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## HOUSE BILL NO. 2712

Offered January 15, 2019

A BILL to amend and reenact § 23.1-506 of the Code of Virginia, relating to public institutions of higher education; certain students; eligibility for in-state tuition.

Patron—Tran

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:**

**1. That § 23.1-506 of the Code of Virginia is amended and reenacted as follows:**

**§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.**

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth 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 the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

7. Any non-Virginia student enrolled at a public institution of higher education who (i) pays for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to the federal Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, P.L. 113-146, and thereafter exhausts eligibility for benefits under such act or (ii) demonstrates a commitment to pay for at least the equivalent of four semesters or two academic years at the institution with funds received pursuant to such act through an affidavit, provided that (a) any such student maintains continuous enrollment in the same degree program at the same institution after he exhausts eligibility for such benefits and (b) no such student shall remain eligible for in-state tuition charges for more than three years after he exhausts eligibility for such benefits or upon degree completion, whichever occurs first, unless he establishes domicile pursuant to § 23.1-502.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from

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59 such institution is attending such foreign institution as an exchange student; and

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

65 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a  
66 non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee  
67 revenue policies.

68 C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a  
69 comprehensive community college who resides in another state within a 30-mile radius of a public  
70 institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to  
71 in-state tuition charges at the institutions of higher education in any state that is contiguous to the  
72 Commonwealth and that has similar reciprocal provisions for Virginia students.

73 Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a  
74 Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee  
75 revenue policies.