

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS:

HEARINGS:

NEWSPAPER ARTICLES: Yes

"Dreamers' to see more financial aid," The Record, 5-9-2018

"Bill letting those without legal status get aid to be signed," Associated Press State Wire: New Jersey, 5-9-2018

"New Jersey law lets students without legal status get aid," Associated Press State Wire: New Jersey, 5-9-2018

"Dreamers can get college aid," The Times, 5-10-2018

"Dreamers can now get aid for college - Murphy signs bill making unauthorized immigrants eligible for state assistance," The Star-Ledger, 5-10-2018

"Dreamers can now get aid for college under new law - Murphy signs bill making unauthorized immigrants eligible for state assistance," South Jersey Times, 5-10-2018

"Giving more 'Dreamers' a path to their dreams," The Record, 5-10-2018

"Murphy gets 'Dreamers' help – bill extends state financial aid to undocumented students," The Record, 5-10-2018

"Some unauthorized immigrants in NJ can now get college financial aid," The Jersey Journal, 5-10-2018

"Dreamers' aid to cost N.J. \$5M – maybe," The Star-Ledger, 5-11-2018

"How much will it cost N.J. taxpayers to send unauthorized immigrants to college?" The Jersey Journal, 5-11-2018

"Giving more 'Dreamers' a path to their dreams," Wayne Today, 5-17-2018

RWH/JA

P.L. 2018, CHAPTER 12, *approved May 9, 2018*
Senate, No. 699 (*First Reprint*)

1 AN ACT concerning eligibility for State student financial assistance
2 programs and supplementing chapter 71B of Title 18A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or
9 any other law or regulation to the contrary, a student who meets the
10 requirements of P.L.2013, c.170 (C.18A:62-4.4) ¹, or in the case of a
11 student enrolled in an independent institution of higher education meets
12 all of the requirements of P.L.2013, c.170 (C.18A:62-4.4) except for the
13 requirement to enroll in a public institution of higher education,¹ is
14 eligible to apply for, and participate in, any student financial aid
15 program administered by the Higher Education Student Assistance
16 Authority or the Secretary of Higher Education to the full extent
17 permitted by federal law. The Legislature finds and declares that this
18 section is a state law within the meaning of section 411(d) of the
19 “Personal Responsibility and Work Opportunity Reconciliation Act of
20 1996” 16 (8 U.S.C. s.21(d)).

21 b. The Higher Education Student Assistance Authority and the
22 Secretary of Higher Education shall establish procedures and forms
23 that enable students who meet the requirements of ¹**[P.L.2013, c.170**
24 **(C.18A:62-4.4)]** subsection a. of this section¹ to apply for, and
25 participate in, all student financial aid programs administered by the
26 Higher Education Student Assistance Authority and the Secretary of
27 Higher Education to the full extent permitted by federal law. The
28 procedures and forms shall be posted on the websites of the Higher
29 Education Student Assistance Authority and the Office of the
30 Secretary of Higher Education.

31 c. ¹The procedures and forms established by the Higher
32 Education Student Assistance Authority and the Secretary of Higher
33 Education pursuant to this section shall not discriminate against
34 eligible students based on the immigration status or national origin of
35 the student or the student’s parent or guardian.

36 d. Except as required by State or federal law, the Higher
37 Education Student Assistance Authority and the Secretary of Higher
38 Education shall not request information from any student about the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted March 13, 2018.

1 citizenship or immigration status of the student or the student's parent
2 or guardian.

3 e.¹ The Higher Education Student Assistance Authority and the
4 Secretary of Higher Education shall adopt rules and regulations
5 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
6 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

7 2. This act shall take effect immediately and first apply to the
8 **【2017-2018】** 2018-2019 academic year.

9

10

11

12

13 _____
14 Allows certain students including undocumented immigrants
15 who meet certain criteria to qualify for State student financial aid
programs.

