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SENATE BILL NO. 1202

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 23.1-506 of the Code of Virginia, relating to in-state tuition eligibility; certain non-Virginia students who are members of the Virginia National Guard.

Patrons—Reeves, Bell, Mason, Ruff and Suetterlein; Delegates: Cherry, Cordoza, Durant, Guzman, Orrock, Shin, Simon and Wiley

Referred to Committee on Education and Health

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 non-Virginia students 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 member of the foreign service office who resided in the Commonwealth for at least 90 days immediately prior to receiving a foreign service assignment and who continues to be assigned overseas, and any dependents of such member.

8. Any child of an active duty member or veteran who claims Virginia as his home state and filed Virginia tax returns for at least 10 years during active duty service.

9. Any individual who (i) was admitted to the United States as a refugee under 8 U.S.C. § 1157 within the previous two calendar years or (ii) received a Special Immigrant Visa that has been granted a status under P.L. 110-181 § 1244, P.L. 109-163 § 1059, or P.L. 111-8 § 602 within the previous two calendar years and, upon entering the United States, resided in the Commonwealth and continues to reside in the Commonwealth as a refugee or pursuant to such Special Immigrant Visa.

10. Any non-Virginia student who is currently present in the Commonwealth as a result of being a victim of human trafficking. For the purposes of this subdivision, a person may be a victim of human trafficking regardless of whether any person has been charged with or convicted of any offense. Eligibility under this subdivision may be proved by a certification of such status as a victim of human trafficking by a federal, state, or local agency or not-for-profit agency, one of whose primary missions is to provide services to victims of human trafficking. For the purposes of this subdivision, "victim of human trafficking" means a victim of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a felony violation of § 18.2-346; (iii) a violation of § 18.2-348, 18.2-349, 18.2-355 through 18.2-357.1, or 18.2-368; or (iv) sex trafficking or severe forms of trafficking in persons as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7101 et seq. Public institutions of higher education shall

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58 automatically record any student qualifying for in-state tuition pursuant to this subdivision as opting out
59 of making any directory or educational information available to the public unless the student voluntarily
60 and affirmatively chooses to opt in to allowing such directory or educational information to be made
61 available.

62 *11. Any non-Virginia student who attends a public institution of higher education and is eligible for*
63 *a grant pursuant to § 23.1-610.*

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

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

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

74 2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program
75 approved by the institution of higher education during the same period in which a Virginia student from
76 such institution is attending such foreign institution as an exchange student; and

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

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

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

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