



SPONSOR: Rep. Miro & Sen. Marshall;  
Reps. Fallon, Reynolds, Keeley; Sen.  
Cook

HOUSE OF REPRESENTATIVES

142nd GENERAL ASSEMBLY

HOUSE BILL NO. 222

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO IN-STATE TUITION CHARGES  
FOR DELAWARE RESIDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1           Section 1. Amend Title 14 of the Delaware Code by adding thereto a new Chapter as follows:

2                               “Chapter 90A. In-State Tuition Charges for Delaware Residents.

3           Section 9001A. Purpose.

4                               It is the intent and purpose of the General Assembly to establish a definition for Delaware  
5 residents for tuition charges at a State supported school.

6           Section 9002A. In-State Tuition Charge.

7                               (a) Notwithstanding any other provision of law to the contrary, for tuition purposes, an  
8 individual shall be deemed a Delaware resident, until the individual establishes a residence  
9 outside of this State, if all of the following conditions are met:

10                              (1) The individual resided with his or her parent or guardian in the State of Delaware  
11 while attending a public or private high school in this State;

12                              (2) The individual graduated from a public or private high school or received the  
13 equivalent of a high school diploma in this State;

14                              (3) The individual attended school in this State and resided in the State of Delaware for at  
15 least three (3) years as of the date the individual graduated from high school or  
16 received the equivalent of a high school diploma;

17                              (4) The individual registers as an entering student in a public institution of higher  
18 education not earlier than the 2004 fall semester; and

19 (5) In the case of an individual who is not a citizen or a permanent resident of the United  
20 States, the individual provides the public institution of higher education with an  
21 affidavit stating that the individual will file an application to become a permanent  
22 resident of the United States at the earliest opportunity the individual is eligible to do  
23 so.

24 (b) A public institution of high education may not award a degree to an individual who  
25 qualifies for resident tuition charges under this Section until the individual files the  
26 affidavit specified under this Section; or pays the difference between the tuition charges  
27 for a non-resident student and the tuition charges for a resident student at the institution.

28 (c) This Section applies only to tuition for a term or semester that begins on or after the  
29 effective date of this Act.”.

#### SYNOPSIS

This Bill allows an individual who is not a United States citizen to be deemed a Delaware resident for tuition purposes only if certain criteria are met.