



Board Policy 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, for 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 must be classified as residents of Minnesota.

- A. They 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. They are Minnesota residents who can demonstrate that they were temporarily absent from the state without establishing residency elsewhere.
- C. They 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 they are students who are spouses or dependents of such persons.

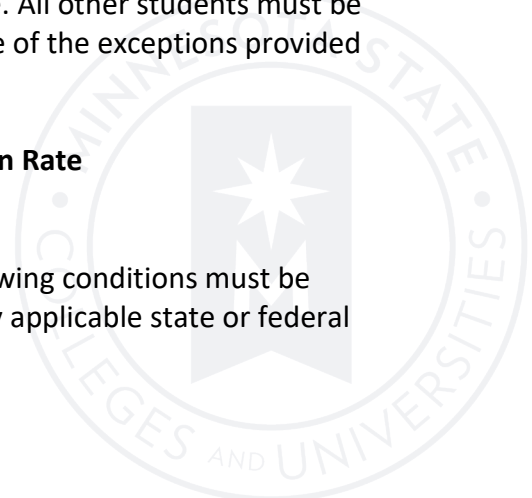
Part 3. Tuition

Students who are classified as Minnesota state residents must be charged the resident tuition rate. Students who are residents of states with which the state of Minnesota has a reciprocity agreement must be charged the appropriate reciprocity tuition rate. All other students must 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 must be charged the resident tuition rate unless otherwise prohibited by applicable state or federal law or regulations.



1. **Current and former service members.** Current and former members of the U.S. military, their spouses, and dependent children, or any persons meeting the eligibility requirements under Chapter 33 - the Post-9/11 GI Bill, Forever GI Bill – Harry W. Colmery Veterans Educational Assistance Act, Montgomery GI Bill, Chapter 31 – Vocational Rehabilitation, Chapter 35 – Survivors’ and Dependents’ Educational Assistance Program, Marine Gunnery Sergeant John David Fry Scholarship, or similar federal and state laws.
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, 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 requirements.** 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, and
 - 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 exception

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 approval, colleges or universities 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.** Colleges and universities may have an agreement with a governmental subdivision of another state to charge certain students resident tuition approved by the board.
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 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 must 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 is final. A student whose appeal is successful must 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.

Date of Adoption: 07/18/95
Date of Implementation: 08/15/97
Date of Last Review: 03/20/19

Date and Subject of Amendments:

- 3/20/19 - Amended Part 4, Subpart A1, added language to comply with federal statutes that provide educational benefits to military personnel, veterans, and their eligible family members. Technical changes were made and the new writing and formatting styles were applied to the policy.
- 5/20/15 - Amended Part 4, Subpart A1, by adding language reflecting current practice of charging veterans and family members the resident tuition rate when eligible under the Post-9/11 GI Bill, Montgomery GI Bill, or Marine Gunnery Sergeant John David Fry Scholarship.

Additional HISTORY.