

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

**Agenda Item Summary Sheet**

**Committee:** Academic and Student Affairs

**Date of Meeting:** May 22, 2013

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

- Proposed Policy Change       Approvals Required by Policy       Other Approvals       Monitoring
- Information

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

Policy amendments require Board action.

**Scheduled Presenter(s):**

Douglas Knowlton, Vice Chancellor for Academic and Student Affairs

**Outline of Key Points/Policy Issues:**

The proposed amendment clarifies the definition of state residency used for determining student eligibility to pay in-state tuition rates.

**Background Information:**

The recommended changes resulted from a scheduled five-year review. Changes were suggested through extensive consultation across the system and review by the Office of General Counsel. The first addition (lines 15-16) mirrors language that already exists in the procedure. The second addition (lines 31-32) provides for any possible future legislative or congressional actions. The third proposed change (lines 34-36) maintains the current intent and practice, clarifies the meaning and simplifies the language of this section.

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

<b>BOARD ACTION ITEM</b>
<b>PROPOSED AMENDMENT TO BOARD POLICY 2.2 STATE RESIDENCY (SECOND READING)</b>

**BACKGROUND**

The recommended changes resulted from a scheduled five-year review. Changes were suggested through extensive consultation across the system and review by the Office of General Counsel. The first addition (lines 15-16) mirrors language that already exists in the procedure. The second addition (lines 31-32) provides for any possible future legislative or congressional actions. The third proposed change (lines 34-36) maintains the current intent and practice, clarifies the meaning and simplifies the language of this section.

**RECOMMENDED COMMITTEE ACTION**

The Academic and Student Affairs Committee recommends the Board of Trustees adopt the following motion:

The Board of Trustees approves Board Policy 2.2 State Residency.

**RECOMMENDED BOARD OF TRUSTEES MOTION:**

The Board of Trustees approves Board Policy 2.2 State Residency.

*Date presented to the Board of Trustees: May 22, 2013*

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

<b>BOARD POLICY</b>
Chapter #2 Students
Section #2 State Residency

1 **2.2 State Residency**  
2

3 **Part 1. Purpose.** Determination of the state of residency of students is necessary for a variety of federal  
4 and state reporting requirements, for institutional research purposes, and in some cases, determination of  
5 the tuition to be charged to individual students. This policy provides standards for the initial  
6 classification of students as state residents or non-residents, determination of appropriate tuition charges,  
7 and the procedures to be followed in order to change the state residency status of students.  
8

9 **Part 2. Classification as State Residents.** Students who meet one or more of the following conditions  
10 on the date they apply for admission to a state college or university shall be classified as residents of  
11 Minnesota.  
12

- 13 A. Students who resided in the state for at least one calendar year immediately prior to applying for  
14 admission, or dependent students who have a parent or legal guardian residing in Minnesota on  
15 the date the students apply. Residency in the state during this period must not have been solely or  
16 primarily for the purpose of attending a college or university.  
17 B. Minnesota residents who can demonstrate that they were temporarily absent from the state  
18 without establishing residency elsewhere.  
19 C. Persons who moved to the state for employment purposes and, before moving and before  
20 applying for admission to a public postsecondary institution, accepted a full-time job in the state,  
21 or students who are spouses or dependents of such persons.  
22

23 **Part 3. Tuition.** Students who are classified as Minnesota state residents shall be charged the resident  
24 tuition rate. Students who are residents of states with which the state of Minnesota has a reciprocity  
25 agreement shall be charged the appropriate reciprocity tuition rate. All other students shall be charged the  
26 non-resident tuition rate, unless they qualify under one of the exceptions provided in Part 4. below.  
27

28 **Part 4. Non-Resident Students Allowed to Pay the Resident Tuition Rate.**  
29

30 **Subpart A. Required Exceptions.** Non-residents of Minnesota who meet one or more of the  
31 following conditions shall be charged the resident tuition rate unless otherwise prohibited by  
32 applicable state or federal law or regulations.  
33

- 34 1. ~~Active Duty Military~~ Current and Former Service Members. Current and former members  
35 of the U.S. military, personnel serving on active-duty assignment in Minnesota, veterans, and  
36 their spouses, and dependent children.  
37 2. **Migrant Farmworkers.** Students who have been in Minnesota as migrant farmworkers, as  
38 defined in the Code of Federal Regulations, title 20, section 633.104, over a period of at least  
39 two years immediately before admission or readmission to a Minnesota public postsecondary  
40 institution, or students who are dependents of such migrant farmworkers.  
41 3. **Minnesota High School Graduates.** A student who graduated from a Minnesota high  
42 school, if the student was a resident of Minnesota during the student's period of attendance at  
43 the Minnesota high school and the student physically attends a Minnesota State College or  
44 University.

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

5  
6 **Subpart B. Discretionary Exceptions.** Non-residents of Minnesota may be charged the resident  
7 tuition rate under one or more of the following exceptions.

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

25  
26 **Part 5. Appeal of Initial Residency Classification.** Each college and university policy and procedure  
27 shall provide for an appeal to an appropriate college or university administrator of a decision not to  
28 classify a student as a Minnesota resident as described in this policy. The administrator's decision shall  
29 be final. A student whose appeal is successful shall be charged the resident tuition rate retroactive to the  
30 beginning of the first term of enrollment.

31  
32 **Part 6. Change of Residency Status.** Under certain conditions, students who are initially classified as  
33 not being Minnesota state residents may have their status changed to that of resident. The Chancellor shall  
34 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*

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**POLICY CONTENT FORMAT:**

Single underlining represents proposed new language.

~~Strikeouts~~ represent existing language proposed to be eliminated.