



5290 A

Definitions, Residency Determination and Appeal Process

Regulation 5290 A

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I. PURPOSE

The purposes of this regulation are to define terms used in Policy 5290 and attendant regulations, to establish responsibility for determination of residency, to give parameters for residency decisions, and to establish rules for the appeal process.

II. DEFINITIONS

- A. “students of school age” means all those persons seven years of age to twenty-one years of age to whom the district is required to offer education under Minnesota law, and any person who transfers into first through twelfth grade from another district.
- B. “resident of the City of Minneapolis” shall mean all those students of school age who are determined to have their residency in the City of Minneapolis, and shall include those students who were residents of Minneapolis within the current school year but due to homelessness may have a temporary residence outside the political boundaries of the City of Minneapolis.
- C. “school day” or “school day program” shall mean the program of enrollment generally used to satisfy the compulsory instruction requirements of the State of Minnesota or to complete credits toward graduation requirements, or offered in response to authorization for early childhood education.
- D. “resides with” shall mean that the child resides in the home of the parent or guardian for at least one day each week of the school year.

III. RESIDENCY DETERMINATION

- A. The determination of residency must be decided upon the facts presented in each case.
- B. Responsibility
 - 1. To promote uniformity and equity, the responsibility for determining residency shall be placed with the district placement office staff for pre-kindergarten through grade eight students, with the principal for high school students, and with the program administrator for special education programs based on the criteria expressed in this Regulation.



2. The Superintendent, or Superintendent's designee, may, upon appeal of the applicant, reverse the decision of the district placement staff, building principal or program administrator after following the appeals process included in this regulation.
- C. If the child's connection to the school day programs of the district is limited to participation in the on-line instruction program and the child's enrollment remains with another district, the rules for tuition will be governed by the online instruction policy, regardless of the student's residency status.
- D. If the child resides with one or both parents in Minneapolis the student is a resident of the district.
- E. If the child resides in Minneapolis with a guardian or other person acting as a parent in fact and a showing is made that the child has her or his residence with the person because the child's parents are deceased, otherwise unable to substantially care for the child, the child is a resident of the district.
- F. If the child resides in Minneapolis with a person who has been appointed as guardian by a court of competent jurisdiction, the child is a resident of the district.
- G. If the child is under the guardianship of a state agency placed in a home within the district, or the child is a resident of a group home located in the district, or some similar situation, the child is a resident of the district.
- H. If the child is applying for attendance on a F-1 Student Visa, the child is not a resident of the district and tuition shall be paid.
- I. When a nonresident status for a student is determined, the parent of the child or the person claiming responsibility for the child shall be notified in writing of the decision, and whether tuition must be paid.

IV. APPEAL PROCESS

- A. The person notified that tuition must be paid for a student due to the student's residency status shall have ten (10) days to request in writing a review of such a decision by the Superintendent.



- B. Upon receiving such a timely request, the Superintendent may call for the submission of the evidence and a statement of the facts from the parties and shall issue a written decision to the parties. The Superintendent's decision may be appealed to the Board of Directors.
- C. The person appealing a residency decision of the Superintendent has ten (10) days to request in writing a review of the decision. The request shall be submitted to the chairperson of the Board of Directors, or the Board Chairperson's designee.
- D. The Board of Directors may call for a hearing, or may consider the matter on the basis of submitted written material. The Board Clerk shall issue a written statement of the Board's decision to the appellant and the Superintendent. The decision of the Board of Directors is final.

Legal References

Minn. Stat. § 120A.20 (Compulsory Education Law)
Minn. Stat. § 123B.88 (Non-resident Tuition)
Minn. Stat. § 124D.03 (Enrollment Options Program)
Minn. Stat. § 124D.06 (Specific Enrollment Options in Nonresident Districts)
Minn. Stat. § 124D.08 (School Board's Approval to Enroll in Nonresident District)
Minn. Rules 3500.1050

Cross References:

MPS Policy 3240 (Tuition Revenue – [non-school day programs])
MPS Policy 5141 (Enrollment of Non-Resident Students [Open Enrollment])
MPS Policy 5290 (Costs of Schooling)
MPS Policy 5291 (Education of Homeless Children)
MPS Policy 6222 (On Line Instruction)