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## Out-of-State Tuition at Public (State) Universities vs. Article IV

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[Timur Mustafayev](#) · 13 hours ago

This argument does not include private schools, but, as a part of their respective states' network of public institutions, do state universities and state colleges actually violate Section 2 of Article IV of the Constitution by subjecting residents of other U.S. states who are U.S. citizens to (almost always higher) out-of-state tuition? One might argue that, by asking for higher tuition, they are depriving citizens of other U.S. states from some of the "all privileges and immunities" enjoyed by their own citizens.

↑ 0 ↓ · flag



[Benjamin L Somberg](#) · 13 hours ago

The Supreme Court in *Vlandis v. Kline* ruled that it is not a violation.

↑ 0 ↓ · flag

[Timur Mustafayev](#) · 11 hours ago

The case brief at <http://www.casebriefs.com/blog/law/constitutional-law/constitutional-law-keyed-to-cohen/defining-the...> gives a slightly different argument for the *Vlandis v. Kline* case claims than one state's deprivation of citizens of other states of some "privileges and immunities" of their own citizens. At least this was initially the case. Was the argument behind the claim changed by the time the case made it to the Supreme Court?

↑ 0 ↓ · flag



[Benjamin L Somberg](#) · 3 hours ago

Timur, yes, you are correct. The Court said Connecticut was violating the out-of-states students' rights because "it provides no opportunity for students who applied from out of state to demonstrate that they have become bona fide Connecticut residents." However if you look

further down in the summary you will see that it also says: "This holding recognizes that a state has a legitimate interest in protecting and preserving the quality of its colleges and universities and the right of its own bona fide residents to attend such institutions on a preferential tuition basis. "

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Joel Kovarsky · an hour ago 🔗

There is a rather detailed syllabus for this case here: <http://www.law.cornell.edu/supremecourt/text/412/441> .

This includes all the opinions including Justice Stewart's for the majority. He concludes:

"In reviewing a claim of in-state status, the issue becomes essentially one of domicile. In general, the domicile of an individual is his true, fixed and permanent home and place of habitation. It is the place to which, whenever he is absent, he has the intention of returning. This general statement, however, is difficult of application. Each individual case must be decided on its own particular facts. In reviewing a claim, relevant criteria include year-round residence, voter registration, place of filing tax returns, property ownership, driver's license, car registration, marital status, vacation employment, etc.' **10**

Because we hold that the permanent irrebuttable presumption of nonresidence created by subsections (a)(2), (a)(3), and (a)(5) of Conn.Gen.Stat.Rev. § 10—329b (Supp.1969), as amended by Public Act No. 5, § 126 (June Sess. 1971), violates the Due Process Clause of the Fourteenth Amendment, the judgment of the District Court is affirmed. It is so ordered."

They have a more general summary as well:





" Connecticut requires nonresidents enrolled in the state university system to pay tuition and other fees at higher rates than state residents and provides an irreversible and irrebuttable statutory presumption that because the legal address of a student, if married, was outside the State at the time of application for admission or, if single, was outside the State at some point during the preceding year, he remains a nonresident as long as he is a student in Connecticut. Appellees challenge that presumption, claiming that they have a constitutional right to controvert it by presenting evidence of bona fide residence in the State. The District Court upheld their claim. Held: The Due Process Clause of the Fourteenth Amendment does not permit Connecticut to deny an individual the opportunity to present evidence that he is a bona fide resident entitled to in-state rates, on the basis of a permanent and irrebuttable presumption of nonresidence, when that presumption is not necessarily or universally true in fact, and when the State has reasonable alternative means of making the crucial determination."

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