



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.C.R. 1044

tuition; postsecondary education

Purpose

Subject to voter approval, statutorily deems persons without lawful immigration status eligible for in-state tuition, if prescribed criteria are satisfied.

Background

Statute prohibits a person who is not a citizen or legal resident of the U.S., or is without legal immigration status, from being classified as an in-state student or as a county resident for the purposes of in-state student status. An individual granted refugee status, in accordance with applicable law, is entitled to classification as an in-state refugee student ([A.R.S. § 15-1803](#)).

Additionally, a person who is not a citizen of the United States, or is without lawful immigration status, and is enrolled as a student at any university under the jurisdiction of the Arizona Board of Regents (ABOR) or any community college under the jurisdiction of a community college district, is not entitled to tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance or any other type of financial assistance subsidized or paid in whole or part with state monies ([A.R.S. § 15-1825](#)).

ABOR and community college districts must adopt policies and guidelines applicable to all institutions under their jurisdiction that ensure uniform criteria in determining the tuition status of a student and uniform procedures for review of that status ([A.R.S. § 15-1805](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Deems persons without lawful immigration status eligible for in-state tuition if prescribed criteria are satisfied.
2. Deems a student eligible for in-state tuition at any university under ABOR jurisdiction, or at any community college, if the student:
 - a) is not a nonimmigrant alien;
 - b) attended any public or private high school option or homeschool equivalent while physically present in Arizona for at least two years; and
 - c) graduated from any public or private high school option or homeschool equivalent while physically present in Arizona or obtained a high school equivalency diploma in Arizona.
3. Exempts postsecondary education from the definition of *state or local public benefit*.

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4. Repeals statute prohibiting a person without lawful immigration status from being eligible for in-state student status, tuition waivers, grants, scholarship assistance, financial aid or other state-subsidized financial assistance and related reporting requirements.
5. Makes technical changes.
6. Requires the Secretary of State to submit the proposition to the voters at the next general election.
7. Becomes effective if approved by the voters and on proclamation of the Governor.

Prepared by Senate Research

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JO/JP/gs