ASA staff reviewed Policy 2.2 as a result of federal legislation passed in 2014. The proposed amendment adds veterans and family members eligible under the Choice Act to the list of students who qualify for resident tuition.

The proposed revision was reviewed by the Office of General Counsel, cabinet, then sent out for formal consultation and received support from the presidents, employee representative groups, student associations and campus leadership groups. All comments received from the consultation were taken into consideration.

Scheduled Presenter(s):

Toyia Younger, Associate Vice Chancellor for Student Affairs
BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES

BOARD ACTION

POLICY 2.2 STATE RESIDENCY (SECOND READING)

BACKGROUND

Board Policy 2.2 State Residency was adopted by the Board of Trustees on July 18, 1995 and implemented on August 15, 1997. The policy was last reviewed in 2013 and amended to bring Minnesota State Colleges and Universities into compliance with the Minnesota Prosperity Act of 2013. Board Policy 1A.1, Part 6, Minnesota State Colleges and Universities Organization and Administration, requires periodic review of all board policies.

The Veterans Access, Choice and Accountability Act of 2014 (“Choice Act”) provides that students who meet certain requirements shall be charged resident tuition at state colleges and universities. This federal legislation requires an amendment to Board Policy 2.2 State Residency to accommodate the additional students who qualify for resident tuition.

PROPOSED AMENDMENTS

The proposed amendments to Policy 2.2 are identified by strikethrough and underlining in the policy on the following page. The new language on page 2, lines 6 and 7 was pre-approved by the U.S. Department of Veterans Affairs and will bring MnSCU into compliance with the Choice Act.

REVIEW PROCESS

The proposed board policy revision was circulated to all presidents, employee representative groups, student associations, and campus leadership groups. The policy review was discussed with the Leadership Council. All comments received during the review process have been examined and responses sent to the commentators.

RECOMMENDED COMMITTEE ACTION

The Board of Trustees approves the recommended changes to Policy 2.2 State Residency.

RECOMMENDED BOARD MOTION

The Board of Trustees approves the recommended changes to Policy 2.2 State Residency.

Date Presented to the Board of Trustees: April 22, 2015
Date of Implementation: April 22, 2015
2.2 STATE RESIDENCY.

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.

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. Residency in the state during this period must not have been solely or primarily for the purpose of attending a college or university.

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 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 unless otherwise prohibited by applicable state or federal law or regulations.

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 college or university 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 the Minnesota high school and the student physically attends a Minnesota State College or University.

4. Employment-related relocation. Persons who were employed and were relocated to the state by the person's current employer.

5. Refugees and asylees. Students who are recognized as refugees or asylees by the Office of Refugee Resettlement of the United States Department of Health and Human Services.

6. Prosperity Act. Students, other than nonimmigrant aliens within the meaning of United States Code, title 8, section 1101, subsection (a), paragraph (15), who meet the following requirements established in Minnesota Statutes 135.043.
   a. High school attendance within the state for three or more years;
   b. graduation from a state high school or attainment within the state of the equivalent of high school graduation;
   c. in the case of a student without lawful immigration status:
      i. documentation that the student has complied with selective service registration requirements and
      ii. if a federal process exists for the student to obtain lawful immigration status the student must present the higher education institution with documentation from federal immigration authorities that the student has filed an application to obtain lawful immigration status.

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

1. Single Tuition Rate. With Board of Trustees approval, a college or university may adopt a policy to charge one tuition rate to all students.

2. International Students. Colleges and universities may charge resident tuition to nonimmigrant international students classified under 8, U.S.C. 1101 (a) (15) (B), (F), (H), (J), and (M).
3. Graduate Assistants. Universities may charge resident tuition to graduate students appointed to graduate assistant positions.

4. Intergovernmental Agreements. A college or university may have an agreement with a governmental subdivision of another state to charge certain students resident tuition approved by the Board of Trustees.

5. High Ability Students. Colleges and universities may adopt a policy to charge resident tuition to 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.

6. Other Categories. With Board of Trustees approval, colleges and universities may charge resident tuition to other specific categories of students.

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

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

Related Documents:
- Minnesota State Statutes 135A.031, subd. 2
- Procedure 2.2.1 State Residency

Policy History:
Date of Adoption: 7/18/95,
Date of Implementation: 8/15/97,

Date & Subject of Revisions:
4/22/2015, Amended Part 4, Subpart A1, by adding language reflecting current practice of charging veterans and family members the non-resident tuition rate when eligible under the Post-9/11 GI Bill, Montgomery GI Bill, or Marine Gunnery Sergeant John David Fry Scholarship.

3/19/14, Amended to add Part 4, Subpart A6, Prosperity Act

5/22/13, Amended Part 2A requires that residency in the state cannot be for the sole purpose of attending a college or university. Amended Part 4, Subpart A to provide for possible changes in future legislative or congressional action. Amended Part 4, Subpart A1 to clarify intent and simplify language.
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.

Click here for additional 2.2 HISTORY

Single underlining represents proposed new language.
Strikeouts represent existing language proposed to be eliminated.