

# PROPOSITION 308 (PROP. 308)

## FREQUENTLY ASKED QUESTIONS:

### Q: What is Prop. 308?

A: Prop. 308 is a [legislative referral](#) that was on the ballot for November 2022. The voters passed Prop. 308, and it became effective Dec. 5, 2022, after the election results were certified and Governor Ducey proclaimed it to be law.

### Q: What does Prop. 308 do?

A. Prior to Prop. 308, under A.R.S. § 15-1803, a student without lawful immigration status was not eligible for in-state tuition. Prop. 308 made two significant changes to Arizona law. First, subject to statutorily defined exceptions<sup>1</sup>, now all students, including those without lawful immigration status, are eligible for in-state tuition at state universities and community colleges if the student both:

1. Attended an Arizona public or private high school, or homeschool for a minimum of two years; and
2. Graduated from an Arizona public or private high school, or homeschool equivalent, or obtained an Arizona high school equivalency diploma, i.e., a general equivalency diploma (GED).

Second, Prop. 308 repealed A.R.S. § 15-1825, which has previously made students without lawful immigration status ineligible to receive financial aid funded as a whole, or in part, with state monies.

## IN-STATE TUITION FAQs

### Q: Who is eligible for in-state tuition under Prop. 308?

A: A student, other than the nonimmigrant aliens described under 8 U.S. Code § 1101(a)(15), is eligible for in-state tuition under Prop. 308, if the student meets both of the following criteria:

1. The student attended any public or private high school or homeschool equivalent while physically present in Arizona for at least two years; and
2. The student graduated from any public or private high school or homeschool equivalent in Arizona or obtained a high school equivalency diploma in Arizona, i.e., a GED.

### Q: Do the two years of physical presence in Arizona while attending high school need to be consecutive?

A: No. Students do not need to have two years of consecutive presence. However, to be eligible, they still must provide documentation that they both:

1. Attended any public or private high school option or homeschool equivalent while physically present in Arizona for at least two years; and
2. Graduated from a public or private high school option or homeschool equivalent or obtained a high school equivalency diploma in Arizona.

### Q: Will students with visas be eligible for in-state tuition under Prop. 308?

A: Nonimmigrant aliens described under 8 U.S. C. § 1101(a)(15) are not eligible for in-state tuition under Prop. 308. This includes, but is not limited to, students who hold F1, F2, J1, H4 or H1 visas. For a complete list, please look at [8 U.S. C. § 1101\(a\)\(15\)](#).

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<sup>1</sup> Nonimmigrant aliens described under 8 U.S. Code § 1101(a)(15) are not eligible for in-state tuition under Prop. 308.

**Q: Does Prop. 308 change the eligibility for paying in-state tuition under A.R.S. § 15-1802?**

A: No. Anyone eligible for in-state tuition prior to Prop. 308 remains eligible.

**Q: Do students, who are eligible for in-state tuition under Prop. 308, also need to prove domicile under A.R.S. § 15-1802?**

A: No. A qualifying student will pay in-state tuition if they meet the requirements of A.R.S. § 15-1803(B):

1. The student attended any public or private high school or homeschool equivalent while physically present in Arizona for at least two years; and
2. The student graduated from any public or private high school or homeschool equivalent in Arizona or obtained a high school equivalency diploma in Arizona, i.e., a GED.

**Q: Are current students eligible for in-state tuition?**

A: Yes. Students who meet the requirements of Prop. 308 are eligible for in-state tuition for any semester that starts after Dec. 13, 2022. Prop. 308 does not have a retroactive effect, so students will not be reclassified for semesters that began prior to Dec. 13, 2022.

**Q: What should I do about my personal questions about my tuition?**

A: Please contact the financial aid and/or residency classification office at your university about your ability to qualify for in-state tuition under Prop. 308.

## **FINANCIAL AID FAQs**

**Q: How does Prop. 308 impact eligibility for financial aid?**

A: Prop. 308 repealed an Arizona law (A.R.S. § 15-1825) which prohibited students who were not citizens of the United States and who were “without lawful immigration status” from receiving financial assistance subsidized or paid in whole, or in part, with state monies, such as tuition waivers, fee waivers, grants, scholarships, and any other type of financial aid or assistance.

With the passage of Prop. 308, all students – regardless of immigration status – may be eligible to receive financial aid paid in whole or in part with state monies to attend an Arizona public university or an Arizona community college. While Prop. 308 eliminated barriers to eligibility for financial aid based on immigration status, a student must still meet all other requirements of the state financial aid they are seeking.

To be eligible for state financial aid, a student does NOT need to meet the Arizona high school attendance or graduation criteria. That applies only to eligibility for in-state tuition.

Prop. 308 does not impact the eligibility requirements to receive federal financial aid.

**Q: What other scholarships are the students impacted by Prop. 308 now eligible to apply for?**

A: Arizona's public universities offer a number of financial aid opportunities, including merit scholarships and need-based aid. Students who meet the requirements of the public universities' scholarships and financial aid programs are now eligible to receive them, regardless of immigration status. For additional information, students should visit the university financial aid websites or contact university financial aid offices.

**Q: Should the students, who are impacted by Prop. 308, complete the FAFSA application?**

A: Any student who wants to apply for financial aid and who can complete the FAFSA, should complete the FAFSA. However, a student must have a Social Security Number (SSN) to complete a FAFSA application, and some of the students impacted by Prop. 308 may not be eligible to complete the FAFSA. Students can visit [ssa.gov/pubs/EN-05-10009.pdf](https://ssa.gov/pubs/EN-05-10009.pdf) for more information on how to obtain an SSN.

**Q: What should I do about my personal questions about financial aid?**

A: Please contact the financial aid office at your university about your eligibility for financial aid.