



Policy Brief

In-state Tuition and Undocumented Students: Overview and Considerations

Executive Summary

In 2015, the effort to pass an in-state tuition equality bill in Tennessee failed by one vote in the House. Across the country, half of the States have taken up the effort to pass tuition equality bills, and as of 2016 eighteen states have passes some sort of policy opening access to the undocumented student population. Other states have noted the growing undocumented population, and taken policy measures to ensure that they are maximizing on the academic and social potential of all students graduating from their public school system.

As a state, Tennessee has made significant progress in K-12 education, and has put for the pioneering Tennessee Promise initiative. However, if Tennessee truly wants to meet the goal set forth by Governor Haslam through the Drive to 55 initiative, it cannot continue to systematically exclude its young undocumented population.

At a Glance:

- In-State tuition policy overview and legislative background
- Summaries for three relevant studies on undocumented students and in-state tuition
- Sample support practices based on institutionalization theory
- Christian Brothers University specific recommendations

Introduction

Conexión Américas is pleased to invest in Christian Brothers University's efforts to support the Latino student population by developing and implementing a Special Topics course designed to teach Latino and other students about public advocacy. By way of the Equity & Excellence sub-grants, Christian Brothers University will be carrying out a comprehensive advocacy project focused on tuition equality. Students will learn about social movements, and have opportunities to engage with their local communities and elected officials as they hone advocacy skills in an effort to support the tuition equality campaign in Tennessee.

In-state tuition equality has yet to be achieved in Tennessee. However, there are a growing number of private institutions and organization rising to meet the needs of undocumented and DACA-eligible students. An examination relevant theory and research on institutional support, along with an overview of tuition equality policies across the country may prove useful as Christian Brothers University steps into a new level of advocacy on behalf of undocumented and DACA-eligible students in Tennessee.

In-State Tuition Policy: Background and Overview

Table 1: Relevant Federal Legislation Regarding Undocumented students

Title of Legislation	Year Passed	Description
Family Education and Privacy Act (FERPA)	1974	Federal law that protects the privacy of student records.
<i>Plyer v. Doe</i>	1982	Guarantees all children living in the U.S. the right to primary and secondary education, regardless of immigration status.
Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)	1996	States that undocumented individuals are not eligible for any Federal public benefit, including postsecondary education (8 U.S.C. § 1611).
Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1996	States that undocumented individuals cannot be eligible on the basis or residence for any postsecondary education benefit unless a citizen is eligible for such a benefit.
Deferred Action for Childhood Arrivals (DACA)	2012	Policy which allows certain undocumented students to receive a renewable two-year work permit and exemption from deportation.

Across the country, there are 18 states that have in-state tuition equality policies in place. 14 states have provided these provisions via state legislation and 2 states have allowed in-state tuition rates by way of Board of Regents Decisions.

In 2001 Texas became the first state to pass a tuition equality bill. Texas House Bill 1403 is the first in-state resident tuition bill to benefit undocumented students in the United States. A federal version was attempted in 2003 (introduced to Congress as the Development, Relief, and Education for Alien Minors Act – DREAM Act). The DREAM Act was created to allow undocumented students a path towards citizenship and legal employment by going to college or serving in the military. Congress has not passed any version of the DREAM Act to date. Due to a lack of federal guidance, it has come down to each state to determine their position regarding tuition policies for undocumented students.

