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**HOUSE BILL NO. 1373**

Offered January 9, 2008

Prefiled January 9, 2008

*A BILL to amend and reenact § 23-7.4:2 of the Code of Virginia, relating to in-state tuition for certain Native Americans.*

Patrons—Morrissey, Amundson, Barlow, Bouchard, Brink, Caputo, Ebbin, Mathieson, Miller, P.J. and Sickles

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:****1. That § 23-7.4:2 of the Code of Virginia is amended and reenacted as follows:**

§ 23-7.4:2. Eligibility for in-state or reduced tuition for students not domiciled in Virginia; tuition grants for members of the National Guard of the Commonwealth of Virginia.

A. Students who live outside this Commonwealth and have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement for in-state tuition shall be eligible for in-state tuition charges if such student has paid Virginia income taxes on all taxable income earned in this Commonwealth for the tax year prior to the date of the alleged entitlement. Students claimed as dependents for federal and Virginia income tax purposes who live outside this Commonwealth shall become eligible for in-state tuition charges if the nonresident parents claiming them as dependents have been employed full time inside Virginia for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in this Commonwealth for the tax year prior to the date of the alleged entitlement. Such students shall continue to be eligible for in-state tuition charges for so long as they or their qualifying parent is employed full time in Virginia, paying Virginia income taxes on all taxable income earned in this Commonwealth and the student is claimed as a dependent for Virginia and federal income tax purposes.

B. Any person who (i) is a member of the National Guard of the Commonwealth of Virginia and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any state institution of higher education, any private, accredited and nonprofit institution of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, any course or program offered by any such institution or any public career and technical education school shall be eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds available for the purpose by such Department.

C. Notwithstanding the provisions of § 23-7.4 or any other provision of the law to the contrary, the governing board of any state institution of higher education or the governing board of the Virginia Community College System may charge the same tuition as is charged to any person domiciled in Virginia pursuant to the provisions of § 23-7.4 to:

1. Any person enrolled in one of the institution's programs designated by the State Council of Higher Education who is domiciled in and is entitled to reduced tuition charges in the institutions of higher learning in any state which is a party to the Southern Regional Education Compact which has similar reciprocal provisions for persons domiciled in Virginia;

2. Any student from a foreign country who is enrolled in a foreign exchange program approved by the state institution during the same period that an exchange student from the same state institution, who is entitled to in-state tuition pursuant to § 23-7.4, is attending the foreign institution; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a community college for which he may, upon successful completion, receive high school and community college credit pursuant to a dual enrollment agreement between the high school or magnet school and the community college.

D. The governing board of the Virginia Community College System shall charge in-state tuition to any person enrolled in one of the System's institutions who lives within a 30-mile radius of a Virginia institution, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

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58 Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as  
59 in-state students for the purposes of determining college admissions, enrollment, and tuition and fee  
60 revenue policies.

61 E. The board of the University of Virginia's College at Wise and the board of visitors of the  
62 University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's  
63 College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is  
64 domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Kentucky,  
65 if Kentucky has similar reciprocal provisions for persons domiciled in Virginia.

66 In addition, the board of the University of Virginia's College at Wise and the board of visitors of the  
67 University of Virginia may charge reduced tuition to any person enrolled at the University of Virginia's  
68 College at Wise who lives within a 50-mile radius of the University of Virginia's College at Wise, is  
69 domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee,  
70 if Tennessee has similar reciprocal provisions for persons domiciled in Virginia. The board of the  
71 University of Virginia's College at Wise and its partners or associates offering programs jointly at a  
72 regional off-campus center may also charge reduced tuition to any person enrolled in such joint  
73 programs who lives within a 50-mile radius of the University of Virginia's College at Wise, is domiciled  
74 in, and is entitled to in-state tuition charges in the institutions of higher learning in Tennessee, if  
75 Tennessee has similar reciprocal provisions for persons domiciled in Virginia. Any such respective  
76 partners or associates shall establish and charge separately tuition rates for their independent classes or  
77 programs at such regional centers.

78 Any out-of-state students granted in-state tuition pursuant to this subsection and subsection D shall  
79 be counted as out-of-state students for the purposes of determining admissions, enrollment, and tuition  
80 and fee revenue policies.

81 F. Public institutions of higher education may enter into special arrangement contracts with Virginia  
82 employers or authorities controlling federal installations or agencies located in Virginia. The special  
83 arrangement contracts shall be for the purpose of providing reduced rate tuition charges for the  
84 employees of the Virginia employers or federal personnel when the employers or federal authorities are  
85 assuming the liability for paying, to the extent permitted by federal law, the tuition for the employees or  
86 personnel in question and the employees or personnel are classified by the requirements of this section  
87 as out-of-state.

88 Special arrangement contracts with Virginia employers or federal installations or agencies may be for  
89 group instruction in facilities provided by the employer or federal authority or in the institution's  
90 facilities or on a student-by-student basis for specific employment-related programs.

91 Special arrangement contracts shall be valid for a period not to exceed two years and shall be  
92 reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All rates agreed to  
93 by the public institutions shall be at least equal to in-state tuition and shall only be granted by the  
94 institution with which the employer or the federal authorities have a valid contract for students for  
95 whom the employer or federal authorities are paying the tuition charges.

96 All special arrangement contracts with authorities controlling federal installations or agencies shall  
97 include a specific number of students to be served at reduced rates.

98 Nothing in this subsection shall change the domiciliary status of any student for the purposes of  
99 enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to  
100 the cost of education.

101 G. Any active duty members, activated guard or reservist members, or guard or reservist members  
102 mobilized or on temporary active orders for six months or more, that are either stationed or assigned by  
103 their military service to a work location in Virginia, and residing in Virginia, shall pay tuition, to the  
104 public institution of higher education in which they are enrolled, in an amount no more than the amount  
105 covered by their military service Tuition Assistance program or the institution's in-state tuition rate,  
106 whichever is greater.

107 H. Any person who is a member of a Native American tribe officially recognized by the  
108 Commonwealth, as determined by the Virginia Council on Indians pursuant to § 2.2-2629, shall be  
109 eligible for in-state tuition charges at any public institution of higher education in Virginia if such  
110 membership is verified by: (i) a valid tribal identification card, (ii) confirmation of membership through  
111 a central tribal registry, (iii) a written statement of a tribal chief or council confirming membership, or  
112 (iv) certification of the enrolled member's status from a tribal office.

113 Any out-of-state students granted in-state tuition pursuant to this subsection shall be counted as  
114 in-state students for the purposes of determining college admissions, enrollment, and tuition and fee  
115 revenue policies.