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MEMORANDUM

To: Committee on House Higher Education Budget
From: Nick Myers, Office of Revisor of Statutes
Date: February 15, 2018
Subject: House Bill 2643

House Bill 2643 would make amendments relating to in-state tuition and fees at Kansas postsecondary institutions for certain students and the Kansas Foster Child Educational Assistance Act.

Currently, K.S.A. 76-731a provides that certain persons are deemed residents of Kansas for tuition and fee purposes at postsecondary educational institutions if:

1. Such person attended an accredited Kansas high school for three or more years;
2. Such person either graduated or earned a GED in Kansas regardless of the person's citizenship status in the United States; and
3. In the case of a person without lawful immigration status, has filed an affidavit stating that such person has filed or will file an application to legalize such person's immigration status, or, in the case of a person with legal, nonpermanent immigration status, has filed an affidavit stating that such person has filed or will file an application for citizenship.

HB 2643 would repeal K.S.A. 76-731a and would remove the statutory requirement to provide in-state tuition to those who qualify for in-state tuition and fees under such statute. HB 2643 also amends the definition of "domiciliary resident" in K.S.A. 76-729 to state that any alien who is not lawfully present in the United States is not a domiciliary resident that could qualify as a resident of Kansas for tuition and fee purposes.

HB 2643 would amend K.S.A. 75-53,114 concerning the Kansas Foster Child Educational Assistance Program. Such program requires Kansas postsecondary institutions to waive the amount of tuition and required fees for any eligible foster child enrolled in such institution. HB 2643 would require each postsecondary institution to determine the difference

between the amount that a student would have paid if such student qualified for in-state tuition under K.S.A. 76-731a and the amount of out-of-state tuition such student actually paid to the institution. The postsecondary institution would be required to use such difference to help offset the cost of waiving tuition for any eligible foster children enrolled at such institution under the Kansas Foster Child Educational Assistance Act.