



House of Representatives

General Assembly

File No. 352

January Session, 2011

Substitute House Bill No. 6390

House of Representatives, April 4, 2011

The Committee on Higher Education and Employment Advancement reported through REP. WILLIS of the 64th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10a-29 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 The following shall determine the status of a student:

4 (1) Every person having his domicile in this state shall be entitled to
5 classification as an in-state student for tuition purposes. Except as
6 otherwise provided in this part, no person having his domicile outside
7 of this state shall be eligible for classification as an in-state student for
8 tuition purposes;

9 (2) The domicile of an unemancipated person is that of his parent;

10 (3) Upon moving to this state, an emancipated person employed
11 full-time who provides evidence of domicile may apply for in-state

12 classification for such person's spouse and unemancipated children
13 after six consecutive months of residency and, provided such person is
14 not himself or herself in this state primarily as a full-time student, such
15 person's spouse and unemancipated children may at once be so
16 classified, and may continue to be so classified as long as such person
17 continues such person's domicile in this state;

18 (4) Any unemancipated person who remains in this state when such
19 person's parent, having theretofore been domiciled in this state,
20 removes from this state, shall be entitled to classification as an in-state
21 student until attainment of the degree for which such person is
22 currently enrolled, as long as such person's attendance at a school or
23 schools in this state shall be continuous;

24 (5) The spouse of any person who is classified or is eligible for
25 classification as an in-state student shall likewise be entitled to
26 classification as an in-state student;

27 (6) A member of the armed forces who is stationed in this state
28 pursuant to military orders shall be entitled to classification as an in-
29 state student;

30 (7) An unemancipated person whose parent is a member of the
31 armed forces and stationed in this state pursuant to military orders
32 shall be entitled to classification as an in-state student. The student,
33 while in continuous attendance toward the degree for which he is
34 currently enrolled, shall not lose his residence when his parent is
35 thereafter transferred on military orders; [and]

36 (8) A student that is from another state, territory or possession of the
37 United States, the District of Columbia or the Commonwealth of
38 Puerto Rico shall be classified as an in-state student, if such student (A)
39 attended for three years and graduated from a high school in this state,
40 and (B) was sponsored, housed and supported during attendance at
41 such school by a program, such as the "A Better Chance" program,
42 established as a nonprofit organization that raises charitable funds on
43 the local level for the purpose of giving students who are minority

44 students, from single parent homes or live in poverty, an opportunity
 45 to attend school in a different environment. For purposes of this
 46 subdivision, "minority student" means a student whose racial ancestry
 47 is defined as other than white by the Bureau of Census of the United
 48 States Department of Commerce; and

49 (9) In accordance with 8 USC 1621(d), a person, other than a
 50 nonimmigrant alien as described in 8 USC 1101(a)(15), shall be entitled
 51 to classification as an in-state student for tuition purposes, (A) if such
 52 person (i) resides in this state, (ii) attended any educational institution
 53 in this state and completed at least four years of high school level
 54 education in this state, (iii) graduated from a high school in this state,
 55 or the equivalent thereof, and (iv) is registered as an entering student,
 56 or is enrolled at a public institution of higher education in this state,
 57 and (B) if such person is without legal immigration status, such person
 58 files an affidavit with such institution of higher education stating that
 59 he or she has filed an application to legalize his or her immigration
 60 status, or will file such an application as soon as he or she is eligible to
 61 do so.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2011	10a-29

HED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect
Constituent Units of Higher Education	Tuition Fund - None

Municipal Impact: None

Explanation

Extending in-state tuition status to people without legal immigration status who reside in Connecticut and meet certain criteria is not anticipated to result in a fiscal impact to the constituent units of higher education.

The University of Connecticut and the Connecticut State University System have policies or the ability to adjust the ratio of in-state to out-of-state students and therefore can make charging in-state tuition to persons without legal immigration status who reside in Connecticut revenue neutral. The Regional Community-Technical Colleges currently have no such persons paying out-of-state tuition and therefore it is anticipated charging in-state tuition would result in no fiscal impact.

The Out Years

None

OLR Bill Analysis

sHB 6390

AN ACT CONCERNING ACCESS TO POSTSECONDARY EDUCATION.

SUMMARY:

This bill extends in-state tuition benefits to post secondary students without legal immigration status who reside in Connecticut and meet certain criteria. By law, with limited exceptions, eligibility for in-state tuition is based on an applicant's domicile, that is, his or her "true, fixed and permanent home" and the place where he or she intends to remain and return to when he or she leaves.

Under the bill, a person, except a nonimmigrant alien (someone with a visa permitting temporary entrance to the country for a specific purpose), qualifies for in-state tuition if he or she:

1. resides in Connecticut;
2. attended any educational institution in the state and completed at least four years of high school here;
3. graduated from a high school in Connecticut, or the equivalent; and
4. is registered as an entering student, or is currently a student at, UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

People without legal immigration status who meet the above criteria, must file an affidavit with the college stating that they have applied to legalize their immigration status or will do so as soon as they are eligible to apply. (Currently, such persons who apply for

student visas or lawful permanent resident status are subject to deportation under federal law. Thus, they are not eligible to apply to legalize their status unless federal law is amended to allow them to do so.)

By law, “resides” means continuous and permanent physical presence within the state. The establishment of residence is not affected by temporary absence for short periods of time.

EFFECTIVE DATE: July 1, 2011

BACKGROUND

Reference to Federal Law

The bill references a federal statute (8 USC § 1621(d)), which provides that an alien not lawfully present in the U.S. is eligible for certain state and local public benefits, including postsecondary education benefits, only through the enactment of a state law that affirmatively provides for such eligibility.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 11 Nay 8 (03/17/2011)