



Senate

General Assembly

File No. 545

January Session, 2015

Senate Bill No. 398

Senate, April 8, 2015

The Committee on Higher Education and Employment Advancement reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT ASSISTING STUDENTS ACCEPTED INTO THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM WITH THE COST OF COLLEGE.

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

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) In accordance with 8 USC
2 1621(d), any person who (1) has been accepted into the federal
3 government's deferred action for childhood arrivals program, and (2)
4 is entitled to classification as an in-state student for tuition purposes,
5 pursuant to section 10a-29 of the general statutes, shall be eligible to
6 apply for and receive, to the extent permitted by federal law, financial
7 assistance to attend a public institution of higher education in the state
8 pursuant to a state financial assistance program, including, but not
9 limited to, assistance from the funds set aside by a constituent unit, as
10 defined in section 10a-1 of the general statutes, from the anticipated
11 tuition revenue of the institutions of higher education under its
12 jurisdiction for purposes of providing (A) tuition waivers, (B) tuition
13 remissions, (C) grants for educational expenses, and (D) student

14 employment for residents of the state enrolled as full or part-time
15 matriculated students in a degree-granting program or enrolled in a
16 precollege remedial program and who demonstrate substantial
17 financial need.

18 (b) Not later than August 1, 2015, the Office of Higher Education
19 shall establish procedures and develop forms to enable persons who
20 are eligible for financial assistance under subsection (a) of this section
21 to apply for and participate in a state financial assistance program, to
22 the extent permitted by federal law.

23 (c) The Office of Higher Education may adopt regulations, in
24 accordance with the provisions of chapter 54 of the general statutes, to
25 carry out the purposes of this section. Such regulations shall include
26 provisions concerning eligibility and the application process for
27 financial assistance.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section

HED *Joint Favorable*

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	FY 16 \$	FY 17 \$
Constituent Units of Higher Education	Tuition Fund - See Below	See Below	See Below

Municipal Impact: None

Explanation

The bill results in the reallocation of institutional financial aid at the constituent units of higher education as it extends, to certain individuals who lack legal immigration status, eligibility for state financial assistance to attend an in-state public higher education institution. The reallocation is due to the increased number of students eligible for such aid. The aid is not deemed an entitlement. The constituent units provided approximately \$140 million in institutional financial aid in FY 14.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of students eligible for financial aid.

OLR Bill Analysis**SB 398*****AN ACT ASSISTING STUDENTS ACCEPTED INTO THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM WITH THE COST OF COLLEGE.*****SUMMARY:**

This bill extends, to certain individuals who lack legal immigration status, eligibility for state financial assistance to attend an in-state public higher education institution. The bill extends eligibility for the assistance to students who (1) have been accepted into the federal government's Deferred Action for Childhood Arrivals (DACA) program and (2) qualify for in-state tuition at the state's public colleges and universities (see BACKGROUND). Under federal law, a person without legal immigration status 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 (8 USC § 1621(d)).

Under the bill, financial assistance includes (1) tuition waivers and remissions, (2) grants for educational expenses, and (3) student employment. Such assistance is funded by public higher education institutions' tuition revenues. The bill also applies to other financial assistance programs that support attendance at a public higher education institution (e.g., the Governor's Scholarship).

The bill requires the Office of Higher Education (OHE), by August 1, 2015, to develop forms and procedures for DACA students to apply for and participate in a state financial assistance program. It allows OHE to adopt regulations to implement the bill's provisions. The regulations must address the application process and eligibility for the financial assistance.

EFFECTIVE DATE: July 1, 2015

BACKGROUND

Deferred Action for Childhood Arrivals

DACA is an initiative by the U.S. Department of Homeland Security in which the department uses its prosecutorial discretion to defer, for two years, removal proceedings against certain people who lack legal immigration status. The two-year period may be renewed.

According to the U.S. Citizenship and Immigration Service, currently a person is eligible for DACA if he or she:

1. was younger than age 31 as of June 15, 2012 and did not have legal immigration status as of that date;
2. was physically present in the U.S. (a) on June 15, 2012 and (b) at the time he or she requested deferred action;
3. came to the U.S. before turning 16 and has continuously resided in the U.S. since June 15, 2007;
4. (a) is currently in school or has graduated or obtained a high school certificate of completion or (b) is an honorably discharged veteran of the Coast Guard or U.S. Armed Forces; and
5. (a) has not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors and (b) is not otherwise a threat to national security or public safety.

In-State Tuition

By law, a person, except a nonimmigrant alien (i.e., 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 (i.e., maintains a continuous and permanent physical presence, except for short, temporary absences);

2. attended an in-state educational institution and completed at least four years of high school in Connecticut;
3. graduated from a high school or the equivalent in Connecticut; 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.

Students without legal immigration status who meet the above criteria must file an affidavit with the institution stating that they have applied to legalize their immigration status or will do so as soon as they are eligible (CGS § 10a-29(9)).

Related Bill

HB 6844, reported favorably by the Higher Education Committee, reduces, from four years to two, the number of years of high school education that a student without legal immigration status must complete in Connecticut to receive in-state tuition benefits.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 17 Nay 1 (03/24/2015)