institutions of higher learning as long as the spouse or child resides continuously in New Mexico.”

Texas (Texas Education Code 54.241)

https://texas.public.law/statutes/tex._educ._code_section_54.241

“(c) The spouse or child of a member of the armed forces of the United States who has been assigned to duty elsewhere immediately following assignment to duty in Texas is entitled to pay the tuition fees and other fees or charges provided for Texas residents as long as the spouse or child resides continuously in Texas.”

Virginia (Code of Virginia 23.1-505 A)

<https://law.lis.virginia.gov/vacode/title23.1/chapter5/section23.1-505/>

“A. For the purposes of this section:

‘Date of alleged entitlement’ means the date of admission or acceptance for dependents currently residing in the commonwealth or the final add/drop date for dependents of members newly transferred to the commonwealth.”