

State Bills on Access to Education for Immigrants: 2016

OCTOBER 7, 2016

THIS TABLE LISTS some of the state bills that address access to higher education for immigrant students. It includes bills that would improve access by providing in-state tuition rates to a state’s high school graduates, regardless of their immigration status, or by increasing access to financial aid or scholarships. It also lists bills that seek to restrict access to education by banning enrollment or in-state tuition, or by creating other barriers to postsecondary education for immigrant students. Because a few of the 2016 state legislative sessions are in progress, this information is incomplete and is subject to change. Please contact Tanya Broder (broder@nilc.org) if you have additions or revisions to offer.

Improving Access to Higher Education: Tuition Equity, Scholarships, and Financial Aid

Tuition equity bills generally allow students who attend high school in a state, graduate, and meet other criteria to pay in-state tuition rates, regardless of their immigration status. Also listed below are measures providing access to state financial aid and scholarships, as well as other efforts to improve or restore access to education for students who attend a state’s high schools.

STATE	NO.	AUTHOR	DESCRIPTION OF BILL	STATUS
AZ	SB 1123	Farley	Access to in-state tuition for refugees without a 12 month waiting period.	Education, Appropriations, Rules
CA	AB 2009	Lopez	California State Universities and Community Colleges required and the University of California requested to designate a Dream Resource Liaison on each campus, to assist undocumented and certain other students, by streamlining access to available financial aid and academic opportunities, offering academic counseling, peer support, psychological counseling, referrals, and legal services. Colleges are encouraged to establish Dream Resources Centers, and may accept gifts for this purpose.	Governor vetoed .
CA	SB 1139	Lara	Access to certain loan repayment, grant, training and scholarship programs for eligible health care professionals who submit an SSN or an Individual Taxpayer Identification Number, regardless of their immigration status. Students who meet certain criteria shall be eligible to participate in medical degree programs and unpaid healing arts residency training programs at public or private post-secondary educational institutions that offer such a program, and shall not be denied participation based on their citizenship or immigration status.	Signed into law, September 28, 2016

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STATE	NO.	AUTHOR	DESCRIPTION OF BILL	STATUS
CA	AB 2364	Holden	Expands exemption from out of state tuition rates for students dually or concurrently enrolled in high school and college, if they meet certain criteria, regardless of their immigration status.	Signed into law, September 12, 2016
CA	AB 2434	Bonta, Ting	Establishes Blue Ribbon Commission on Public Postsecondary Education to make recommendations on improving access to and affordability in postsecondary education for Californians.	Higher Education Committee passed (9-2) on April 12; Appropriations suspense - held under submission.
CA	AB 2136	Mayes	Allows students who are dependents of individuals with E-2 non-immigrant status to qualify for in-state tuition rates if they meet certain criteria.	Higher Education Committee passed (11-0) on April 19, 2016; Appropriations suspense - held under submission.
CT	SB 147	Higher Ed & Employment Advancement Committee	Access to institutional aid, tuition waivers, remissions, grants and student employment for students who meet certain criteria, regardless of their immigration status.	Senate passed (21-13) on April 20, 2016; favorable report and tabled for House calendar; no vote taken
DC	Bill 21-0422	Mendelson	Access to in-state tuition and local financial aid at University of the District of Columbia, for students who meet certain criteria, regardless of their immigration status.	Public hearing held on Feb. 18, 2016, under Council review
GA	SR 983	Millar, McKoon, Orrock, Wilson	Creates a Senate Study Committee to examine the advantages and disadvantages of providing access to in-state tuition rates for DACA grantees.	Senate Higher Education Committee favorably reported on Feb. 25, 2016; Senate second read
ID	SB 1280	Education Committee	Lawfully present students who attended 6 years of elementary school in Idaho, regardless of the domicile of their parent, and those who attend public college within 6 years of graduating from high school can pay in-state tuition rates. Residency definition also extends to graduate and professional programs including WWAMI, WICHE student exchange programs, Creighton U. school of dental education, U. of Utah college school of medicine and Washington-Idaho-Utah (WIU) regional program in veterinary medicine.	Signed into law, March 22, 2016
IL	SB 2196	Martinez et al.	Access to state scholarships, grants, awards, stipends, room and board, tuition waivers or other financial aid (other than Monetary Award Program grants) for students who meet certain requirements, regardless of their status.	Senate Passed (30-19) on April 20, 2016; House Higher Education Committee passed (10-4) on May 11, 2016; Rules
IN	SB 201	Rogers	Access to in-state tuition for students who meet certain criteria, regardless of their immigration status	Appropriations

