

The New Massachusetts Tuition Equity Law: Implementation

December, 2023



MASSACHUSETTS
Department of
Higher Education

Tuition Equity – Summary of New Law*

- Signed into law on August 10, 2023 (FY24 Budget), but effective as of July 1, 2023
- Establishes “Higher School Completer Status” pathway:
 - a new, additional authorized eligibility status for all students—including some non-US citizens, namely undocumented students, to establish “residency” for state higher ed benefits.
- Expands access to”
 - in-state tuition at all MA public institutions and
 - all state financial aid programs at public or private higher ed. institutions

* *M.G.L. c. 15A, section 9, as amended by Section 11 of Chapter 28 of the Acts of 2023*

Who is a “High School Completer”?

- To qualify as a “High School Completer,” a student-applicant must have:
 - attended high school in the Commonwealth for at least three (3) years;
 - earned a diploma or the equivalent (a GED/ HiSet) in the Commonwealth; and
 - met other documentation requirements (next slide)
- *Any and all* students can use this additional pathway (“High School Completer status”) but of note...
 - Extends access to in-state tuition rates *and* state financial aid to certain non-US-citizens (namely, undocumented students) meeting the High School Completer requirements (listed above)

Implementation – Documentation requirements

- To be eligible a student must provide either:
- a valid Social Security Number (SSN), **or**
- documentation reflecting the issuance of an individual taxpayer identification number, **or**
- documentation of registration with selective service (if applicable) **or**
- if the individual is not a citizen or legal permanent resident of the United States, that person must provide a completed [DHE Affidavit](#) stating that the individual will file an application to become a citizen or legal permanent resident within 120 days after the individual becomes eligible to do so.

How do students apply?

- The DHE has developed a single, uniform *Application and Affidavit Form*:
 - [MA Department of Higher Education Tuition Equity Eligibility Form and Affidavit for High School Completers](#)
- Students must complete and submit *Application and Affidavit Form* to the institution (IHE) where they are/ intend to be enrolled
 - Each IHE is responsible for determining tuition status for their respective students (using DHE Implementation Procedures)
- Once eligible for in-state tuition, student is eligible for *consideration** for all state financial aid programs under the same terms as other individuals
 - Students only need to submit the form once
 - Eligibility for consideration for financial aid does not guarantee access

Implementation – DHE’s Uniform Student Application and Affidavit

- **Objective for Administrators:** affidavit facilitates intake of student aid applications and assessment of student-applicant eligibility
- **Objective for Students & Families:** affidavit fulfills statutory documentation requirement for High School Completer Status if student does not have SSN or taxpayer ID (ITIN)
- Affidavit allows student to *attest* to requirements for High School Completer status, including that:
 - *the student will apply for citizenship or legal permanent residence status within 120 days of eligibility for that status, as required by statute for students without a social security number or an ITIN number.*
- Note that students must also show proof of selective service filing if eligible, per the legislation.

Affidavit-Single uniform MA Form

- **Massachusetts Department of Higher Education**

- **Tuition Equity Eligibility Form and Affidavit for High School Completers**

- Pursuant to Section 11 of Chapter 28 of the Acts of 2023 of the Massachusetts General Court, I, (name) _____ have been admitted and seek to enroll (or am enrolled) in a public higher education institution or an eligible private (independent) higher education in Massachusetts and declare the following:

- 1. I am not a nonimmigrant alien within the meaning of 8 U.S.C. § 204 1101(a)(15)(A) to (S), inclusive; and
 2. I attended at least 3 academic years of high school in Massachusetts; and
 3. I graduated from a high school in Massachusetts or I have attained the equivalent of a high school diploma (for example, a GED/HiSet) in Massachusetts; and
 4. If eligible, I have registered for federal Military Selective Service; and
 5. I have either:
 - a. provided a valid Social Security Number; or
 - b. provided documentation reflecting the issuance of an individual taxpayer identification number; or
 - c. provided documentation of registration with the selective service, if applicable; or
 - d. applied for citizenship or legal permanent residence or I will apply for citizenship or legal permanent residence in accordance with federal statute or federal regulations within 120 days of my eligibility for such status.

