

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** HB2581

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:** Morrissey

**3. Committee:** Education

**4. Title:**            **Eligibility for in-state tuition; Native Americans.**

**5. Summary:** Provides that any person who is a member of a Native American tribe officially recognized by the Commonwealth is eligible for in-state tuition so long as such membership is verified. Additionally, out-of-state students granted in-state tuition because of the provision must be counted as in-state students for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

**6. Fiscal Impact Estimates:** Indeterminate. See item 8.

**7. Budget Amendment Necessary:** No

**8. Fiscal Implications:** The Commonwealth currently recognizes eight tribes: Chickahominy, Eastern Chickahominy, Mattaponi, Monacan Indian Nation, Nansemond, Pamunkey, Rappahannock and the Upper Mattaponi. There are at least another six groups that have submitted letters of intent (dating back to 2006) petitioning for state recognition. According to the Virginia Council on Indians, only one of the petitioning six groups is currently under review. This process can take a number of years for completion and is not expected to be finalized for another year.

The number of students who would be eligible or who would desire to attend a Virginia institution is unknown at this time. Based on a survey conducted by the Council on Indians, none of the tribal leaders could identify a potential candidate. Thus, a potential revenue loss for the Commonwealth's colleges and universities could not be determined.

However, based on the 2008 – 2009 Tuition and Fee Report published by the State Council of Higher Education (SCHEV), the revenue loss per student can be estimated using the difference between the average in-state and out-of-state tuition and mandatory fees for Education and General Programs. As a result, a loss of \$12,437 for four-year and \$6,923 for two-year institutions can be estimated. See table below for details:

Average 2008 - 2009 Tuition and Mandatory Education and General Fees			
Type of Institution	In-State	Out-of-State	Potential Revenue Loss
4-Year	\$4,761	\$17,198	(\$12,437)
2-Year	\$2,591	\$9,514	(\$6,923)

Additionally, the bill requires these students to be counted as in-state students for the purposes of determining college admissions, enrollment and tuition and fee revenue policies. The Commonwealth uses in-state and out-of state enrollment figures to allocate dollars for funding policies. As such, this provision of the bill may impact those policies. The total impact of this modification cannot be determined at this time, because it is unknown how many existing or future students will be classified as having in-state status.

**9. Specific Agency or Political Subdivisions Affected:** All institutions of public higher education and the Native American tribes recognized by the Commonwealth.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None

**Date:** 1/28/2009 dpbsbj

**Document:** G:\Legislation\2009\Posted\HB2581.doc

cc: Secretary of Education