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FORT HAYS STATE UNIVERSITY

FAQ on Kansas 2004 House Bill 2145

Eligibility for Resident Tuition for Certain Undocumented Immigrants and Others

Who is eligible for resident tuition and fees under the new law?

Any student who:

1. has attended an accredited Kansas high school for three or more years and
2. has either graduated from an accredited Kansas high school or has earned a GED issued in Kansas and
3.
 - a. in the case of a person without lawful immigration status; has signed and filed an affidavit with the institution stating that the person or the person's parents have filed an application to legalize such person's immigration status, or will file such an application as soon as such person is eligible to do so or
 - b. in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for U.S. citizenship or will file such application as soon as such person is eligible to do so.

Who is excluded from eligibility for resident tuition and fees under the new law?

Any student who:

1. has a valid student visa; or
2. at the time of enrollment, is eligible to enroll in a public postsecondary educational institution located in another state upon payment of fees and tuition required of residents of such state.

When does the law go into effect?

It will be effective July 1, 2004, therefore, eligible students enrolling for any class beginning after July 1, 2004, are entitled to pay resident tuition and fees.

How will eligible students be identified?

Institutions should attempt to inform students about the new law through those materials and means usually used to explain eligibility for resident tuition to students. In addition, institutions are encouraged to contact local organizations that may have contact with eligible students, such as Hispanic student organizations or immigrant assistance organizations. Information gathered on applications for admission, such as citizenship and visa status may indicate students who are potentially eligible, however, students will also be expected to indicate their eligibility.

What visas qualify as “valid student visas” under the law?

F-1 and M-1 are “valid student visas” which will disqualify the student for eligibility under this law. All other visas, including other F and M visas, are not student visas.

What qualifies as “legal, nonpermanent immigration status” under the law?

“Legal, nonpermanent immigration status” should be interpreted to mean the same thing as “legal nonimmigrant status.” A list of nonimmigrant classifications and visas is attached and can be found on the U.S. Citizenship and Immigration Services website at http://uscis.gov/graphics/services/visa_info.htm.

How does an institution verify that a student is not “eligible to enroll in a public postsecondary educational institution located in another state upon payment of fees and tuition required of residents of such state?”

Students may be asked to submit an affidavit to that effect. In addition, schools may follow up on any information that indicates the student is eligible for resident rates in another state.

Must the three high school years be consecutive and all at the same high school?

No, the three years need not be consecutive and the student need not have attended the same high school for all three years.

Does 9th grade count as a part of “high school?”

Yes, 9th grade is considered part of high school regardless of whether attended at a middle school or a high school.

Does it matter when a student attended and graduated from high school?

No. It does not matter how long ago the student attended high school, graduated or attained their GED.

Are home-schooled students eligible?

Kansas has no accreditation standards for home schools, therefore, home-schooled students are not eligible for resident rates under this law.

Is the law only applicable to new students?

No. The law is applicable to any eligible student regardless of their class level, whether undergraduate, graduate or professional school student and regardless of whether they are an entering or returning student.

Is there a maximum number of years that a student may pay resident rates under this law?

No. There is no cap on the number of years that a student may take advantage of this law.

Does the law affect eligibility for financial aid?

No. The law has no effect on the eligibility standards or requirements for any type of financial aid. Of course, if a student qualifies for the exemption, it may impact the amount or type of aid for which the student is eligible.

Is there a standard affidavit that should be used?

Institutions may use the affidavit attached. Institutions are also free to create their own affidavit, however, they should do so only with the advice of their attorney.