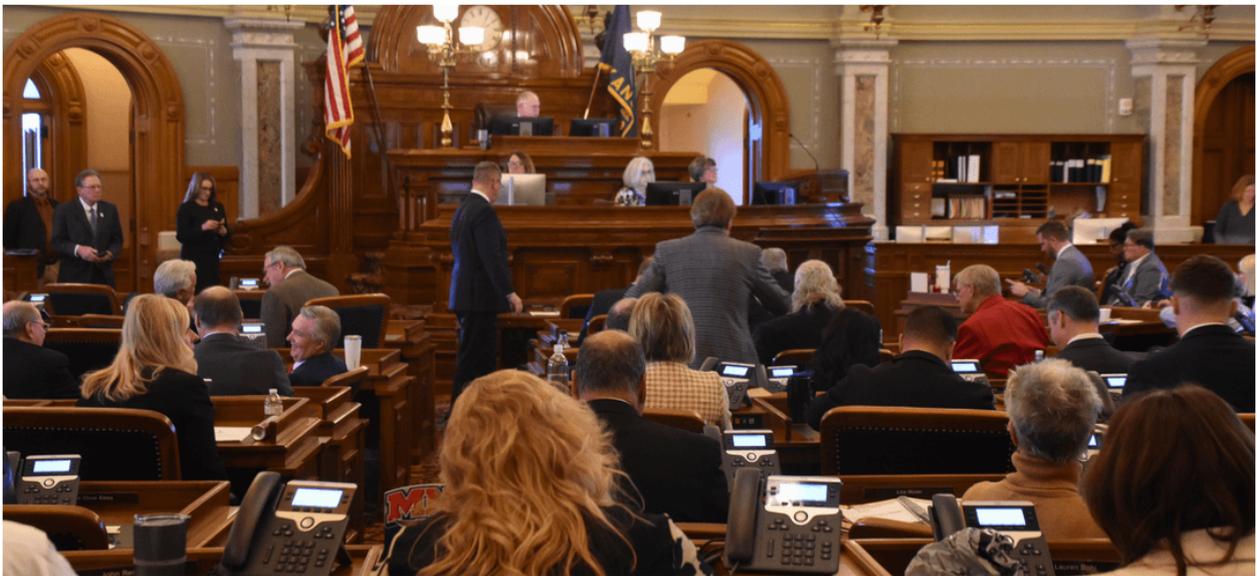


House, Senate at odds over in-state tuition for ‘unlawfully present’ immigrants

PUBLISHED FEBRUARY 5, 2026 BY BRYAN RICHARDSON



*The Kansas House assembles on the opening day of the session on Jan. 12, 2026.
(Credit: Bryan Richardson)*

The House on Thursday amended a bill to maintain a 22-year-old state law allowing for in-state tuition for residents without lawful immigration status.

The decision puts them at odds with the Senate, which supported Senate Bill 254 last week with a repeal of that law. The Senate can either accept the change or send the bill to a conference committee.

Rep. Bob Lewis, R-Garden City, introduced an amendment on the floor to allow for in-state tuition for all residents regardless of legal status. The House approved the change with a voice vote.

Lewis said the problems of the immigration system are harming “complete innocents.”

“These kids are the complete innocents,” he said. “It would surprise me if a 13-

or 14-year-old in one of our high schools had voluntarily come across the border illegally. He or she was more than likely brought by parents or an adult.”

Rep. Rui Xu, D-Westwood, moved to America with his parents and his sister when he was two years old. He said his parents did it so that “their children could get an American education because here in America, education is still opportunity.”

“Denying these students in-state tuition doesn’t fix our immigration system,” he said. “It doesn’t hold a single politician in Washington, D.C. accountable for creating it. All it does is punish children who are already here, already contributing and trying to build a future.”

Rep. Samantha Poetter Parshall, R-Paola, opposed the amendment even though she said that as a child of immigrants, the situation is “near and dear to my heart.”

“It is putting something back into statute that goes against federal law,” she said.

The overall bill seeks to specify that immigrants “unlawfully present in the United States” can’t receive any state or local public benefit. With the House’s amendment, in-state tuition — along with license and identification cards from the Division of Vehicles — isn’t considered a public benefit.

The vote in both chambers mostly fell along partisan lines — 30-9 in the Senate and 86-36 in the House.

But the in-state tuition provision was a debate point in both chambers, featuring bipartisan support for keeping the rate for all Kansas students regardless of legal status.

Senate Vice President Tim Shallenburger, R-Baxter Springs, had introduced an amendment to completely preserve the tuition law. The Senate rejected it by the narrowest of margins with a 18-19 vote.

Kansas first started offering in-state tuition to students without legal status in 2004 under then Democratic Gov. Kathleen Sebelius. But it had historically been a bipartisan initiative since Texas became the first state to implement it in 2001 under then Republican Gov. Rick Perry.

Rep. Tom Sawyer, who was in the House during the initial passage, called it a bipartisan effort “to solve a problem in Kansas.” The Wichita Democrat said the Legislature heard from students on the matter.

“They get to high school, they do well, then they can’t go to college,” he said. “They don’t qualify for federal aid. They don’t qualify for federal scholarships. They had to pay out-of-state tuition. Some of these kids were actually valedictorians of their high school.”

As things stand, Kansas is one of 22 states — along with the District of Columbia — that provides in-state tuition to those students, but more states are starting to rescind the offer under pressure from the federal government.

Last year saw states like Florida, Texas and Oklahoma stop offering the discounted rate. The Florida Legislature made the decision while two U.S. Department of Justice lawsuits led to Texas and Oklahoma revoking their status.

Senate President Ty Masterson, R-Andover, told his chamber last week that the federal government could sue Kansas if the Legislature doesn't act. Kentucky and Minnesota, other states with the in-state tuition law, are facing similar lawsuits.

Bryan Richardson is the assistant editor at State Affairs Kansas/Hawver's Capitol Report. Reach him at brichardson@stateaffairs.com or on X @RichInNews.