

## Department of Planning and Budget

### 2014 Fiscal Impact Statement

**1. Bill Number:** HB137

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

**2. Patron:**        Ramadan

**3. Committee:** Education

**4. Title:**        Admission of in-state students at public institutions of higher education

**5. Summary:** Provides that the board of visitors or other governing body of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, must establish rules and regulations requiring that at least 75 percent of students admitted and enrolled at the institution be Virginia domiciles. Any dollars lost by an institution as a result of this legislation shall be recovered by increasing charges to out-of-state students.

**6. Budget Amendment Necessary:** Yes, if this policy is adopted, the four affected institutions may require additional nongeneral fund appropriations. In addition, if the affected institutions decide to increase in-state enrollment implement the provisions of this legislation, there is an undetermined general fund impact.

**7. Fiscal Impact Estimates:** Preliminary. The calculations take into account the various tuition charges by level of student (undergraduate, graduate and first professional). The result is that the institutions will lose less tuition and fee revenue since different student levels have different tuition charges.

**8. Fiscal Implications:** Currently, four institutions of higher education, which have not been exempted, fall below 75 percent of in-state students in total enrollment. See table below.

**Institutions with Less Than 75 Percent of In-State Enrollment**

Institution	Actual Fall 2013 Headcount			
	In-State	Out-of-state	Total	% of In-State
College of William and Mary (CWM)	5,134	3,242	8,376	61.3%
James Madison University (JMU)	14,751	5,430	20,181	73.1%
University of Virginia (UVA)	14,043	9,421	23,464	59.8%
Virginia Tech (VT)	21,319	9,886	31,205	68.3%

Source: State Council of Higher Education

Per §4-2.01 b.3.b) of Chapter 806, the 2013 Appropriation Act, the state share of educational costs for in-state students should seek to fund 67 percent from the general fund and 33

percent from tuition and fees, while out-of-state students are supported 100 percent from nongeneral funds.

If these four institutions were required to increase in-state student enrollment in order to reach an in-state ratio of 75 percent, charges to out-of-state students would have to increase an additional \$162.2 million to cover the loss of out-of-state revenue as noted on the following table.

**Estimated Additional Cost to Out-of-State Students**

Institution	2013-2014 E&G Tuition and Fees			# of Students to Reach 75% Provision	Revenue Replacement	
	In-State Tuition and Fees	Out-of-State Tuition & Fees	In-State/ Out-of-State Tuition Difference		Total Tuition Revenue Loss	Required Tuition Increase from Out-of-State Students
CWM	\$10,531	\$33,508	\$22,977	1,148	\$26,377,596	38%
JMU	\$5,104	\$19,582	\$14,478	385	\$5,574,030	6%
UVA	\$10,460	\$37,846	\$27,386	3,555	\$97,357,230	44%
VPI	\$9,704	\$25,459	\$15,755	2,085	\$32,849,175	17%
<b>TOTAL</b>					<b>\$162,158,031</b>	

Source: State Council of Higher Education

Given that institutions are already charging well above 100 percent for the cost of out-of-state tuition, it is uncertain if institutions could price themselves out of the market and lose more out-of-state students which may further impact the institution's ability to cover its educational costs. The following table shows the percent of the cost of education presently covered by out-of-state students at the four impacted institutions.

**Cost of Education  
Out-of-State, FY 2014**

Institution	Percent of Costs
CWM	146%
JMU	156%
UVA	161%
VPI	150%

Source: State Council of Higher Education

The average annual increase for out-of-state undergraduate student tuition over the past five years was 5.8 percent at the University of Virginia and Virginia Tech, 5.3 percent at the College of William and Mary, and 4.6 percent at James Madison University. The additional out-of-state tuition increase to meet the 75 percent provision would be on top of the annual tuition increases approved by each of the affected institutions.

Also, as a result of losing out-of-state students, it is possible institutions can increase the in-state ratio without adding any additional in-state students (e.g. it may be cheaper for an institution to decrease out-of-state students and reduce operations, than to add in-state students to the present enrollment mix).

While it appears the legislation was intended to push the financial impact from the general fund to tuition and fee revenue, if the affected institutions increase the number of in-state students to meet the 75 percent requirement, it could create a significant general fund impact. Given the uncertainty of decisions by the affected institutions, a financial impact cannot be determined at this time.

**9. Specific Agency or Political Subdivisions Affected:**

College of William and Mary  
University of Virginia

James Madison University  
Virginia Tech

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

**11. Other Comments:** The legislation does not specify when the 75 percent provision for in-state students will take effect.

**Date:** 1/21/14