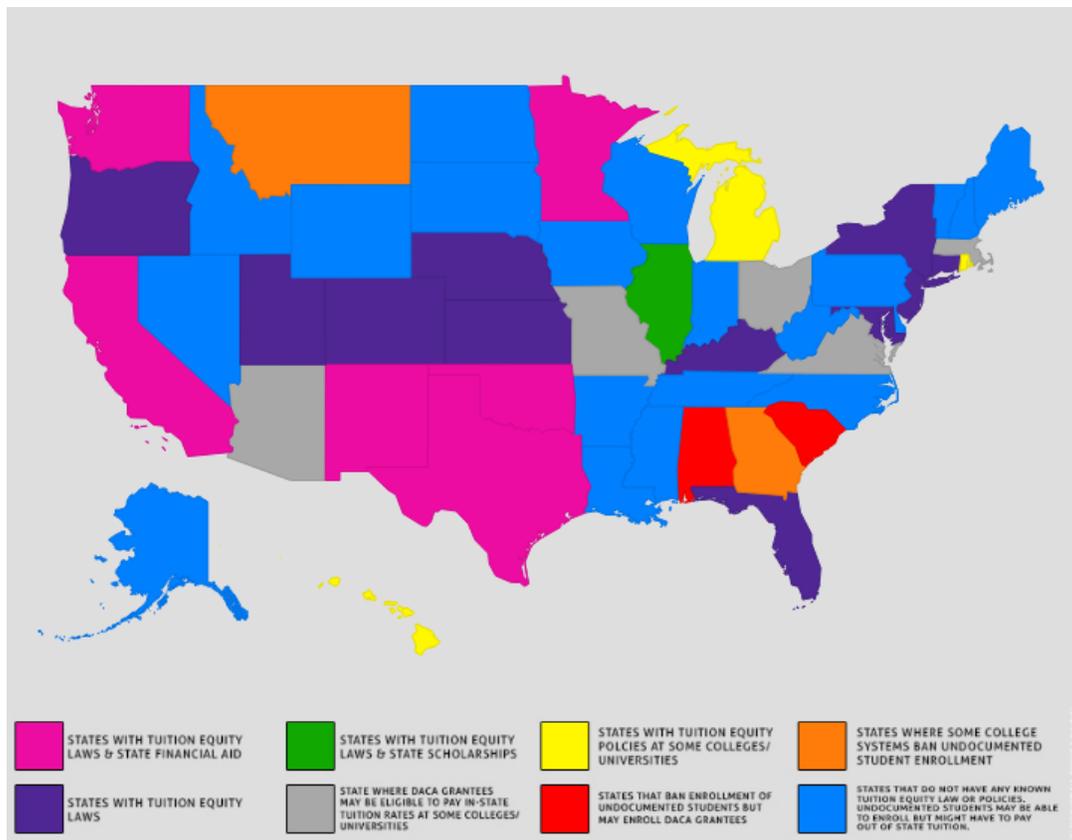
Arguably the most inclusive policy environment at this point is California. Following Texas, California passed Assembly Bill 540 in 2001. AB 540 exempts undocumented students from paying out-of-state tuition rates if they graduated from high school in California, demonstrate they have lived in the state continuously for three years, and sign an affidavit affirming their intention to seek documented residency status.

In 2011 California passed AB 130 and 131, known as the California Dream Act. Via these bills, California approved the allocation of over 9 million dollars in a fund for financial aid (by way of institutional aid and the state Cal Grants) for undocumented students who qualify for AB 540.

In 2014, Senate Bill 1210 allowed for the University of California and California State University systems provide loans from state funds to students who cannot qualify for federal or private loans due to their citizenship status.

Conversely, there are three states that bar undocumented students from receiving in state-tuition rates. Tennessee is among the remaining 20 states that have no known tuition equity law or policies. In Tennessee, undocumented students currently have to paid out-of-state tuition, which is three times the in-state tuition rate. In 2015, the in-state tuition bill (AB 675) fell short of passage by one vote in the House, and in 2016 it did not make it out of the House Calendar and Rules Committee.

Graphic 1: Tuition Equality for Undocumented Students, Access by State



Source: <http://unitedwedream.org/about/projects/education-deep/>

Relevant Theory & Research

In [2010, Flores](#) conducted a quantitative study to examine whether undocumented Latino students living in states with in-state tuition policies were more likely to enroll in colleges than undocumented students who lived in states without such legislation. Through the application of an econometric methodology Flores examined policies in 9 states. Her study found that in states with tuition equality laws in place, Latino undocumented students were 1.54 times more likely to enroll in college. Being female, and living in a metropolitan area also increased odds of enrollment by 1.53 and 1.69 times respectively. The policies also appear to have increased the college enrollment of older (21-24) students by 1.7 times. Conversely, having been married significantly decreases odds of college attainment by 0.26 times.

