

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES
Agenda Item Summary Sheet**

Name: Academic and Student Affairs Committee

Date: January 22, 2014

Title: Proposed Amendment to Board Policy 2.2 State Residency (First Reading)

Purpose (check one):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Proposed
New Policy or
Amendment to
Existing Policy | <input type="checkbox"/> Approvals
Required by
Policy | <input type="checkbox"/> Other
Approvals |
| <input type="checkbox"/> Monitoring /
Compliance | <input type="checkbox"/> Information | |

Brief Description:

The proposed amendment adds to the list of students who qualify for resident tuition by incorporating the language of the Prosperity Act into the policy.

Scheduled Presenter(s):

Leslie Mercer, Associate Vice Chancellor for Research, Planning and Policy

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

BOARD INFORMATION ITEM

**PROPOSED AMENDMENT TO BOARD POLICY
2.2 STATE RESIDENCY (FIRST READING)**

BACKGROUND

The Prosperity Act passed by the state legislature in 2013 provides that students who meet certain requirements shall be charged resident tuition at state colleges and universities. This legislation requires that current Board policy on resident tuition be amended to accommodate the additional students who qualify for resident tuition.

Section 1. **[135A.043] RESIDENT TUITION.**

(a) A student, other than a nonimmigrant alien within the meaning of United States Code, title 8, section 1101, subsection (a), paragraph (15), shall qualify for a resident tuition rate or its equivalent at state universities and colleges if the student meets all of the following requirements:

(1) high school attendance within the state for three or more years;

(2) graduation from a state high school or attainment within the state of the equivalent of high school graduation; and

(3) 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.

(b) This section is in addition to any other statute, rule, or higher education institution regulation or policy providing eligibility for a resident tuition rate or its equivalent to a student.

(c) The Board of Regents of the University of Minnesota is requested to adopt a policy implementing this section.

EFFECTIVE DATE. This section is effective July 1, 2013, and applies to tuition for school terms commencing on or after July 1, 2013.

RECOMMENDED COMMITTEE ACTION

This is a first reading, no action is required.

RECOMMENDED MOTION

NA

Date Presented to the Board of Trustees: January 22, 2014

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

BOARD POLICY
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
4 of federal and state reporting requirements, for institutional research purposes, and in some
5 cases, determination of the tuition to be charged to individual students. This policy provides
6 standards for the initial classification of students as state residents or non-residents,
7 determination of appropriate tuition charges, and the procedures to be followed in order to
8 change the state residency status of students.
9

10 **Part 2. Classification as State Residents.** Students who meet one or more of the following
11 conditions on the date they apply for admission to a state college or university shall be classified
12 as residents of Minnesota.
13

- 14 A. Students who resided in the state for at least one calendar year immediately prior to
15 applying for admission, or dependent students who have a parent or legal guardian
16 residing in Minnesota on the date the students apply. Residency in the state during this
17 period must not have been solely or primarily for the purpose of attending a college or
18 university.
- 19 B. Minnesota residents who can demonstrate that they were temporarily absent from the
20 state without establishing residency elsewhere.
- 21 C. Persons who moved to the state for employment purposes and, before moving and before
22 applying for admission to a public postsecondary institution, accepted a full-time job in
23 the state, or students who are spouses or dependents of such persons.
24

25 **Part 3. Tuition.** Students who are classified as Minnesota state residents shall be charged the
26 resident tuition rate. Students who are residents of states with which the state of Minnesota has a
27 reciprocity agreement shall be charged the appropriate reciprocity tuition rate. All other students
28 shall be charged the non-resident tuition rate, unless they qualify under one of the exceptions
29 provided in Part 4. below.
30

31 **Part 4. Non-Resident Students Allowed to Pay the Resident Tuition Rate.**
32

33 **Subpart A. Required Exceptions.** Non-residents of Minnesota who meet one or more of
34 the following conditions shall be charged the resident tuition rate unless otherwise prohibited
35 by applicable state or federal law or regulations.
36

- 37 1. **Current and Former Service Members.** Current and former members of the U.S.
38 military, their spouses, and dependent children.

- 1 2. **Migrant Farmworkers.** Students who have been in Minnesota as migrant
2 farmworkers, as defined in the Code of Federal Regulations, title 20, section 633.104,
3 over a period of at least two years immediately before admission or readmission to a
4 Minnesota public postsecondary institution, or students who are dependents of such
5 migrant farmworkers.
- 6 3. **Minnesota High School Graduates.** A student who graduated from a Minnesota
7 high school, if the student was a resident of Minnesota during the student's period of
8 attendance at the Minnesota high school and the student physically attends a
9 Minnesota State College or University.
- 10 4. **Employment-related Relocation.** Persons who were employed and were relocated
11 to the state by the person's current employer.
- 12 5. **Refugees and Asylees.** Students who are recognized as refugees or asylees by the
13 Office of Refugee Resettlement of the United States Department of Health and
14 Human Services.
- 15 6. **Prosperity Act.** Students, other than nonimmigrant aliens within the meaning of
16 United States Code, title 8, section 1101, subsection (a), paragraph (15), who meet the
17 following requirements established in Minnesota Statutes 135.043.
 - 18 a. High school attendance within the state for three or more years;
 - 19 b. graduation from a state high school or attainment within the state of the
20 equivalent of high school graduation; and
 - 21 c. in the case of a student without lawful immigration status: (i) documentation
22 that the student has complied with selective service registration requirements;
23 and (ii) if a federal process exists for the student to obtain lawful immigration
24 status the student must present the higher education institution with
25 documentation from federal immigration authorities that the student has filed
26 an application to obtain lawful immigration status.

27
28 **Subpart B. Discretionary Exceptions.** Non-residents of Minnesota may be charged the
29 resident tuition rate under one or more of the following exceptions.

- 30
31 1. **Single Tuition Rate.** With Board of Trustees approval, a college or university may
32 adopt a policy to charge one tuition rate to all students.
- 33 2. **International Students.** Colleges and universities may charge resident tuition to
34 nonimmigrant international students classified under 8, U.S.C. 1101 (a) (15) (B), (F),
35 (H), (J), and (M).
- 36 3. **Graduate Assistants.** Universities may charge resident tuition to graduate students
37 appointed to graduate assistant positions.
- 38 4. **Intergovernmental Agreements.** A college or university may have an agreement
39 with a governmental subdivision of another state to charge certain students resident
40 tuition approved by the Board of Trustees.
- 41 5. **High Ability Students.** Colleges and universities may adopt a policy to charge
42 resident tuition to high ability students who are in the top 15 percent of their high
43 school class or who score above the 85th percentile on a nationally-normed,
44 standardized achievement test and who reside in states that do not have reciprocity
45 agreements with Minnesota.

1 6. **Other Categories.** With Board of Trustees approval, colleges and universities may
2 charge resident tuition to other specific categories of students.
3

4 **Part 5. Appeal of Initial Residency Classification.** Each college and university policy and
5 procedure shall provide for an appeal to an appropriate college or university administrator of a
6 decision not to classify a student as a Minnesota resident as described in this policy. The
7 administrator's decision shall be final. A student whose appeal is successful shall be charged the
8 resident tuition rate retroactive to the beginning of the first term of enrollment.
9

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

Date of Adoption: 8/15/97;

Date of Implementation: 7/18/95,

Date & Subject of Revisions:

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.

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