



Tuition Equity Provision, § 23.1-506.A.10 Frequently Asked Questions (FAQs)

Updated September 2023

Classification as an in-state student

1. How can I apply for in-state tuition under the new Tuition Equity provision?

Answer: Each Virginia public college and university is responsible for determining the tuition status for its respective students. Your admissions officer should be able to direct you to the correct forms.

2. Who should complete an application for in-state tuition under this new Tuition Equity provision?

Answer: Students calling Virginia their home but otherwise unable to demonstrate legal domicile within the Commonwealth may apply under this new provision. This includes students who are undocumented, asylum seekers, DACA holders and a few others. Individuals holding any variation of an F-student, H3-trainee, J-exchange visitor or M-vocational visa are not eligible under the Tuition Equity provision. Those able to demonstrate domicile in Virginia should complete the domicile application.

3. Do I have to complete the domicile application before I can be considered under this new Tuition Equity provision?

Answer: No. There are multiple provisions for in-state tuition and students can request to be reviewed under the provision that best fits their circumstances. There is no state requirement that the student be evaluated for domicile prior to be considered under one of the exception provisions, such as the new Tuition Equity provision.

4. Will any of my information be shared?

Answer: Per state law, the personally identifiable information provided on the application is confidential and used solely to determine eligibility for in-state tuition. This information is also protected by the federal Family Educational Rights and Privacy Act (FERPA).

5. How soon can I obtain the in-state tuition rate?

Answer: The new provision became law as of July 1, 2020, and can be used for any term that begins after that date. The law cannot be used to change tuition status for any term beginning prior to July 1, 2020.

6. How can students currently classified as out-of-state have their tuition status changed to in-state?

Answer: Each college has a process called reclassification, which is how students file a request to be changed from out-of-state to in-state status. The college admissions or registrar's office will be able to direct the student to the correct form.

7. **Will colleges and universities be taking steps to let currently enrolled students who graduated from a Virginia high school, yet are currently classified as out-of-state, know about the opportunity to seek reclassification?**

Answer: For any reclassification, the responsibility to initiate the process ultimately falls on the student; however, public institutions are encouraged to take appropriate proactive steps to identify and contact potentially eligible students.

High school requirements

8. **How do I meet the high school requirement?**

Answer: The student is required to complete at least two years of high school (9th-12th grade) in Virginia. Any combination of two full years of enrollment is acceptable. The school may be public or private but must be physically located within Virginia.

9. **What if I went to high school in Virginia for two years but then graduated in another state?**

Answer: The student must meet all of the provisions in order to qualify. If high school graduation took place in another state then the student would not qualify for in-state tuition under this provision.

10. **What do I need to do if I was homeschooled?**

Answer: Home school students should provide evidence that a letter of intent was filed with the local school district superintendent for at least two years of high school.

Different from a domicile review

11. **Will students be expected to provide all of the types of information and documentation currently required to establish domicile (e.g. driver's license, voter registration, etc.)?**

Answer: This is not a domicile determination. The institution needs only to verify the specific conditions and criteria required by this new provision.

12. **Will students be asked their parents' legal immigration status in order to apply for in-state tuition?**

Answer: Under this provision, the parent's legal status is completely immaterial. The student's immigration status also is largely immaterial except that the provision is not available to students with a valid current F-student, H3-trainee, J-exchange visitor or M-vocational visa.

Tax requirements

13. **If a student's parent(s) have not filed Virginia income taxes for two years prior to the student's enrollment, can they pay two years' worth of back taxes now in order for the student to immediately qualify?**

Answer: Yes, once evidence has been provided that the parents have filed Virginia income taxes for at least two years, the student would be eligible if all other criteria are met. The requirement does not differentiate whether the tax filing was on time or a late filing.

- 14. Is an independent student who worked in Virginia and filed Virginia income taxes for two years prior to enrollment but did not owe taxes, and meets the other criteria, eligible?**

Answer: An independent student who is exempt from filing Virginia taxes because the student did not meet the minimum income threshold, and meets all other criteria, is eligible.

- 15. Is a student who filed Virginia income taxes as a minor eligible?**

Answer: If the student meets the definition of dependent student, the student must verify that a parent, legal guardian or individual standing in loco parentis has filed Virginia income taxes for at least two years. Only independent students may rely on their own Virginia income tax filing for eligibility.

Eligibility for state financial aid

- 16. Is a student qualifying under this new provision eligible to be considered for state financial aid?**

Answer: Yes. Students meeting the requirements of the Tuition Equity provision may be considered for Virginia state financial aid programs. To be considered, the student must submit a FAFSA or VASA application and meet the specific eligibility criteria for the state aid program. In most cases, eligibility and awards are determined by the institution.