

1 S.191

2 Introduced by Senator Hashim

3 Referred to Committee on Education

4 Date: January 3, 2024

5 Subject: Education; VSAC; advancement grant; residency requirement

6 Statement of purpose of bill as introduced: This bill proposes that
7 advancement grant applicants who are refugees, asylees, asylum seekers,
8 humanitarian parolees, or special immigrant visa holders shall not be ineligible
9 for the Vermont Student Assistance Corporation advancement grant solely on
10 account of the applicant's residency status.

11 ~~An act relating to New American Advancement Grant Applicants~~

An act relating to New American educational grant opportunities

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 16 V.S.A. § 2846 is amended to read:~~

14 § 2846. ADVANCEMENT GRANTS

15 (a) The Corporation may establish an advancement grant program for
16 residents pursuing nondegree education and training opportunities who do not
17 meet the definition of student in subdivision 2822(3) of this title, and who may
18 ~~not meet the requirements of this subchapter.~~

1 ~~(b) Advancement grants may be used at institutions that are not approved~~
2 ~~postsecondary education institutions.~~

3 (c) The Corporation may adopt rules or establish policies, procedures,
4 standards, and forms for advancement grants, including the requirements for
5 applying for and using the grants and the eligibility requirements for the
6 institutions where the grants may be used. Such rules shall be consistent with
7 subsection (d) of this section.

8 (d) Notwithstanding subsection (a) of this section, applicants who are
9 refugees, asylees, asylum seekers, humanitarian parolees, or special immigrant
10 visa holders shall not be ineligible for the advancement grant solely on account
11 of the applicant's residency status under subdivision 2822(7) of this title. The
12 Corporation shall establish policies, procedures, standards, or forms regarding
13 required documentation for eligibility under this subsection.

14 Sec. 2. EFFECTIVE DATE

15 ~~This act shall take effect on July 1, 2024.~~

Sec. 1. 16 V.S.A. § 2846 is amended to read:

§ 2846. ADVANCEMENT GRANTS

(a) The Corporation may establish an advancement grant program for residents pursuing nondegree education and training opportunities who do not meet the definition of student in subdivision 2822(3) of this title; and who may not meet the requirements of this subchapter.

(b) Advancement grants may be used at institutions that are not approved postsecondary education institutions.

~~*(c) The Corporation may adopt rules or establish policies, procedures, standards, and forms for advancement grants, including the requirements for*~~

~~Applying for and using the grants and the eligibility requirements for the institutions where the grants may be used. Such rules shall be consistent with subsection (d) of this section.~~

~~(d) Notwithstanding subsection (a) of this section, applicants who qualify for in-state tuition to the Community College of Vermont pursuant to subsection 2185(c) of this title shall not be ineligible for the advancement grant solely on account of the applicant's residency status under subdivision 2822(7) of this title. The Corporation shall establish policies, procedures, standards, or forms regarding required documentation for eligibility under this subsection.~~

~~Sec. 2. INCENTIVE GRANT ELIGIBILITY; RESIDENCY~~

~~(a) Notwithstanding any provision of law to the contrary, a person who qualifies for in-state tuition to the Community College of Vermont pursuant to 16 V.S.A. § 2185(c) shall not be ineligible for the Vermont incentive grant program under 16 V.S.A. §§ 2841–2844 solely on account of that person's residency status.~~

~~(b) This section shall be repealed on July 1, 2027.~~

~~Sec. 3. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2024.~~

~~* * * Vermont Student Assistance Corporation * * *~~

~~Sec. 1. 16 V.S.A. § 2846 is amended to read:~~

~~§ 2846. ADVANCEMENT GRANTS~~

~~(a) The Corporation may establish an advancement grant program for residents pursuing nondegree education and training opportunities who do not meet the definition of student in subdivision 2822(3) of this title, and who may not meet the requirements of this subchapter.~~

~~(b) Advancement grants may be used at institutions that are not approved postsecondary education institutions.~~

~~(c) The Corporation may adopt rules or establish policies, procedures, standards, and forms for advancement grants, including the requirements for applying for and using the grants and the eligibility requirements for the institutions where the grants may be used. Such rules shall be consistent with subsection (d) of this section.~~

~~(d) Notwithstanding subsection (a) of this section, applicants shall not be ineligible for the advancement grant solely on account of the applicant's residency status under subdivision 2822(7) of this title if that applicant:~~

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

Sec. 2. INCENTIVE GRANT ELIGIBILITY; RESIDENCY

(a) Notwithstanding any provision of law to the contrary, applicants shall not be ineligible for the Vermont incentive grant program under 16 V.S.A. §§ 2841–2844 solely on account of that person’s residency status if the applicant:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

(b) This section shall be repealed on July 1, 2027.

