

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB1090

House of Origin	☒ Introduced	☐ Substitute	☐ Engrossed
Second House	☐ In Committee	☐ Substitute	☐ Enrolled

2. Patron: McEachin

3. Committee: Education

4. Title: In-state tuition; undocumented persons

5. Summary: Establishes that an undocumented person who is unlawfully present in the United States shall not be eligible for in-state tuition unless he meets all of the following criteria: (i) he has resided with his parent, guardian, or other person standing in loco parentis while attending a public or private high school in this state; (ii) he has graduated from a public or private high school in Virginia or has received a General Education Development (GED) certificate in Virginia; (iii) he has resided in the Commonwealth for at least three years since the date he graduated from high school, or for one year if a veteran or an active duty member of the United States armed forces; (iv) he has registered as an entering student in an institution of higher education; (v) he has provided an affidavit to the institution stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he is eligible; and (vi) he has submitted evidence that he 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 for at least three years prior to the date of enrollment.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate, see item 8.

8. Fiscal Implications: It is unknown how many undocumented individuals unlawfully present in the United States attend Virginia's public colleges and universities. If these individuals currently pay out-of-state tuition, there may be a reduction in out-of-state revenue. However, if students are paying in-state tuition to the colleges and universities, there will be no fiscal impact. Additionally, colleges and universities could elect to accept an additional out-of-state student to offset any potential revenue loss. Thus, little or no fiscal impact is anticipated.

9. Specific Agency or Political Subdivisions Affected: All state supported colleges and universities, specifically, Northern Virginia Community College, George Mason University, and other colleges and universities located in regions with high immigrant populations.

10. Technical Amendment Necessary: No.

11. Other Comments: HB 1525 (Lopez) is the companion bill. HB 1490 (Kory) addresses similar issues with legislation that requires that students be approved for Deferred Action for Childhood Arrivals by the U.S. Department of Homeland Security to be eligible for in-state tuition. HB 1525 (Rust) is similar in nature, however, would require a five year residency requirement.

Date: January 15, 2013

C: Secretary of Education