SENATE, No. 699

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Allows certain students including undocumented immigrants who meet certain criteria to qualify for State student financial aid programs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/9/2018)

1 AN ACT concerning eligibility for State student financial assistance
2 programs and supplementing chapter 71B of Title 18A of the
3 New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or
9 any other law or regulation to the contrary, a student who meets the
10 requirements of P.L.2013, c.170 (C.18A:62-4.4) is eligible to apply
11 for, and participate in, any student financial aid program
12 administered by the Higher Education Student Assistance Authority
13 or the Secretary of Higher Education to the full extent permitted by
14 federal law. The Legislature finds and declares that this section is a
15 state law within the meaning of section 411(d) of the “Personal
16 Responsibility and Work Opportunity Reconciliation Act of 1996”
17 (8 U.S.C. s.1621(d)).

18 b. The Higher Education Student Assistance Authority and the
19 Secretary of Higher Education shall establish procedures and forms
20 that enable students who meet the requirements of P.L.2013, c.170
21 (C.18A:62-4.4) to apply for, and participate in, all student financial
22 aid programs administered by the Higher Education Student
23 Assistance Authority and the Secretary of Higher Education to the
24 full extent permitted by federal law. The procedures and forms shall
25 be posted on the websites of the Higher Education Student
26 Assistance Authority and the Office of the Secretary of Higher
27 Education.

28 c. The Higher Education Student Assistance Authority and the
29 Secretary of Higher Education shall adopt rules and regulations
30 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
31 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
32 act.
33

34 2. This act shall take effect immediately and first apply to the
35 2017-2018 academic year.
36
37

38 STATEMENT
39

40 Under the bill, a student who meets the requirements established
41 under P.L.2013, c.170 (C.18A:62-4.4), which was approved on
42 December 20, 2013, is eligible to apply for, and participate in, any
43 student financial aid program administered by the Higher Education
44 Student Assistance Authority or the Secretary of Higher Education.
45 Under P.L.2013, c.170, a student, including a student without
46 lawful immigration status, is allowed to pay the resident tuition rate
47 at the State’s public institutions of higher education if the student
48 meets the following requirements: (1) attended high school in this

1 State for three or more years; (2) graduated from a high school in
2 this State or received the equivalent of a high school diploma in the
3 State; (3) registers as an entering student or is currently enrolled in
4 a public institution of higher education not earlier than the fall
5 semester of the 2013-2014 academic year; and (4) in the case of a
6 person without lawful immigration status, files an affidavit with the
7 institution of higher education stating that the student has filed an
8 application to legalize his immigration status or will file an
9 application as soon as he is eligible to do so.

10 This bill directs the authority and the secretary to establish
11 procedures and forms that enable these students to apply for, and
12 participate in, the State student financial assistance programs. These
13 procedures and forms will be posted on the websites of the Higher
14 Education Student Assistance Authority and the Office of the
15 Secretary of Higher Education.

16 Existing federal law at 8 U.S.C. s.1621(d) permits a state to
17 make an alien without lawful immigration status eligible for a state
18 or local public benefit for which the alien would otherwise be
19 ineligible under federal law only through the enactment of a state
20 law that affirmatively provides for such eligibility. The bill declares
21 that this section concerning financial aid eligibility is a state law
22 within the meaning of this federal provision.

SENATE HIGHER EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 699

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Higher Education Committee reports favorably Senate Bill No. 699.

This bill provides that a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4), which was approved on December 20, 2013, is eligible to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education. Under P.L.2013, c.170, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State's public institutions of higher education if the student meets the following requirements: (1) attended high school in this State for three or more years; (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State; (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

This bill directs the authority and the secretary to establish procedures and forms that enable these students to apply for, and participate in, the State student financial assistance programs. These procedures and forms will be posted on the websites of the Higher Education Student Assistance Authority and the Office of the Secretary of Higher Education.

Existing federal law at 8 U.S.C. s.1621(d) permits a state to make an alien without lawful immigration status eligible for a state or local public benefit for which the alien would otherwise be ineligible under federal law only through the enactment of a state law that affirmatively provides for such eligibility. The bill declares that this section concerning financial aid eligibility is a state law within the meaning of this federal provision.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 699

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 13, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 699, with committee amendments.

