

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

Committee: Academic and Student Affairs

Date of Meeting: September 16, 2008

Agenda Item: Proposed Amendment to Policy 2.2 State Residency Requirements (Second Reading)

Proposed
Policy Action

Approvals
Required by
Policy

Other
Approvals

Monitoring

Information

Scheduled Presenter(s):

Linda L. Baer, Senior Vice Chancellor for Academic and Student Affairs
Mike López, Associate Vice Chancellor for Student Affairs

Outline of Key Points/Policy Issues:

The current policy relies on a statute that has been repealed. The proposed amendment establishes a limited set of criteria for classification as a state resident. Conditions under which non-residents may pay the resident tuition rate are also established.

Background Information:

See the following page for the background information on the development of this policy.

Cite policy requirement, or explain why item is on the Board agenda:

This proposed amendment requires Board approval.

BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES

Second Reading

BOARD ACTION

Proposed Amendment to Policy 2.2 State Residency Requirements

1 **INTRODUCTION**

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3 The Office of the Chancellor is submitting an amendment to Policy 2.2 State Residency Requirements.
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5 **BACKGROUND**

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7 The current Board policy was approved by the Board in 1995 and has been amended only once, in 1999, to reflect a
8 statutory change. The policy establishes the basic requirements for determination of state residency by referring to
9 Minnesota Statutes 135A.031, Subd. 2. However, this provision of state statutes was repealed by the legislature in
10 2007. While it would be possible to continue referring to this statute by accessing archives on the Revisor of
11 Statutes website, it was decided to revise the policy so that determination of residency status can be made without
12 reference to external documents.
13

14 Historically, state residency status has determined the tuition rate that is paid by students, with non-residents paying
15 a higher rate than Minnesota residents. Recently, many Minnesota State Colleges and Universities have adopted a
16 policy of charging only one tuition rate, making no differentiation between residents and non-residents. Even at
17 these colleges and universities, however, determining the state of residence of individual students is still necessary
18 due to various federal and state reporting requirements and for institutional research purposes.
19

20 The revised policy includes language relating to the initial determination of residency at the time a student applies
21 for admission to a college or university, and language stating that a student's state of residency may be changed
22 under certain conditions. The policy also includes language relating to tuition rates charged to Minnesota state
23 residents and non-residents, and conditions under which non-residents of Minnesota may qualify for resident tuition
24 rates. A related System Procedure, 2.2.1, describes the process to be used in determining whether a student qualifies
25 for a change in residency status.
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27 **CONSULTATION**

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29 Consultation has occurred as follows:
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- 31 • Policy revisions developed by Task Force in January and February, 2008.
- 32 • Reviewed at Academic and Student Affairs Policy Council in February 2008.
- 33 • Planned for review and comment from faculty, students, administrators, staff, statewide student
34 associations, statewide faculty associations and other groups through system-wide constituent mailing
35 during April and May, 2008
- 36 • Reviewed at MSCF Meet and Confer - 3/6/08.
- 37 • Reviewed with Leadership Council - 5/6/08; 9/9/08.
- 38 • Reviewed at IFO Meet and Confer - 4/11/08.
- 39 • Reviewed at MSUAASF Meet and Confer - 4/25/08.
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41 **RECOMMENDED COMMITTEE ACTION**

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43 The Academic & Student Affairs Committee recommends that the Board of Trustees adopt the following motion:
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45 **RECOMMENDED MOTION**

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47 The Board of Trustees approves the proposed Amendment to Policy 2.2 State Residency Requirements.

BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES

Second Reading

BOARD POLICY

Chapter 2. STUDENTS

Section 2. STATE RESIDENCY REQUIREMENTS

2.2 State Residency Requirements

Part 1. Purpose. Determination of the state of residency of students is necessary for a variety of federal and state reporting requirements, for institutional research purposes, and in some cases, determination of the tuition to be charged to individual students. This policy provides standards for the initial classification of students as state residents or non-residents, determination of appropriate tuition charges, and the procedures to be followed in order to change the state residency status of students. **Definition of Domicile.** A person's true, fixed and permanent living place. Domicile is the place to which a person intends to return after temporary absences. A person may have only one domicile at a time.

