

2022 -- H 8266

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- COUNCIL ON POSTSECONDARY EDUCATION

Introduced By: Representatives Diaz, Slater, Ajello, Tanzi, Morales, Felix, Chippendale,
Alzate, Biah, and Williams

Date Introduced: May 19, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-59-9.3 of the General Laws in Chapter 16-59 entitled "Council on
2 Postsecondary Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is
3 hereby amended to read as follows:

4 **16-59-9.3. Student Success Act.**

5 Notwithstanding any other provision of the general or public laws:

6 (1) A student, other than a nonimmigrant alien within the meaning of 8 U.S.C. §
7 1101(a)(15), who meets all of the following requirements shall be exempt from paying nonresident
8 tuition at Rhode Island public universities, colleges, or community colleges, if he or she:

9 (i) Attended an approved Rhode Island high school for three (3) or more consecutive years;

10 (ii) Continues to reside in the state of Rhode Island;

11 (iii) Has graduated from an approved Rhode Island high school or received a high school
12 equivalency diploma from the state of Rhode Island;

13 (iv) Has filed, or will file, upon matriculation, with the Rhode Island public university,
14 college, or community college of expected attendance, an affidavit stating that:

15 (A) The student meets the requirements of subsections (1)(i) and (1)(ii) of this section; and

16 (B) If the student is not a United States citizen and does not have a lawful immigration
17 status, that the student has filed an application for lawful immigration status, or will file the
18 application as soon as the student is eligible to do so. The affidavit shall not require students to
19 reveal their immigration or citizenship status.

1 (2) Any nonimmigrant foreign national student, who has resided in Rhode Island for three
2 (3) years and has attended a Rhode Island high school for three (3) years, will be eligible to pay the
3 same in-state tuition as any other Rhode Island student. [This excludes eligible nonimmigrant visa](#)
4 [holders.](#)

5 (3) Identifiable student information obtained pursuant to subsection (1) of this section shall
6 be confidential to the extent provided by state and federal law (including the federal Family
7 Educational Rights and Privacy Act (FERPA)). If information obtained pursuant to this section
8 regarding a student's immigration status is provided to any agency for purposes other than the
9 implementation of this section, the entity providing the information shall promptly notify the
10 student.

11 (4) The Rhode Island council for postsecondary education shall prescribe rules and
12 regulations as may be necessary for the implementation of this section.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would exclude eligible nonimmigrant visa holders from paying the same in-state
2 tuition as any other Rhode Island student.

3 This act would take effect upon passage.

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