As amended, this bill provides that a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4), or in the case of a student enrolled in an independent institution of higher education meets all of the requirements of that section except for the requirement to enroll in a public institution of higher education, is eligible to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education. Under P.L.2013, c.170, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State's public institutions of higher education if the student meets the following requirements: (1) attended high school in this State for three or more years; (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State; (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

This bill directs the authority and the secretary to establish procedures and forms that enable these students to apply for, and participate in, the State student financial assistance programs. These procedures and forms will be posted on the websites of the Higher Education Student Assistance Authority and the Office of the Secretary of Higher Education. The procedures and forms established by the authority and the secretary pursuant to the bill cannot discriminate against eligible students based on the immigration status or national origin of the student or the student's parent or guardian.

Finally, the bill provides that, except as required by State or federal law, the Higher Education Student Assistance Authority and the Secretary of Higher Education cannot request information from any

student about the citizenship or immigration status of the student or the student's parent or guardian.

Existing federal law at 8 U.S.C. s.1621(d) permits a state to make an alien without lawful immigration status eligible for a state or local public benefit for which the alien would otherwise be ineligible under federal law only through the enactment of a state law that affirmatively provides for such eligibility. The bill declares that this section concerning financial aid eligibility is a state law within the meaning of this federal provision.

COMMITTEE AMENDMENTS:

The amendments extend eligibility under the bill for student financial aid programs to students enrolled in independent institutions of higher education, provided that they meet all of the other requirements of the bill.

The amendments include a provision that the procedures and forms established by the Higher Education Student Assistance Authority and the Secretary of Higher Education pursuant to the bill cannot discriminate against eligible students based on the immigration status or national origin of the student or the student's parent or guardian.

The amendments include a provision that, except as required by State or federal law, the Higher Education Student Assistance Authority and the Secretary of Higher Education cannot request information from any student about the citizenship or immigration status of the student or the student's parent or guardian.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the bill may lead to an increase in State expenditures by: 1) increasing the number of students who are currently enrolled in an institution of higher education who are eligible to receive State student assistance; and 2) increasing the number of individuals who elect to enroll in an institution of higher education by reducing the out-of-pocket cost of attendance. While the OLS does not have sufficient information to determine the amount of financial assistance for which students would become eligible, existing data suggest that the fiscal impact would be small relative to current appropriations.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 699
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: MARCH 9, 2018

SUMMARY

- Synopsis:** Allows certain students including undocumented immigrants who meet certain criteria to qualify for State student financial aid programs.
- Type of Impact:** Indeterminate Expenditure Increase in General Fund
- Agencies Affected:** Higher Education Student Assistance Authority; Office of the Secretary of Higher Education

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Expenditure Increase		

- The Office of Legislative Services (OLS) notes that this bill may result in an indeterminate increase in State expenditures. The magnitude of the increase would be determined by the form and amount of State student financial aid for which students would now be eligible and the extent to which this availability causes additional students to enroll in institutions of higher education.
- The OLS notes that the Higher Education Student Assistance Authority (HESAA) determines Tuition Aid Grant (TAG) amounts in part on the amount appropriated. In the 2017-2018 academic year, the average TAG award for a student attending a four-year institution of higher education was approximately \$7,451. Based on the assumptions discussed below, the OLS estimates that an additional appropriation of \$4.47 million would be necessary in order to provide TAG awards to the newly-eligible students while maintaining the same average award amount.

BILL DESCRIPTION

Senate Bill No. 699 of 2018 provides that a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4) is eligible to apply for, and participate in, any student financial aid program administered by the HESAA or the Secretary of Higher Education.

Under P.L.2013, c.170, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State's public institutions of higher education if the student meets the following requirements:

- (1) attended high school in this State for three or more years;
- (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State;
- (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and
- (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that this bill may lead to an increase in State expenditures by: 1) increasing the number of students who are currently enrolled in an institution of higher education who are eligible to receive State student assistance; and 2) increasing the number of individuals who elect to enroll in an institution of higher education by reducing the out-of-pocket cost of attendance. While the OLS does not have sufficient information to determine the amount of financial assistance for which students would become eligible, existing data suggest that the fiscal impact would be small relative to current appropriations.

