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S.191

An act relating to New American educational grant opportunities

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

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

3           (2) is granted parole to enter the United States pursuant to 8 U.S.C.  
4 § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian  
5 reasons); or

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

8 Sec. 2. INCENTIVE GRANT ELIGIBILITY; RESIDENCY

9           (a) Notwithstanding any provision of law to the contrary, applicants shall  
10 not be ineligible for the Vermont incentive grant program under 16 V.S.A.  
11  §§ 2841–2844 solely on account of that person’s residency status if the  
12 applicant:

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

15           (2) is granted parole to enter the United States pursuant to 8 U.S.C.  
16 § 1182(d)(5) (temporary admission of nonimmigrants for urgent humanitarian  
17 reasons); or

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

20           (b) This section shall be repealed on July 1, 2027.

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

2 § 2828. FINANCIAL AID ELIGIBILITY FOR CERTAIN STUDENTS

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

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

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

16 (d) The Corporation shall include information regarding the impact of this  
17 section and the number of students who receive financial aid pursuant to this  
18 section in its biannual report to the General Assembly pursuant to subsection  
19 2835(c) of this title.

1                                   \* \* \* Vermont State Colleges Corporation \* \* \*

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

3    § 2185. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

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

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

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

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

20    (Immigration and Nationality Act definition of refugee);

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

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

6 \* \* \*

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

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

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

14 § 2282a. DETERMINATION OF RESIDENCY FOR TUITION PURPOSES

15 (a) Enrollment at an institution for higher learning, or presence within the  
16 State for the purposes of attending an institution of higher learning, shall not  
17 by itself constitute residence for in-state tuition purposes or for the purpose of  
18 eligibility for assistance from the Vermont Student Assistance Corporation.  
19 The Board of Trustees shall adopt policies related to residency for tuition  
20 purposes, consistent with State and federal requirements. Any policies adopted  
21 by the Board of Trustees shall not discriminate against or exclude a person

1 based solely on the person's immigration status, or lack thereof, if such person  
2 would otherwise qualify for and meet requirements for Vermont residency for  
3 tuition purposes as set forth by the Board and as permitted under federal law.

4 \* \* \*

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

10 \* \* \* Effective Dates \* \* \*

11 Sec. 6. EFFECTIVE DATES

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

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