STATE	NO.	AUTHOR	DESCRIPTION OF BILL	STATUS
MN	HF 3562 SF 3553	Mariani Torres Ray	Expands access to state financial aid for students who meet certain criteria, regardless of their immigration status.	Higher Education, Policy and Finance Higher Education and Workforce Development
MS	SB 2415	Frazier	Access to in-state tuition for students, including undocumented and student and temporary visa holders, who meet certain criteria.	Universities and Colleges, died
MS	HB 1093	Sykes, Karriem	Access to in-state tuition and financial aid for students who meet certain criteria, regardless of their immigration status.	Universities and Colleges, died
MO	HB 2176	Curtis	Access to in-state tuition for students who meet certain criteria, regardless of their immigration status, as well as other provisions.	Higher Education
MO	HB 2353	Morgan	Access to in-state tuition for students who meet certain criteria, regardless of their immigration status.	Introduced; read second time
NJ	S 1458	Ruiz	Allows students who meet certain criteria to qualify for state financial aid, regardless of their immigration status.	Senate Higher Education
NJ	A1650	Schaer	Allows students who meet certain criteria to qualify for state financial aid, regardless of their immigration status.	Assembly Higher Education
NJ	A255	Ciattarelli	Removes exclusion of non-immigrants from qualifying for in-state tuition rates under certain conditions.	Assembly Higher Education
NJ	A866 SB 2357	Quijano Cunningham	Removes exclusion of non-immigrants from qualifying for in-state tuition if they have applied for lawful permanent residence.	Assembly Higher Education Senate Higher Education
NJ	A 1254	Caride et al.	Clarifies that U.S. citizen can establish domicile for purposes of loans, grants, scholarships, and tuition, regardless of the status of their parents.	Assembly Higher Education
NJ	S 1459	Ruiz	Ensures that US citizen children whose parents have lived in NJ for at least 12 months can establish domicile for purposes of qualifying for loans, grants, scholarships and tuition, regardless of their parents' status.	Senate Higher Education
NY	SB 1251A AB 4311A	Peralta Moya	Creates DREAM fund commission to raise private funds for scholarships, training for high school counselors, and raise awareness about educational opportunities for children of immigrants; students who meet certain criteria may be eligible for state financial aid, tuition reductions and scholarships, regardless of their immigration status; allows ITIN filers to establish family tuition accounts.	Senate Higher Education Passed Assembly (89-49) on June 6, 2016; Senate Higher Education

STATE	NO.	AUTHOR	DESCRIPTION OF BILL	STATUS
NY	S3702	Espaillet et al.	Access to state financial aid, scholarships or other assistance for students who meet certain criteria, regardless of their immigration status.	Higher Education
NY	S776A	Espaillet	“New York is Home Act”: grants state citizenship, state identification card to individuals who have lived in NY for at least 3 years, paid taxes and meet other conditions; eligible for professional licenses, voting in state and local elections, health care, public benefits, driver’s licenses, student financial aid, loans, and awards, regardless of their immigration status.	Senate Finance
NY	S1928A	Parker	Establishes an appeals process for students, regardless of immigration status, who have been denied in-state tuition rates.	Higher Education
	A5900A	Barron		Ways and Means
NC	HB 1081	Jeter and Meyer	Access to in-state tuition for students who meet certain criteria, regardless of their immigration status.	Appropriations
PA	HB 1886	Schweyer	Access to in-state tuition and financial aid to students who meet certain criteria, regardless of their immigration status	Education
RI	HB 7374	Diaz et al	Access to in-state tuition for students who meet certain criteria, regardless of their immigration status.	House Finance held for further study
RI	SB 2203	Pichardo et al	Access to in-state tuition for students who meet certain criteria, regardless of their immigration status.	Senate Finance, held for further study
SC	HB 4514	Daning	Confirms that U.S. citizen children cannot be denied status as a resident for tuition, fees, assistance or scholarship purposes, based solely on the status of their parents	Education and Public Works
TN	SB 612 HB 675	Gardenhire White	Access to in-state tuition for students who are lawfully present in the U.S. and meet certain other criteria.	Senate passed (21-12) on April 16, 2015; House Calendar and Rules Committee did not move
WI	AB 929	Zamarripa et al.	Access to in-state tuition at the University of Wisconsin and technical colleges for students who meet certain criteria, regardless of their immigration status.	Committee on Colleges and Universities failed to pass

Bills Restricting Access to Post-Secondary Education

Includes proposals to ban enrollment in higher education, repeal in-state tuition laws, and restrict financial aid, in-state tuition, grants or scholarships.

STATE	BILL NO.	AUTHOR(S)	DESCRIPTION AND BILL TEXT	STATUS
FL	HB 4061	Tobia	Deletes provision confirming that US citizen children may not be denied classification as resident for tuition purposes based solely upon immigration status of his or her parent.	Higher Education and Workforce Subcommittee – died
MO	HB 2003	Flanigan	Appropriations language: “no funds shall be expended at public institutions of higher education that offer a tuition rate to any student with an unlawful immigration status in the United States that is less than the tuition rate charged to international students, and further provided that no scholarship funds shall be expended on behalf of students with an unlawful immigration status in the United States.”	Governor signed on April 27, 2016
TN	HB 2552 SB 2526	Durham Beavers	Public colleges that classify a non-US citizen student as a Tennessee resident for purposes of tuition rates forfeits all state funding.	Education Admin and Planning Senate Education