Part 2. Classification as State Residents. Students who meet one or more of the following conditions on the date they apply for admission to a state college or university shall be classified as residents of Minnesota.

- A. Students who resided in the state for at least one calendar year immediately prior to applying for admission, or dependent students who have a parent or legal guardian residing in Minnesota on the date the students apply.
- B. Minnesota residents who can demonstrate that they were temporarily absent from the state without establishing residency elsewhere.
- C. Persons who moved to the state for employment purposes and, before moving and before applying for admission to a public postsecondary institution, accepted a full-time job in the state, or students who are spouses or dependents of such persons.

Part 2. Determination of In-State Tuition.

Subpart A. Statute. Students shall be eligible to pay in-state tuition if they meet the criteria of [Minnesota State Statute 135A.031, subd. 2.](#)

Subpart B. Demonstrating domicile. Students may establish eligibility for instate tuition by demonstrating domicile in Minnesota before the beginning of any semester or quarter. Students have the burden of proving domicile for purposes of instate tuition.

1. Students who seek to qualify for instate tuition must first meet the following threshold requirements:
 - a. Students must have resided in Minnesota for at least one calendar year immediately prior to applying for instate tuition.
 - b. Residence in Minnesota must not be merely for the purpose of attending a college or university.
2. Each of the following additional facts and circumstances will be considered when responding to a petition for instate tuition. No one of these factors is either necessary or sufficient to support a claim for instate tuition.
 - a. Continuous presence in Minnesota during period when not enrolled as a student.

- b. ~~Sources for financial support are generated within Minnesota.~~
- c. ~~Domicile in Minnesota of family, guardian, or other relatives or persons legally responsible for student.~~
- d. ~~Ownership of a home in Minnesota.~~
- e. ~~Permanent residence in Minnesota.~~
3. ~~The following circumstances, standing alone, shall not constitute sufficient evidence of domicile to affect eligibility for in-state tuition under these regulations but may be considered as part of the demonstration of the facts and circumstances listed above.~~
 - a. ~~Voting or registration for voting.~~
 - b. ~~The lease of living quarters.~~
 - c. ~~A statement of intention to acquire a domicile in Minnesota.~~
 - d. ~~Domicile of student's spouse in Minnesota.~~
 - e. ~~Automobile registration.~~
 - f. ~~Other public records, e.g., birth and marriage records.~~

Subpart C. Exceptions. ~~Individuals in the following categories shall qualify for in-state tuition rates;~~

1. ~~Graduate students appointed to graduate assistant positions.~~
2. ~~Students who qualify under a Board-approved agreement between a governmental subdivision and a college or university.~~
3. ~~Colleges and universities may adopt a policy to exempt high ability students who are in the top 15 percent of their high school class or who score above the 85th percentile on a nationally normed, standardized achievement test and who reside in states that do not have reciprocity agreements with Minnesota.~~
4. ~~Students who qualify under a college or university affirmative action program consistent with law and approved by the Chancellor or designee.~~
5. ~~Nonimmigrant Japanese students who have completed a program of study of at least one academic year at Akita campus and have been recommended by the provost for transfer to a Minnesota state college or university and who retain their legal visa status.~~
6. ~~Students who are recognized as refugees by the Office of Refugee Resettlement of the U. S. Department of Health and Human Services.~~
7. ~~Colleges and universities may adopt a policy to exempt nonimmigrant international students classified under 8., U.S.C. 1101 (a) (15) (B), (C), (D), (F), (H), (J), and (M).~~
8. ~~U.S. military personnel serving on active duty assignment in Minnesota, and their spouses and dependent children.~~

Part 3. Tuition. Students who are classified as Minnesota state residents shall be charged the resident tuition rate. Students who are residents of states with which the state of Minnesota has a reciprocity agreement shall be charged the appropriate reciprocity tuition rate. All other students shall be charged the non-resident tuition rate, unless they qualify under one of the exceptions provided in Part 4. below.

