

## **HIGHER EDUCATION**

**(d)**

### **SECRETARY OF HIGHER EDUCATION**

**Residency Requirements for Tuition Purposes at  
Public Colleges and Universities**

**Readoption: N.J.A.C. 9A:5**

Proposed: November 18, 2013, at 45 N.J.R. 2421(a).

## **HIGHER EDUCATION ADOPTIONS**

**(CITE 46 N.J.R. 624) NEW JERSEY REGISTER, MONDAY, APRIL 7, 2014**

Adopted: March 14, 2014, by Rochelle Hendricks, Secretary of Higher Education, Office of the Secretary of Higher Education.

Filed: March 14, 2014, as R.2014 d.063, **without change**.

Authority: N.J.S.A. 18A:62-4.

Effective Date: March 14, 2014.

Expiration Date: March 14, 2021.

### **Summary of Public Comment and Agency Response:**

**COMMENT:** Jean Q. Public submitted a comment and stated that if illegal immigrants get into any college in New Jersey they should pay triple rates of a New Jersey citizen because tax payers fund the elementary education of these students. The commenter also expressed that no New Jersey citizen college applicant should lose a place in a New Jersey college or university because of an illegal immigrant.

**RESPONSE:** The agency thanks the commenter for her remarks. However, the commenter's remarks are not consistent with the proposed regulations. New Jersey institutions currently inquire about the citizenship, as well as residency status of all enrolled students, which is why the institutions have different tuition rates for residents, out-of-State, and international students. Additionally, there is no evidence that qualified student applicants who are citizens of the U.S. are being denied admission to New Jersey colleges and universities because of offers to non-citizens.

In light of the subject matter of the commenter's remarks, the Office of the Secretary of Higher Education (the Office) would like to note that this chapter was due to expire on April 14, 2014. The regulatory process for readoption of these rules was initiated on November 18, 2013. The Development Relief and Education for Alien Minors Act (the DREAM Act), P.L. 2013, c. 170, was signed into law on December 20, 2013. Since the Act was signed after the readoption process for these rules commenced, this rulemaking does not include language implementing the DREAM Act. However, pursuant to the DREAM Act, the Office of the Secretary of Higher Education is in the process of preparing rules to implement the Act. The Office is currently

meeting with stakeholders regarding the development of proposed rules. The Office will publish the proposed rules for public comment and input when they are developed. While the rules for the DREAM Act have yet to be promulgated, the DREAM Act took effect immediately.

**Federal Standards Statement**

The readopted rules are not subject to a Federal standards analysis under Executive Order no. 27 (1994) or N.J.S.A. 52:14B-2.3 because the subject matter involves the Office of the Secretary of Higher Education’s regulation of residency requirements for tuition purposes at New Jersey public colleges and universities and is not subject to the Federal requirements or standards.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 9A:5.