Affidavit

- I certify that the information provided is complete and correct. I understand that the public or private higher education institution to which I am applying or am enrolled, and/or the Massachusetts Department of Higher Education, reserves the right to request additional information if necessary.
- In addition, if I have not provided any one of the documents listed in items 5(a), (b), or (c) above, I swear, under the penalties of perjury, that I have or will file an application to become a citizen or legal permanent resident within 120 days of becoming eligible to do so. I further understand that if any of the information provided above is untrue I will be liable for payment of any tuition charges from which I was exempted or state financial aid that I received in reliance on the information provided above, and I may be subject disciplinary action.
- Signature of Applicant: _____
- Printed Name: _____

Affidavit

- Massachusetts high school transcript received
- Proof of graduation from MA high school or certificate demonstrating the equivalent obtained in MA (GED/HiSet)
- Proof of selective service filing
- Submitted social security number, or documentation of taxpayer ID number, or proof of registration with selective service, if applicable (circle which one or check here if N/A ___)

- Eligible
 - Ineligible
- Tuition rate (public IHEs only):
- In-state
 - Out-of-State

Signature

Implementation Timeline- Phase I & II

- Phase I: Upon intake and assessment, qualifying “High School Completers” are immediately eligible for:
 - MA **in-state-tuition** rates at all public higher ed. campuses;
 - all MA **non-need-based** tuition waivers, such as the Adams Scholarship (if otherwise eligible); and
 - all MA **non-need-based** financial aid, such the Foster and Adoption Fee assistance waivers (if otherwise eligible under the term of each program).
- Retroactive application in FY2024: Student reclassification determinations made during FY2024 will be retroactive to July 1, 2023, as applicable

Financial Aid Eligibility Timing- Phase II

Phase II- need based financial aid

- All state state financial aid programs that are need-based *require filing of the FAFSA*, or the state-approved-alternative form:
- DHE is developing the state- approved-alternative FAFSA and anticipates it will be available later this month (by or before January 1, 2024)
- Students will be eligible to be considered for need-based state financial aid once the state-approved-alternative FAFSA is available.
- Eligibility determinations made during FY2024 will be retroactive to July 1, 2023, as applicable.

DHE Resources

- For additional information, please visit the DHE's Tuition Equity landing page at the following URL:
(www.mass.edu/tuitionequity/home)
 - Serves as a resource for students, families, and administrators
 - Includes Frequently Asked Questions (FAQ's) on Implementation of Tuition Equity Provision
 - Provides DHE's Tuition Equity Law guidelines and links to key documents:
 - [DHE Implementation Procedures](#)
 - [DHE Tuition Equity Form and Affidavit](#)
 - [Sample Notice to Students and Educational Institutions](#)

Questions

Email DHE staff at:
tuitionequity@dhe.mass.edu.

Does Qualifying for In-state tuition mean a student has access to MA State Financial Aid?

- Yes, but subject to meeting the eligibility requirement of each financial aid program.
- If a student is determined eligible for in-state tuition with “High School Completer” status, they may be eligible for consideration for some Massachusetts financial aid programs.
- This eligibility for consideration for financial aid does not guarantee access to financial aid.
- High School Completer status will allow a student to be considered for state-funded financial assistance on the same terms as other individuals.
- That means that students must meet the eligibility criteria for each financial aid program for which the student is seeking access.
- Massachusetts state financial aid programs can be accessed on the DHE’s website <https://www.mass.edu/osfa/home/home.asp>

If a currently enrolled student is reclassified with “high school completer status” can the student seek a tuition adjustment for courses taken in previous years?

- The new provision became law as of July 1, 2023 and can be used for any term that begins after that date.
- Students may use the DHE’s uniform Application and Affidavit to apply now to their institution for the in-state tuition rate, which, if eligible, will be applied retroactively and will result in a credit or reimbursement for the difference in rate as of that date.
- The law cannot be used to change tuition status for any term beginning prior to July 1, 2023.

Will a student be asked about their parents' immigration status either on the Application and Affidavit Form, or the state-alternative FAFSA?

- No. For the purposes of the MA Tuition Equity Law, the immigration status of a student's parent(s) is completely immaterial.
- The student's immigration status also is largely immaterial except:
 - the provision is not available to students with certain immigration statuses referenced in the law, such as diplomatic officials and those only authorized to work or visit the US on a short-term temporary basis.

What other ways can students be eligible for in-state tuition?

- Students can also be eligible for in-state status via the primary traditional pathway– the BHE’s Residency Policy :
 - establishing US citizenship, lawful immigrant status, or lawful permanent resident status, satisfying the residential requirement, and showing an intention to stay in Massachusetts.
- This pathway for in-state tuition can be found on our website..
- The Tuition Equity provision and High School Completer status is an *additional* way a student can establish in-state tuition eligibility.

Does the MA Tuition Equity Law impact a student's eligibility for Federal financial aid?

No. "High School Completer" status and the Tuition Equity Law does not change Federal requirements for Federal forms of financial aid (for example Pell Grants, Direct Loans, etc).

How can students contact at the DHE if they believe they were incorrectly classified/re-classified by their college/university?

- Students must first approach their institution to determine and follow the institution's appeals process.
- Students who remain aggrieved after raising the issue with their institution may also submit their concerns to the DHE, via the DHE's compliant process:

<https://www.mass.edu/forstufam/complaints/complaints.asp>

DHE Staff Contacts

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