The TAG program provides the most significant form of student assistance. The FY 2018 budget appropriated \$425.9 million for this purpose, providing an average grant award of \$7,451 per recipient who attends a four-year institution of higher education. According to a recent report, as of fall 2015, there were nearly 600 students who qualified for in-State tuition at a four-year institution pursuant to P.L.2013, c.170. Given that this bill would impact the same group of individuals, one may reasonably assume that the same number of individuals would be affected. Based on this assumption, an additional \$4.47 million would be needed in order to maintain the same average award, an increase of approximately one percent relative to the amount appropriated in FY 2018. The additional cost would increase to the extent that the access to the State's student assistance programs would encourage additional individuals to enroll in an institution of higher education.

The OLS further notes that the additional cost of other State student assistance programs under the bill would be minimal for two reasons. First, these programs provide significantly less support to individuals than TAG. Second, several of the other programs include other eligibility criteria that would diminish the number of individuals who would receive the benefit as a result of this bill.

FE to S699

3

Section: Education

*Analyst: Allen T. Dupree
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 699

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: APRIL 2, 2018

SUMMARY

Synopsis: Allows certain students including undocumented immigrants who meet certain criteria to qualify for State student financial aid programs.

Type of Impact: Indeterminate State Expenditure Increase

Agencies Affected: Higher Education Student Assistance Authority; Office of the Secretary of Higher Education

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate Expenditure Increase		

- The Office of Legislative Services (OLS) concludes that this bill may result in an indeterminate increase in State expenditures. The magnitude of the increase would be determined by the form and amount of State student financial aid for which students would become eligible and the extent to which the availability of financial aid causes additional students to enroll in institutions of higher education.
- The OLS notes that the Higher Education Student Assistance Authority (HESAA) determines Tuition Aid Grant (TAG) amounts in part on the amount appropriated. In the 2017-2018 academic year, the average TAG award for a student attending a four-year institution of higher education was approximately \$7,451. Based on the assumptions discussed below, the OLS estimates that an additional appropriation of \$4.47 million would be necessary in order to provide TAG awards to the newly-eligible students while maintaining the same average award amount.

BILL DESCRIPTION

The bill provides that a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4) is eligible to apply for, and participate in, any student financial aid program administered by the HESAA or the Secretary of Higher Education.

Under P.L.2013, c.170, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State's public institutions of higher education if the student meets the following requirements:

- (1) attended high school in this State for three or more years;
- (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State;
- (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and
- (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as he is eligible to do so.

A student who is enrolled in an independent institution of higher education would also be eligible to apply for, and participate in, any student financial aid program if that student meets the other eligibility criteria of P.L.2013, c.170.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill may lead to an increase in State expenditures by: 1) increasing the number of students who are currently enrolled in an institution of higher education and eligible to receive State student financial aid; and 2) increasing the number of individuals who elect to enroll in an institution of higher education by reducing the out-of-pocket cost of attendance due to eligibility for financial aid. While the OLS does not have sufficient information to determine the amount of financial assistance for which students would become eligible, existing data suggest that the fiscal impact would be small relative to current appropriations.

The TAG program provides the most significant form of student assistance. The FY 2018 budget appropriated \$425.9 million for this purpose, providing an average grant award of \$7,451 per recipient who attends a four-year institution of higher education. According to a recent report, as of fall 2015, there were nearly 600 students¹ who qualified for in-State tuition at a four-year institution pursuant to P.L.2013, c.170. Given that this bill would impact the same group of individuals, one may reasonably assume that the same number of individuals would be affected. Based on this assumption, an additional \$4.47 million would be needed in order to maintain the same average award, an increase of approximately one percent relative to the amount appropriated in FY 2018. The additional cost would increase to the extent that the access to the State's student assistance programs would encourage additional individuals to enroll in an institution of higher education.

