

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 739 (Delegate Parrott, *et al.*)
Appropriations and Ways and Means

Public Institutions of Higher Education - Legal Presence and Tuition Rates -
Reporting

This bill requires each public institution of higher education in the State to report annually to the Maryland Higher Education Commission (MHEC) on the number of students attending who are legally present or not legally present in the United States, disaggregated by specified categories, by October 1. By December 31 each year, MHEC must report this information to the General Assembly. “Legally present” is defined as a U.S. citizen, permanent resident, or holder of a visa under federal law.

The bill takes effect July 1, 2013.

Fiscal Summary

State Effect: Higher education expenditures for data collection at public four-year institutions of higher education and Baltimore City Community College (BCCC) increase only minimally if students’ self-reported data meets the requirements of the bill. If institutions are required to verify students’ legal presence, their data collection, investigation, and legal expenditures increase significantly. MHEC can make the required changes to its data collection system and produce the required report using existing resources.

Local Effect: Local community college data collection expenditures increase only minimally if students’ self-reported data meets the requirements of the bill. If institutions are required to verify students’ legal presence, their data collection, investigation, and legal expenditures increase significantly.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, the data must be disaggregated by in-state versus out-of-state residency status and then further disaggregated by the following residency statuses: U.S. citizen; green card holder, disaggregated by country of origin; visa holder, disaggregated by country of origin; or other legally present status, disaggregated by country of origin. The data must also be disaggregated by in-state versus out-of-state residency status and then further disaggregated by the number of students attending that institution who are not legally present in the United States, disaggregated by country of origin.

Background: The Maryland DREAM Act was enacted in 2011 (Chapter 191, SB 167). The law authorizes certain individuals, including undocumented immigrants, regardless of residency status, to pay in-state tuition rates at Maryland public higher education institutions. Prior to passage of the law, in-state tuition rates and policies at most community colleges and public four-year institutions of higher education did not include individuals who were unable to establish permanent residency. Because of their inability to establish permanent residency, many immigrants, including both documented and undocumented immigrants, were considered nonresidents for tuition purposes regardless of how long they had lived in Maryland or how many years they or their parents or guardians had filed Maryland income tax returns.

In July 2011, the State Board of Elections certified that opponents of the Maryland DREAM Act had gathered enough petition signatures in accordance with the Maryland Constitution to refer the Act to referendum at the 2012 general election. On November 6, 2012, the voters of Maryland approved Question 4 and affirmed the law by a statewide vote, with 58% of voters supporting the measure. With passage of the referendum, individuals who meet the requirements of the law will qualify for in-state tuition rates beginning with the next academic term.

Individual student information collected under the Dream Act must remain confidential. Community colleges and public four-year institutions must keep a record of the number of individuals who pay resident tuition charges under the exemptions and annually report such information to MHEC. MHEC must annually compile and report the information to the General Assembly.

State Expenditures: The University System of Maryland advises that the University of Maryland, College Park (UMCP) does not currently collect the data required by the bill, and that the data it does collect is self-reported by the students. Currently, UMCP asks on its application whether a person is a citizen and, if not a citizen, the type of visa he or she may hold. Thus, to collect the required information, UMCP will need to update the questions it asks prospective students. Therefore, if students' self-reported data meets the

requirements of the bill, then expenditures for data collection at public four-year institutions of higher education and BCCC increase only minimally.

However, if institutions are required to verify students' legal presence, their data collection, investigation, and legal expenditures increase significantly. UMCP reports that it would need to engage expert legal counsel and supporting staff if it is required to verify student's legal presence. Currently, hourly fees for the immigration law counsel used by UMCP on this topic are around \$350 an hour or \$1,500 a review, whichever is more.

MHEC advises that it is currently updating its aged data collection system from postsecondary institutions. To achieve the required disaggregation, MHEC will need to expand existing elements and perhaps add an extra data element. However, this can be accomplished with existing budgeted resources.

Additional Comments: MHEC advises that changing the reporting date from October 1 to October 15 would better conform with current reporting dates.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City Community College, Maryland Higher Education Commission, Morgan State University, University System of Maryland, Department of Legislative Services

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mc/rhh

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510