

Department of Planning and Budget
2006 Fiscal Impact Statement

1. Bill Number SB 677

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron Senator Hanger

3. Committee Education

4. Title In-state tuition rates; prohibited for certain individuals.

5. Summary/Purpose:

This amended bill in the nature of a substitute prohibits the board of visitors or other governing body of a public institution of higher education in Virginia from authorizing in-state tuition rates for individuals who are not citizens or nationals of the United States, are unlawfully present in the United States, or do not possess a valid visa. However, any person is eligible for in-state tuition if all of the following conditions are met:

- Resided with a parent, guardian, or other person standing in loco parentis while attending public or private high school in Virginia;
- Graduated from a public or private high school in Virginia;
- Resided in the Commonwealth for at least three years as of the date the individual graduated from high school;
- Registered as an entering student in a college or university;
- Provided an affidavit to the higher education institution that permanent residency is being sought; and
- Submitted evidence that either he/she, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns at least three years prior to the date of enrollment.

6. Fiscal Impact Estimates are: Preliminary (see Section 8)

7. Budget amendment necessary: No.

8. Fiscal implications: There is no fiscal impact to the state budget because enforcement lies primarily at the institutional level. Public institutions currently have a process in place to determine an applicant's domicile when the applicant seeks the in-state tuition rate. During this procedure, a person's legal status is also examined. The six conditions upon which in-state tuition would be based would result in additional paper work and likely a need for additional staff. However, the impact of possible increased workload, staffing and expertise at the institution level to comply with this legislation's criteria would vary by institution.

9. Specific agency or political subdivisions affected: Virginia's public higher education institutions

10. Technical amendment necessary: No.

11. Other comments: None.

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cc: Secretary of Education