The OLS further notes that the additional cost of other State student assistance programs under the bill would be minimal for two reasons. First, these programs provide significantly less support to individuals than TAG. Second, several of the other programs include other eligibility

¹ This figure does not account for students enrolled in an independent institution of higher education who may benefit from the bill. However, the OLS believes that the fiscal impact would continue to be marginal.

criteria that would diminish the number of individuals who would receive the benefit as a result of this bill.

Section: Education

*Analyst: Allen T. Dupree
Principal Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3467

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MARCH 5, 2018

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Co-Sponsored by:

**Assemblymen Mukherji, Calabrese, Holley, Assemblywoman Vainieri
Huttle, Assemblyman Johnson and Assemblywoman Reynolds-Jackson**

SYNOPSIS

Allows certain students including undocumented immigrants who meet certain criteria to qualify for State student financial aid programs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/13/2018)

1 AN ACT concerning eligibility for State student financial assistance
2 programs and supplementing chapter 71B of Title 18A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. Notwithstanding the provisions of N.J.S.18A:71B-2 or
9 any other law or regulation to the contrary, a student who meets the
10 requirements of P.L.2013, c.170 (C.18A:62-4.4) is eligible to apply
11 for, and participate in, any student financial aid program
12 administered by the Higher Education Student Assistance Authority
13 or the Secretary of Higher Education to the full extent permitted by
14 federal law. The Legislature finds and declares that this section is a
15 state law within the meaning of section 411(d) of the “Personal
16 Responsibility and Work Opportunity Reconciliation Act of 1996”
17 (8 U.S.C. s.1621(d)).

18 b. The Higher Education Student Assistance Authority and the
19 Secretary of Higher Education shall establish procedures and forms
20 that enable students who meet the requirements of P.L.2013, c.170
21 (C.18A:62-4.4) to apply for, and participate in, all student financial
22 aid programs administered by the Higher Education Student
23 Assistance Authority and the Secretary of Higher Education to the
24 full extent permitted by federal law. The procedures and forms shall
25 be posted on the websites of the Higher Education Student
26 Assistance Authority and the Office of the Secretary of Higher
27 Education.

28 c. The Higher Education Student Assistance Authority and the
29 Secretary of Higher Education shall adopt rules and regulations
30 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
31 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this
32 act.

33
34 2. This act shall take effect immediately and first apply to the
35 2018-2019 academic year.

36
37
38 STATEMENT

39
40 This bill allows a student who meets the requirements established
41 under P.L.2013, c.170 (C.18A:62-4.4) to apply for, and participate in,
42 any student financial aid program administered by the Higher
43 Education Student Assistance Authority or the Secretary of Higher
44 Education.

45 Under P.L.2013, c.170, which was approved on December 20,
46 2013, a student, including a student without lawful immigration status,
47 is allowed to pay the resident tuition rate at the State’s public
48 institutions of higher education if the student meets the following

1 requirements: (1) attended high school in this State for three or more
2 years; (2) graduated from a high school in this State or received the
3 equivalent of a high school diploma in the State; (3) registers as an
4 entering student or is currently enrolled in a public institution of higher
5 education not earlier than the fall semester of the 2013-2014 academic
6 year; and (4) in the case of a person without lawful immigration status,
7 files an affidavit with the institution of higher education stating that
8 the student has filed an application to legalize his immigration status
9 or will file an application as soon as the person is eligible to do so.

10 This bill directs the authority and the secretary to establish
11 procedures and forms that enable these students to apply for, and
12 participate in, the State student financial assistance programs. These
13 procedures and forms will be posted on the websites of the Higher
14 Education Student Assistance Authority and the Office of the
15 Secretary of Higher Education.

16 Existing federal law at 8 U.S.C. s.1621(d) permits a state to make
17 an alien without lawful immigration status eligible for a state or local
18 public benefit for which the alien would otherwise be ineligible under
19 federal law only through the enactment of a state law that affirmatively
20 provides for such eligibility. This bill declares that this section
21 concerning financial aid eligibility is a state law within the meaning of
22 this federal provision.