Sec. 3. 16 V.S.A. § 2828 is added to read:

§ 2828. FINANCIAL AID ELIGIBILITY FOR CERTAIN STUDENTS

(a) Notwithstanding any provision of law to the contrary, a resident who is otherwise eligible for a State-funded financial aid program administered by the Corporation shall not be ineligible solely on the basis of such resident’s immigration status under federal law.

(b) The Corporation shall establish procedures and forms that enable residents eligible under subsection (a) of this section to apply for, and participate in, all State-funded student financial aid programs administered by the Corporation for which such residents are eligible to the full extent permitted by federal law. The Corporation may collect such information as is necessary to confirm eligibility for participation in programs administered by the Corporation.

(c) The Corporation may adopt rules pursuant to 3 V.S.A. chapter 25 as necessary to carry out the provisions of this section.

(d) The Corporation shall include information regarding the impact of this section and the number of students who receive financial aid pursuant to this section in its biannual report to the General Assembly pursuant to subsection 2835(c) of this title.

** * * Vermont State Colleges Corporation * * **

Sec. 4. 16 V.S.A. § 2185 is amended to read:

§ 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements. Any policies adopted by the Board shall not discriminate against or exclude a person based solely on the person's immigration status, or lack thereof, if such person would otherwise qualify for and meet requirements for Vermont residency for tuition purposes as set forth by the Board and as permitted under federal law.

(b) Any member of the U.S. Armed Forces on active duty who is transferred to Vermont for duty other than for the purpose of education shall, upon transfer and for the period of active duty served in Vermont, be considered a resident for in-state tuition purposes at the start of the next semester or academic period.

(c) For determination of residency for tuition to the Community College of Vermont, a person who resides in Vermont shall be considered a resident for in-state tuition purposes, beginning at the start of the next semester or academic period after arrival in Vermont, if that person:

(1) qualifies as a refugee pursuant to 8 U.S.C. § 1101(a)(42) (Immigration and Nationality Act definition of refugee);

(2) is granted parole to enter the United States pursuant to 8 U.S.C. § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian reasons); or

(3) is issued a special immigrant visa pursuant to the Afghan Allies Protection Act of 2009, Pub. L. No. 111-8 (8 U.S.C. § 1101 note), as amended.

** * **

(e) Except as otherwise provided by law, or by consent of the individual identified in the record, information collected pursuant to this section that directly or indirectly identifies applicants or students, including grant, loan, scholarship, or outreach programs, is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

** * * University of Vermont and State Agricultural College * * **

Sec. 5. 16 V.S.A. § 2282a is amended to read:

§ 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

(a) Enrollment at an institution for higher learning, or presence within the State for the purposes of attending an institution of higher learning, shall not by itself constitute residence for in-state tuition purposes or for the purpose of eligibility for assistance from the Vermont Student Assistance Corporation. The Board of Trustees shall adopt policies related to residency for tuition purposes, consistent with State and federal requirements. Any policies adopted by the Board of Trustees shall not discriminate against or exclude a person based solely on the person's immigration status, or lack thereof, if such person would otherwise qualify for and meet requirements for Vermont residency for tuition purposes as set forth by the Board and as permitted under federal law.

** * **

(d) Except as otherwise provided by law, or by consent of the individual identified in the record, information collected pursuant to this section that directly or indirectly identifies applicants or students, including grant, loan, scholarship, or outreach programs, is exempt from public inspection and copying under the Public Records Act and shall be kept confidential.

** * * Effective Dates * * **

Sec. 6. EFFECTIVE DATES

(a) This section and Secs. 1 (advancement grants) and 2 (incentive grants) shall take effect on July 1, 2024.

(b) Secs. 3 (financial aid), 4 (Vermont State Colleges Corporation in-state tuition), and 5 (University of Vermont and State Agricultural College in-state tuition) shall take effect on July 1, 2025.