

ADDITIONAL INFORMATION ABOUT THE PROPOSITION 308 (PROP. 308) LITIGATION

On August 27, 2026, the United States Department of Justice (DOJ) filed lawsuits against several states, including Arizona, regarding tuition eligibility laws. The DOJ lawsuit filed in Arizona challenges A.R.S. § 15-1803, which became effective on December 5, 2022, after the voters approved Proposition 308 in November 2022.

Prop. 308 established that any student, subject to statutorily defined exceptions, is eligible for in-state tuition at a public Arizona University or Arizona community college if the student both:

- 1. Attended any high school or homeschool while physically present in Arizona for at least two years, and*
- 2. Graduated from any high school or homeschool while physically present in Arizona or obtained a high school equivalency diploma in Arizona.*

Students who meet these criteria are eligible for in-state tuition regardless of lawful immigration status or state of residence.

Prop. 308 also repealed A.R.S. § 15-1825, which previously made students without lawful immigration status ineligible to receive financial aid funded as a whole, or in part, with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

KEY TAKEAWAYS

- **Prop. 308 remains in effect.** The filing of the DOJ lawsuit does not change current law or student eligibility for in-state tuition.
- **Students should continue with their education plans.** Eligible students should continue applying for admission, in-state tuition, and state financial aid as usual.
- **No immediate action is required.** Any changes to Arizona law would require additional court proceedings and are not automatic.
- **Arizona is defending Proposition 308.** The case is in its early stages, and the litigation process is expected to take months or longer.
- **Stay informed through trusted sources.** Students should rely on their institution for updates.

WHAT DOES THIS MEAN FOR STUDENTS?

- **At this time, nothing has changed.** Students who are currently eligible for in-state tuition under Arizona law remain eligible unless a court orders otherwise.
- Students who have already received in-state tuition should continue to rely on information provided by their institution.
- If you are currently enrolled and receiving in-state tuition or planning to enroll at a Arizona University or Arizona community college, you should continue to follow your institution's normal admissions and financial aid processes.

Students should continue to:

- Submit admissions and financial aid applications by institutional deadlines.
- Complete any required financial aid applications and supporting documentation.
- Stay in communication with their institution if they have questions about their individual circumstances, waivers, fee waivers, grants, scholarships, and any other type of financial aid or assistance.

WHAT HAPPENS NEXT?

The lawsuit is in its early stages. It is important to remember that filing a lawsuit does not immediately change the law. The lawsuit asks the court to say that A.R.S. 15-1803 is inconsistent with federal law and to prohibit its enforcement. The court has not granted that request, and any changes to eligibility would require further court action.

Over the coming months:

- Arizona will have an opportunity to respond to the lawsuit and defend Proposition 308.
- The court will consider legal arguments from the parties.
- The litigation may take months or longer before a final decision is reached.
- Unless a court orders otherwise, Proposition 308 remains in effect during the litigation.

ARE THERE DATA PRIVACY PROTECTIONS FOR STUDENTS WHO HAVE ALREADY APPLIED OR WHO APPLY NOW?

Yes. Student education records are generally protected by the Family Educational Rights and Privacy Act (FERPA) and other applicable federal and state privacy laws and institutional policies.

The filing of this lawsuit does not change these existing privacy protections or how institutions currently administer admissions, tuition classification, or financial aid. Students with questions about how their information is collected, stored, or shared should contact their institution's admissions or financial aid office.

ADDITIONAL RESOURCE

For questions about eligibility, financial aid, and legal assistance, the following resource may be helpful:

[PROPOSITION 308 \(PROP. 308\) FREQUENTLY ASKED QUESTIONS](#)