

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

Agenda Item Summary Sheet

Name: Academic and Student Affairs Committee

Date: May 19, 2015

Title: Proposed Amendment to Policy 2.2 State Residency (Second 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:

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)

1 BACKGROUND

2
3 Board Policy 2.2 State Residency was adopted by the Board of Trustees on July 18, 1995 and
4 implemented on August 15, 1997. The policy was last reviewed in 2013 and amended to bring
5 Minnesota State Colleges and Universities into compliance with the Minnesota Prosperity Act of
6 2013. Board Policy 1A.1, Part 6, Minnesota State Colleges and Universities Organization and
7 Administration, requires periodic review of all board policies.

8
9 The Veterans Access, Choice and Accountability Act of 2014 (“Choice Act”) provides that
10 students who meet certain requirements shall be charged resident tuition at state colleges and
11 universities. This federal legislation requires an amendment to Board Policy 2.2 State Residency
12 to accommodate the additional students who qualify for resident tuition.

14 PROPOSED AMENDMENTS

15
16 The proposed amendments to Policy 2.2 are identified by strikethrough and underlining in the
17 policy on the following page. The new language on page 2, lines 6 and 7 was pre-approved by
18 the U.S. Department of Veterans Affairs and will bring MnSCU into compliance with the Choice
19 Act.

21 REVIEW PROCESS

22
23 The proposed board policy revision was circulated to all presidents, employee representative
24 groups, student associations, and campus leadership groups. The policy review was discussed
25 with the Leadership Council. All comments received during the review process have been
26 examined and responses sent to the commentators.

28 RECOMMENDED COMMITTEE ACTION

29
30 The Board of Trustees approves the recommended changes to Policy 2.2 State Residency.

32 RECOMMENDED BOARD MOTION

33
34 The Board of Trustees approves the recommended changes to Policy 2.2 State Residency.

35
36 *Date Presented to the Board of Trustees: April 22, 2015*

37 *Date of Implementation: April 22, 2015*

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

BOARD POLICY	2.2
Chapter 2. Students	
Section 2. Proposed Amendment to Policy 2.2 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
4 federal and state reporting requirements, for institutional research purposes, and in some cases,
5 determination of the tuition to be charged to individual students. This policy provides standards
6 for the initial classification of students as state residents or non-residents, determination of
7 appropriate tuition charges, and the procedures to be followed in order to change the state
8 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 applying
15 for admission, or dependent students who have a parent or legal guardian residing in
16 Minnesota on the date the students apply. Residency in the state during this period must not
17 have been solely or primarily for the purpose of attending a college or university.
18
19 B. Minnesota residents who can demonstrate that they were temporarily absent from the state
20 without establishing residency elsewhere.
21
22 C. Persons who moved to the state for employment purposes and, before moving and before
23 applying for admission to a public postsecondary institution, accepted a full-time job in the
24 state, or students who are spouses or dependents of such persons.
25

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

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

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.

- 1
2 **1.** Current and ~~F~~former ~~S~~service ~~M~~members. Current and former members of the U.S.
3 military, their spouses, and dependent children, or any persons eligible for the Post-9/11
4 GI Bill, Montgomery GI Bill, or Marine Gunnery Sergeant John David Fry Scholarship.
5
- 6 **2.** Migrant ~~F~~farmworkers. Students who have been in Minnesota as migrant farmworkers, as
7 defined in the Code of Federal Regulations, title 20, section 633.104, over a period of at
8 least two years immediately before admission or readmission to a Minnesota public
9 postsecondary college or university-institution, or students who are dependents of such
10 migrant farmworkers.
11
- 12 **3.** Minnesota ~~H~~high ~~S~~school ~~G~~graduates. A student who graduated from a Minnesota high
13 school, if the student was a resident of Minnesota during the student's period of
14 attendance at the Minnesota high school and the student physically attends a Minnesota
15 State College or University.
16
- 17 **4.** Employment-related ~~R~~relocation. Persons who were employed and were relocated to the
18 state by the person's current employer.
19
- 20 **5.** Refugees and ~~A~~asylees. Students who are recognized as refugees or asylees by the Office
21 of Refugee Resettlement of the United States Department of Health and Human Services.
22
- 23 **6.** Prosperity Act. Students, other than nonimmigrant aliens within the meaning of United
24 States Code, title 8, section 1101, subsection (a), paragraph (15), who meet the following
25 requirements established in Minnesota Statutes 135.043.
 - 26 a. High school attendance within the state for three or more years;₂
 - 27 b. graduation from a state high school or attainment within the state of the
28 equivalent of high school graduation;₂ and
 - 29 c. in the case of a student without lawful immigration status;₂
 - 30 i. documentation that the student has complied with selective service
31 registration requirements;₂ and
 - 32 ii. if a federal process exists for the student to obtain lawful immigration status
33 the student must present the higher education institution with documentation
34 from federal immigration authorities that the student has filed an application
35 to obtain lawful immigration status.

