

By: Representative Fleming

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 101

1 AN ACT TO CREATE THE ACCESS TO POSTSECONDARY EDUCATION ACT,
2 WHICH PROVIDES IN-STATE UNIVERSITY AND COLLEGE TUITION RATES TO
3 QUALIFIED IMMIGRANT STUDENTS WHO HAVE ATTENDED STATE HIGH SCHOOLS
4 FOR AT LEAST TWO YEARS; TO AMEND SECTION 37-103-23, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** This act shall be known as the "Access to
8 Postsecondary Education Act."

9 **SECTION 2.** (1) The Legislature finds that:

10 (a) Many Mississippi immigrant high school students
11 have lived in the state most of their lives, and are likely to
12 remain residents. However, these students are precluded from
13 obtaining an affordable college education because they do not
14 qualify for in-state tuition rates. Without in-state tuition,
15 many of these students are not able to attend college.

16 (b) Many of these students have already proven their
17 academic eligibility and merit by being accepted into an
18 institution of higher learning or a community or junior college in
19 Mississippi.

20 (c) Making it possible for these students to attend
21 college will increase the state's college-educated workforce and
22 stimulate economic growth.

23 (d) This act does not confer postsecondary education
24 benefits on the basis of residence within the meaning of 8 USCS
25 Section 1623.

26 (2) The purpose of this act is to provide educational
27 opportunity to children who are long-time residents of

28 Mississippi, improving the overall economic condition of the
29 state.

30 **SECTION 3.** (1) A student, other than a nonimmigrant alien
31 within the meaning of 8 USCS Section 1101(a)(15), shall qualify
32 for in-state tuition rates at state-supported institutions of
33 higher learning and community and junior colleges if the student
34 meets all the following requirements:

35 (a) High school attendance in Mississippi for two (2)
36 or more years.

37 (b) Graduation from a Mississippi high school or
38 attainment of the equivalent thereof.

39 (c) Registration as an entering student at, or current
40 enrollment in, an institution of higher learning or a community or
41 junior college in Mississippi.

42 (d) If a person is without legal immigration status,
43 the filing of an affidavit with an institution of higher learning
44 or a community or junior college in Mississippi, stating that the
45 student has filed an application to legalize his or her
46 immigration status, or will file an application as soon as he or
47 she is eligible to do so.

48 (2) The Board of Trustees of State Institutions of Higher
49 Learning and the State Board for Community and Junior Colleges
50 shall prescribe rules and regulations for the implementation of
51 this section. Student information obtained in the implementation
52 of this section shall be confidential.

53 (3) A state court may award only prospective injunctive and
54 declaratory relief to a party in any lawsuit based upon this
55 section or based upon rules and regulations prescribed to
56 implement this section.

57 **SECTION 4.** Section 37-103-23, Mississippi Code of 1972, is
58 amended as follows:

59 37-103-23. All aliens are classified as nonresidents, except
60 as otherwise provided in Section 3 of this act.

61 **SECTION 5.** This act shall take effect and be in force from
62 and after July 1, 2005.