Part 4. Non-Resident Students Allowed to Pay the Resident Tuition Rate.

Subpart A. Required Exceptions. Non-residents of Minnesota who meet one or more of the following conditions shall be charged the resident tuition rate.

1. **Active Duty Military.** U.S. military personnel serving on active duty assignment in Minnesota, veterans, and their spouses and dependent children.
2. **Migrant Farmworkers.** Students who have been in Minnesota as migrant farmworkers, as defined in the Code of Federal Regulations, title 20, section 633.104, over a period of at least two years immediately before admission or readmission to a Minnesota public postsecondary institution, or students who are dependents of such migrant farmworkers.
3. **Minnesota High School Graduates.** A student who graduated from a Minnesota high school, if the student was a resident of Minnesota during the student's period of attendance at

1 the Minnesota high school and the student physically attends a Minnesota State College or
2 University.

- 3 4. **Employment-related Relocation.** Persons who were employed and were relocated to the
4 state by the person's current employer.
- 5 5. **Refugees and Asylees.** Students who are recognized as refugees or asylees by the Office of
6 Refugee Resettlement of the United States Department of Health and Human Services.

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8 **Subpart B. Discretionary Exceptions.** Non-residents of Minnesota may be charged the resident
9 tuition rate under one or more of the following exceptions.

- 10 1. **Single Tuition Rate.** With Board of Trustees approval, a college or university may adopt a
11 policy to charge one tuition rate to all students.
- 12 2. **International Students.** Colleges and universities may charge resident tuition to
13 nonimmigrant international students classified under 8, U.S.C. 1101 (a) (15) (B), (F), (H), (J),
14 and (M).
- 15 3. **Graduate Assistants.** Universities may charge resident tuition to graduate students appointed
16 to graduate assistant positions.
- 17 4. **Intergovernmental Agreements.** A college or university may have an agreement with a
18 governmental subdivision of another state to charge certain students resident tuition approved
19 by the Board of Trustees.
- 20 5. **High Ability Students.** Colleges and universities may adopt a policy to charge resident
21 tuition to high ability students who are in the top 15 percent of their high school class or who
22 score above the 85th percentile on a nationally-normed, standardized achievement test and
23 who reside in states that do not have reciprocity agreements with Minnesota.
- 24 6. **Other Categories.** With Board of Trustees approval, colleges and universities may charge
25 resident tuition to other specific categories of students.

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28 **Part 5. Appeal of Initial Residency Classification.** Each college and university policy and procedure
29 shall provide for an appeal to an appropriate college or university administrator of a decision not to
30 classify a student as a Minnesota resident as described in this policy. The administrator's decision shall
31 be final. A student whose appeal is successful shall be charged the resident tuition rate retroactive to the
32 beginning of the first term of enrollment.

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34 **Part 6. Change of Residency Status.** Under certain conditions, students who are initially classified as
35 not being Minnesota state residents may have their status changed to that of resident. The Chancellor shall
36 develop a system procedure that describes the conditions under which residency status may be changed.

Date of Implementation: 8/15/97;

Date of Adoption: 7/18/95,

Date of Subject of Revisions:

*9/17/08, Policy completely revised. New sections developed for classification of residents and non-residents,
appropriate tuition rates, exceptions and appeals. Process used to determine residency moved to a new
system procedure.*

*7/21/99, Subpart C, added number 8, regarding military personnel serving on active duty assignment in
Minnesota*

*12/18/96 Part 1 – Stricken language, Part 2A – Strict Definition of Domicile, Add Part 2C – Exceptions, Part 3
– Stricken*