



Minnesota State Colleges and Universities Board Policies Chapter 2 - Students

2.2 State Residency Requirements

Part 1. 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. Determination of In-State Tuition.

Subpart A. Statute. Students shall be eligible to pay in-state tuition if they meet the criteria of M.S. 135A.031, subd. 2. (You can conduct a search from this site by choosing "Retrieve a section" and typing in the statute number 135a.031)
<http://www.leg.state.mn.us/leg/statutes.htm>

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

1. Students who seek to qualify for in-state 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 in-state 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 in-state tuition. No one of these factors is either necessary or sufficient to support a claim for in-state 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.
4. 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.
5. Students who qualify under a college or university affirmative action program consistent with law and approved by the Chancellor or designee.
6. 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.
7. Students who are recognized as refugees by the Office of Refugee Resettlement of the U. S. Department of Health and Human Services.
8. 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).
9. U.S. military personnel serving on active duty assignment in Minnesota, and their spouses and dependent children.

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07/21/99, Subpart C, added number 8, regarding military personnel serving on active duty assignment in Minnesota

12/18/96 Part 1 - Stricken language, Part 2A - Strick Definition of Domicile, Add Part 2C - Exceptions, Part 3 - Stricken