

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

**Drafting Number:** LLS 09-0331  
**Prime Sponsor(s):** Sen. Romer  
 Rep. Miklosi

**Date:** May 26, 2009  
**Bill Status:** Lost in Senate  
**Fiscal Analyst:** Josh Abram (303-866-3561)

**TITLE:** CONCERNING NONDISCRIMINATION IN DETERMINING THE AMOUNT PAID FOR HIGHER EDUCATION.

Fiscal Impact Summary	FY 2009-2010	FY 2010-2011
<b>State Revenue*</b>		
Cash Funds		
Tuition	\$165,300 - \$661,200	
<b>State Expenditures*</b>		
Cash Funds		
Tuition	\$165,300 - \$661,200	
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Effective Date:</b> The bill was lost on second reading in the Senate on April 6, 2009.		
<b>Appropriation Summary for FY 2009-2010:</b> None.		
<b>Local Government Impact:</b> None.		

*\* The range of revenue and expenditures is based on 50 to 100 additional students admitted evenly between two-year community colleges and four-year universities. Actual revenue and expenses may be different. For details, please reference the State Revenue and State Expenditure sections.*

**Summary of Legislation**

This bill establishes that, regardless of immigration status, a student meeting the following criteria shall be charged resident tuition rates at institutions of higher education:

- ▶ the student attended high school in the state for at least 3 years; and
- ▶ the student is admitted to a school of higher education within 1 academic year following graduation or earning a general education equivalent degree (GED).

A high school graduate who has not been admitted to college within 1 year following graduation, but who otherwise satisfies the requirements in the bill, may receive resident tuition only in the 2009-10 academic year. This provision of the bill is repealed effective July 1, 2010.

The bill specifies that any person granted resident tuition pursuant to this bill may not receive state financial assistance from the College Opportunity Fund or from need based financial aid.

Finally, the bill requires that students who are classified as residents as a result of this bill shall remain so classified as long they are under 21. If the student is 21 or older, he or she must provide an affidavit indicating that an application for permanent residency has been filed, or that he or she will file an application when eligible to do so.

### **State Revenue**

***Increase in Tuition Revenue.*** This bill will increase state tuition revenue based on the assumption that more students will attend state institutions of higher education than would without SB09-170. There is limited data on the number of students who will be directly affected by the bill and changing assumptions will affect the fiscal analysis. It should be noted that tuition increases could be minimally offset by tuition reductions for any affected student who is currently paying nonresident tuition. Allowing such students to pay the resident rate will reduce tuition by the difference between nonresident and resident tuition (on average, \$10,822 per student at 4 year universities).

Under current law, U.S. citizens who graduate from a high school in Colorado are eligible for the resident tuition rate. Approximately 900 non citizen students will be eligible for resident tuition as a result of this bill; however, not all of these students will attend an institution of higher education. This fiscal note assumes that a minimum of 50 students will take advantage of the new benefit. Table 1 presents ranges of new tuition revenue based on an average resident tuition rate of \$1,944 at community colleges and \$4,668 at 4 year universities per semester.

<b>Table 1. Tuition Revenue Increases Under SB09-170</b>		
<b>Students</b>	<b>New Tuition Revenue Community Colleges</b>	<b>New Tuition Revenue 4 Year Universities</b>
50	\$97,200	\$233,400
200	\$388,800	\$933,600
350	\$680,400	\$1,633,800
500	\$972,000	\$2,334,000

This analysis is based on the following data and assumptions:

- ▶ The large majority of students in Colorado with immigration issues are Hispanic and this analysis is based primarily on this population.
- ▶ Approximately 70 percent of undocumented immigrants live at or below the poverty level, and thus will not attend state institutions of higher education at the nonresident tuition rate.
- ▶ Students who attend higher education as a result of SB09-170 are more likely to attend community colleges.

- ▶ 63 percent of Colorado high school graduates enroll at institutions of higher education. In FY 2006-07, of the approximately 43,000 students who graduated from high school following 3 continuous years of enrollment, 16,000 students did not attend an institution of higher education.
- ▶ 17 percent of the graduates who did not attend higher education are Hispanic but less than 33 percent are themselves undocumented immigrants. Therefore, of the 16,000 graduates who did not attend higher education, an estimated 2,720 are Hispanic, but only 897 are not U.S. citizens.

### **State Expenditures**

*Increase in Higher Education Expenses.* Any new revenue generated by more students attending state institutions of higher education will be spent by the schools for the instructional costs associated with providing a higher education to new students.

### **Departments Contacted**

Education

Higher Education

Regulatory Agencies