



# Senate

General Assembly

**File No. 87**

February Session, 2016

Substitute Senate Bill No. 147

*Senate, March 21, 2016*

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 substitute bill ought to pass.

***AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS 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, 2016*) (a) In accordance with 8 USC  
2 1621(d) and for institutional financial assistance available for the  
3 semester beginning in the fall of 2017 and for each semester thereafter,  
4 any person who is entitled to classification as an in-state student for  
5 tuition purposes pursuant to section 10a-29 of the general statutes shall  
6 be eligible to apply for and receive, to the extent permitted by federal  
7 law, institutional financial assistance to attend a public institution of  
8 higher education in the state from the funds set aside by the  
9 constituent unit, as defined in section 10a-1 of the general statutes,  
10 from the anticipated tuition revenue of the institutions of higher  
11 education under its jurisdiction for purposes of providing (1) tuition  
12 waivers, (2) tuition remissions, (3) grants for educational expenses, and  
13 (4) student employment for residents of the state enrolled as full or  
14 part-time matriculated students in a degree-granting program or

15 enrolled in a precollege remedial program and who demonstrate  
16 substantial financial need.

17 (b) Not later than January 1, 2017, the Board of Regents for Higher  
18 Education and The University of Connecticut shall establish  
19 procedures and develop forms to enable persons who are eligible for  
20 institutional financial assistance under subsection (a) of this section to  
21 apply for and receive, to the extent permitted by federal law, such  
22 assistance.

23 (c) Nothing in this section is intended to require or compel a public  
24 institution of higher education to match the amount of federal student  
25 financial aid a person eligible for institutional financial assistance  
26 under subsection (a) of this section would receive if such person was  
27 eligible for such financial aid.

28 (d) The Board of Regents for Higher Education and the Board of  
29 Trustees for The University of Connecticut may adopt such policies as  
30 are necessary to carry out the purposes of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	New section

**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:*** None***Municipal Impact:*** None***Explanation***

The bill results in no fiscal impact to the constituent units of higher education as it does not alter the total amount provided for institutional aid. The bill does result in a potential redistribution of such aid to recipients.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****sSB 147*****AN ACT ASSISTING STUDENTS WITHOUT LEGAL IMMIGRATION STATUS WITH THE COST OF COLLEGE.*****SUMMARY:**

Beginning with the fall 2017 semester, this bill extends, to certain students who lack legal immigration status, eligibility for institutional financial assistance to attend an in-state public higher education institution. The bill extends eligibility for the assistance to these students, to the extent allowed by federal law, if they qualify for in-state tuition at the state's public colleges and universities (see BACKGROUND).

Under the bill, institutional financial assistance consists of (1) tuition waivers and remissions, (2) grants for educational expenses, and (3) student employment. The assistance is funded by public higher education institutions' tuition revenue and, under existing law, is available to U.S. citizens and certain "eligible noncitizens" (e.g., permanent legal residents). The bill specifies that it does not require or compel an institution to match the amount of federal student aid that students without legal immigration status would receive if they were eligible for federal student aid.

The bill requires UConn and the Board of Regents for Higher Education (BOR), by January 1, 2017, to establish procedures and develop forms to enable the newly eligible students to apply for and receive institutional financial assistance. It allows UConn and BOR to adopt any policies necessary to implement the bill.

Under federal law, a person without legal immigration status is ineligible for most state and local public benefits, including postsecondary education benefits, unless a state law affirmatively

provides for such eligibility (8 USC § 1621(d)).

EFFECTIVE DATE: July 1, 2016

## **BACKGROUND**

### ***In-State Tuition***

By law, with limited exceptions, eligibility for in-state tuition is based on an applicant's domicile, which 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 (CGS § 10a-28). One exception allows a person, except for certain nonimmigrant aliens (i.e., people with a visa permitting temporary entrance to the country for a specific purpose), to qualify for in-state tuition if he or she meets the following criteria:

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 two 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)).

## **COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 11 Nay 6 (03/03/2016)