

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

Senate Bill 15 (Senator Simonaire, *et al.*)  
Education, Health, and Environmental Affairs

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**Citizen's Tuition Protection Act**

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This bill prohibits University System of Maryland (USM) institutions from charging an undergraduate student who is a U.S. citizen a tuition rate that is higher than the rate charged to an undergraduate student who is not a U.S. citizen. The Board of Regents for USM must adopt policies to implement the bill.

The bill takes effect July 1, 2008.

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**Fiscal Summary**

**State Effect:** Higher education tuition revenues for USM could increase or decrease beginning in FY 2009, depending on the decisions of permanent immigrant students currently attending USM institutions at in-state tuition rates.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The Board of Regents for USM sets tuition policies for USM institutions, including the determination of which students are eligible for resident tuition. USM policies require individuals to have the legal ability under federal and Maryland law to live permanently in Maryland in order to qualify for in-state tuition rates. In general, these individuals qualify for in-state tuition when they can document that they have lived continuously in Maryland for at least 12 consecutive months.

**Background:** Federal immigration law prohibits undocumented immigrants from obtaining a postsecondary education benefit that U.S. citizens cannot obtain. Despite the federal prohibition, laws that allow undocumented immigrants to pay in-state tuition rates at public institutions of higher education have been enacted in California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington. The Maryland General Assembly passed a bill in 2003 that would have extended in-state tuition benefits to undocumented and other immigrant students, but the bill was vetoed by the Governor. To get around federal laws, states that have passed in-state tuition benefits for undocumented immigrants have crafted legislation that bases eligibility for in-state tuition on where a student went to high school, not immigration status. Although federal legislation that would clarify immigration laws and allow states to offer resident tuition rates to undocumented immigrants has been introduced, the measure has continuously stalled in Congress.

Proposed fall 2008 in-state and out-of-state tuition and fee rates for full-time undergraduates at USM institutions are shown in **Exhibit 1**. The differences between the rates average nearly \$10,000 and range from \$6,240 at the University of Maryland University College to \$15,071 at the University of Maryland, College Park.

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**Exhibit 1**  
**In-state and Out-of-state Full-time Undergraduate Tuition and Mandatory Fees**  
**USM Proposed Fall 2008 Rates**

	<u><b>In-state</b></u>	<u><b>Out-of-state</b></u>	<u><b>Difference</b></u>
Coppin State University	\$5,140	\$13,365	\$8,225
UM Eastern Shore	6,042	12,830	6,788
Bowie State University	6,005	16,226	10,221
Salisbury University	6,442	14,744	8,302
Frostburg State University	6,614	16,810	10,196
Towson University	7,314	17,860	10,546
University of Baltimore	7,054	20,559	13,505
UM College Park	8,005	23,076	15,071
UM Baltimore County	8,780	17,512	8,732
UM University College*	5,760	12,000	6,240

\*Based on 24 credit hours.

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**State Revenues:** A relatively small number of non-U.S. citizens currently qualify for in-state tuition rates at USM institutions based on their status as permanent immigrants. If this bill passes, it is assumed that USM would charge these students out-of-state rates in order to comply with the bill. As a result, higher education tuition revenues would increase for each permanent immigrant student who decides to stay in college and pay out-of-state tuition rates but would decrease for each permanent immigrant student who drops out of college due to inability or unwillingness to pay the higher out-of-state rates. In total, the net impact on tuition revenues is expected to be minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** University System of Maryland, Maryland Higher Education Commission, Department of Legislative Services

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mam/rhh

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