36
37 **Subpart B. Discretionary ~~E~~exceptions.** Non-residents of Minnesota may be charged the
38 resident tuition rate under one or more of the following exceptions.
39

- 40 **1.** Single ~~T~~tuition ~~R~~rate. With Board of Trustees approval, a college or university may adopt
41 a policy to charge one tuition rate to all students.
42
- 43 **2.** International ~~S~~students. Colleges and universities may charge resident tuition to
44 nonimmigrant international students classified under 8, U.S.C. 1101 (a) (15) (B), (F), (H),
45 (J), and (M).
46

- 1 3. Graduate ~~A~~ssistants. Universities may charge resident tuition to graduate students
2 appointed to graduate assistant positions.
3
- 4 4. Intergovernmental ~~A~~greements. A college or university may have an agreement with a
5 governmental subdivision of another state to charge certain students resident tuition
6 approved by the Board of ~~T~~rustees.
7
- 8 5. High ~~A~~bility ~~S~~tudents. Colleges and universities may adopt a policy to charge resident
9 tuition to high ability students who are in the top 15 percent of their high school class or
10 who score above the 85th percentile on a nationally-normed, standardized achievement
11 test and who reside in states that do not have reciprocity agreements with Minnesota.
12
- 13 6. Other ~~C~~ategories. With Board of ~~T~~rustees approval, colleges and universities may
14 charge resident tuition to other specific categories of students.
15

16 **Part 5. Appeal of Initial Residency Classification.** Each college and university policy and
17 procedure shall provide for an appeal to an appropriate college or university administrator of a
18 decision not to classify a student as a Minnesota resident as described in this policy. The
19 administrator's decision shall be final. A student whose appeal is successful shall be charged the
20 resident tuition rate retroactive to the beginning of the first term of enrollment.
21

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

26 ***Related Documents:***

- 27 • [Minnesota State Statutes 135A.031, subd. 2](#)
- 28 • [Procedure 2.2.1](#) State Residency

29 ***Policy History:***

30 *Date of Adoption: 7/18/95,*

31 *Date of Implementation: 8/15/97,*

32 ***Date & Subject of Revisions:***

33 *4/22/2015, Amended Part 4, Subpart A1, by adding language reflecting current practice of*
34 *charging veterans and family members the non-resident tuition rate when eligible under the*
35 *Post-9/11 GI Bill, Montgomery GI Bill, or Marine Gunnery Sergeant John David Fry*
36 *Scholarship.*

37 *3/19/14, Amended to add Part 4, Subpart A6, Prosperity Act*

38 *5/22/13, Amended Part 2A requires that residency in the state cannot be for the sole purpose of*
39 *attending a college or university. Amended Part 4, Subpart A to provide for possible changes in*
40 *future legislative or congressional action. Amended Part 4, Subpart A1 to clarify intent and*
41 *simplify language.*
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43
44
45
46

1
2 *9/17/08 - Policy completely revised. New sections developed for classification of residents and*
3 *non-residents, appropriate tuition rates, exceptions and appeals. Process used to determine*
4 *residency moved to a new system procedure.*

5
6 *Click here for additional 2.2 **HISTORY***

Single underlining represents proposed new language.

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