ASSEMBLY HIGHER EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3467

STATE OF NEW JERSEY

DATED: MARCH 5, 2018

The Assembly Higher Education Committee reports favorably Assembly Bill No. 3467.

This bill allows a student who meets the requirements established under P.L.2013, c.170 (C.18A:62-4.4) to apply for, and participate in, any student financial aid program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education.

Under P.L.2013, c.170, which was approved on December 20, 2013, a student, including a student without lawful immigration status, is allowed to pay the resident tuition rate at the State's public institutions of higher education if the student meets the following requirements: (1) attended high school in this State for three or more years; (2) graduated from a high school in this State or received the equivalent of a high school diploma in the State; (3) registers as an entering student or is currently enrolled in a public institution of higher education not earlier than the fall semester of the 2013-2014 academic year; and (4) in the case of a person without lawful immigration status, files an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status or will file an application as soon as the person is eligible to do so.

This bill directs the authority and the secretary to establish procedures and forms that enable these students to apply for, and participate in, the State student financial assistance programs. These procedures and forms will be posted on the websites of the Higher Education Student Assistance Authority and the Office of the Secretary of Higher Education.

Existing federal law at 8 U.S.C. s.1621(d) permits a state to make an alien without lawful immigration status eligible for a state or local public benefit for which the alien would otherwise be ineligible under federal law only through the enactment of a state law that affirmatively provides for such eligibility. This bill declares that this section concerning financial aid eligibility is a state law within the meaning of this federal provision.

STATEMENT TO
ASSEMBLY, No. 3467

with Floor Amendments
(Proposed by Assemblyman SCHAER)

ADOPTED: APRIL 12, 2018

These floor amendments:

- extend eligibility under the bill for student financial aid programs to students enrolled in independent institutions of higher education, provided that they meet all of the requirements of P.L.2013, c.170 other than enrollment in a public institution of higher education;
- include a provision that the procedures and forms established by the Higher Education Student Assistance Authority and the Secretary of Higher Education cannot discriminate against eligible students based on the immigration status or national origin of the student or the student's parent or guardian; and
- include a provision that, except as required by State or federal law, the authority and the secretary cannot request information from any student about the citizenship or immigration status of the student or the student's parent or guardian.



Newark, N.J.

Governor Murphy Signs Financial Aid Equity Legislation

05/9/2018

Newark, NJ – Fulfilling his promise to ensure financial aid equity for DREAMers, Governor Phil Murphy today signed legislation allowing these New Jersey students to apply for state financial aid assistance. New Jersey now becomes the ninth state in the nation to make both tuition and financial aid available to DREAMers.

“Tuition equity and equal access to financial aid are moral standards that we as public officials must uphold for all New Jersey students, whether they were born here or not,” said Governor Murphy. “These young people came to this country as children, were educated in our schools, and are just as American as anyone else. I’m proud to sign this legislation to help these students achieve their educational goals and their pursuit of a successful future.”

Governor Christie conditionally vetoed a tuition and financial aid equality bill in 2013 and removed the state financial aid sections, while keeping the parts of the bill that established in-state tuition.

The legislation, S-699 allows a student who meets the requirements established under the in-state tuition law signed in 2013 to qualify for and participate in any student financial aid program administered by the Higher Education Student Assistance Authority (HESAA) or the Secretary of Higher Education (OSHE).

These requirements include:

- attending high school in New Jersey for three or more years;
- graduating from a New Jersey highschool or receiving the equivalent of a high school diploma;
- registering or enrolling in a public institution of higher education no earlier than the 2013-2014 academic year;
- filing an affidavit stating that the student has filed an application to legalize his immigration status.

In addition to New Jersey, California, Oregon, Washington, Texas, Oklahoma, Minnesota, New Mexico and Hawaii also make in-state tuition and financial aid available to DREAMers.

Sponsors of the legislation include: Senators M. Teresa Ruiz, Sandra B. Cunningham and Nellie Pou as well as Assembly Members Gary S. Schaer, Annette Quijano and Mila M. Jasey.

DREAMers can apply for financial aid at: www.hesaa.org/njalternativeapplication.aspx

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