



The State Senate

Atlanta, Georgia 30334

Dear Board of Regents Member,

We applaud the recent Board of Regents Resolution aimed at bringing Georgia into compliance with state and federal law with respect to in-state tuition eligibility.

The Regents action represents a positive first step toward more responsible administration of Georgia's taxpayer funded public benefits. It is important to recognize that immediate and additional policy changes must be made in order to come into full compliance with both state and federal law which reserves publicly funded post-secondary education for lawfully present aliens and U.S. citizens.

However, we remain disappointed and perplexed that the Board of Regents seems to be engaged in verbal gymnastics in an effort to escape the obvious and full application of law. Persons not lawfully present in the United States are not eligible, regardless of tuition rates, to attend taxpayer supported colleges and universities in Georgia.

Beyond the clear inappropriateness of denying a legal Georgia resident an educational opportunity in favor of an unlawful alien, is the inescapable lack of wisdom in forcing Georgia taxpayers to subsidize the education of a person who upon graduation is not legally eligible to be employed.

The in-state tuition rates cover less than 30% of the total cost to educate a student in our public system. Clearly Georgia taxpayers have a vested interest in knowing that only eligible students be subsidized. It is also important to note, out-of-state tuition rates do not cover the full cost to educate a student. Again, Georgia taxpayers are footing a portion of the education costs.

United States federal law, as well as Georgia law, defines "postsecondary education" as a public benefit not afforded illegal aliens. The suggestion by Board of Regents officials that the term "postsecondary education" means anything other than attendance at a public institution, providing said benefit, cannot be logically defended. The plain letter of the law along with congressional intent could provide no clearer guidance on the issue.

We regret the inaccurate legal advice upon which current admissions guidelines are based and urge the Board of Regents to address its non-compliant policy. Georgia has in place a carefully constructed and workable system of verification of eligibility for non-citizen

applicants using the federal SAVE system. The SAVE system is both efficient and effective.

Rather than defending its previous actions that have failed the citizens of Georgia, we urge the Board of Regents to fully comply with the spirit and letter of the law.

Sincerely,

Senator Don Balfour
Senator Jim Butterworth
Senator John Douglas
Senator Gregg Goggans
Senator Bill Heath
Senator Judson Hill
Senator Dan Moody

Senator Jeff Mullis
Senator Jack Murphy
Senator Chip Pearson
Senator Chip Rogers
Senator Mitch Seabaugh
Senator Preston Smith
Senator Ross Tolleson
Senator John Wiles