

2021 -- H 5238

LC000940

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION -- COUNCIL ON POSTSECONDARY EDUCATION [SEE  
TITLE 16 CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT]

Introduced By: Representatives Diaz, McNamara, Vella-Wilkinson, Slater, Perez, Alzate,  
Biah, Ajello, Tobon, and Batista

Date Introduced: January 29, 2021

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-59 of the General Laws entitled "Council on Postsecondary  
2 Education [See Title 16 Chapter 97 - The Rhode Island Board of Education Act]" is hereby  
3 amended by adding thereto the following section:

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. 1101 (a)(15)  
7 who meets all of the following requirements, shall be exempt from paying nonresident tuition at  
8 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 U.S. citizen and does not have a lawful immigration status, that  
17 the student has filed an application for lawful immigration status, or will file such an application as  
18 soon as they are eligible to do so. The affidavit shall not require students to reveal their immigration

1 or citizenship status.

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

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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RELATING TO EDUCATION -- COUNCIL ON POSTSECONDARY EDUCATION [SEE  
TITLE 16 CHAPTER 97 - THE RHODE ISLAND BOARD OF EDUCATION ACT]

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1           This act would create the "Rhode Island Student Success Act" which would identify those  
2 students who are exempt from paying nonresident tuition at public universities, colleges or  
3 community colleges.

4           This act would take effect upon passage.

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