[Flores and Horn \(2009\)](#) examine the persistence of undocumented students at the University of Texas at Austin via a quantitative case study analysis. The results suggest that undocumented recipients of the in-state tuition policy remained in college at rates similar to those of their Latino peers who are U.S. Citizens and legal residents – 69% of students in both groups remained in school four years after starting.

Equally important to consider is how states with similar demographic representation and geographic placement to Tennessee are handling the question of higher education for undocumented students. A relevant study by [Oseguera, Flores and Burciaga \(2010\)](#) compares Community College approaches in California and North Carolina. The study primary highlights how legal confusion over admissions for undocumented students in states without an explicit tuition equality policy leads to difficult circumstances for college personnel, and advocates for the need for institutional support and trained staff.

Institutionalization Theory

In states where there is neither an in-state resident tuition policy that extends, nor any legislation that explicitly prohibits, in-state tuition benefits, it often it comes down to undocumented students and allies to begin the grassroots work of pushing for the acceptance of policies at institutions of higher education. [Kezar's 2007](#) work examines the institutionalization of diversity measures across multiple campuses.

Kezar divides the institutionalization of resources and supports into three phases. The first phase (known as the Foundational Phase) is made up of the initial attempt to understand the change that is needed and mobilize a movement. After the initial period, phase 2 (Emerging Phase) involves working to put practices and supports into place as support emerges. This phase leads to inclusive behaviors and policies becoming more common in the overall fabric of the institution. In the final phase (Institutionalization), behavior and policy becomes standard practice, and become holistically supported. For example, at the University of California Berkeley, support for undocumented students spans from state laws, to institutional policies, student centers, and staff training on the specific needs of the undocumented student population.

Based on the Kezar model, Southern's 2016 work on institutionalizing support for undocumented students provides a sample table with support practices by institutionalization phase. That table is below:

Sample Undocumented Student Support Practices by Institutionalization Phase

Phase 1 Foundational	Phase 2 Emerging	Phase 3 Institutionalizing
Broaden awareness of the presence and needs of undocumented students on campus	Deepen understanding of intersectional identities of undocumented students	Formalize commitment of institutional resources to sustain support structures for undocumented students
Address initial resistance from campus constituents through educational programming	Identify potential faculty and staff allies	Provide undocu ally training for faculty and staff units
Serve undocumented student needs beyond formal job responsibilities	Articulate undocumented student support as part of assigned job responsibilities	Designate positions to provide on-going support or establish campus Dream/AB 540 student center
Connect inclusivity of undocumented students to institutional mission	Publish institutional policy to support undocumented students as reflection of mission and values	Implement policies and practices aligned with commitment to support undocumented students
Coordinate support efforts of undocu ally educators across campus	Establish task force on undocumented students; share findings and recommendations	Implement task force recommendations; reconvene for periodic evaluation
Establish undocumented student organization	Host undocumented student informational session in collaboration with student leaders	Facilitate undocumented student peer mentoring
Identify data needed to inform institutional policy and practice to support undocumented student access and success	Design data system to identify challenge points for undocumented students and appropriate interventions	Conduct regular evaluation of undocumented student progress; revise policies and practices accordingly
Investigate potential partner community-based organizations	Develop partnerships with community-based organizations to address outstanding student needs	Sustain holistic model of undocumented student support drawing from both on- and off-campus resources

Note: Adapted from Kezar (2007).

Source: <http://dx.doi.org/10.1080/19496591.2016.1143832>

Conclusion

Despite a lack of sweeping federal legislation and inconsistent policies across the United States, the reality is that undocumented individuals are living in every state, and working in almost every field. Research done on this population points to a young, but growing number of individuals coming of age in the United States facing limited education and employment options. To date, bills to extend tuition benefits to non-resident students have been introduced in nearly half of the American states.

Recognizing the presence, and wasted economic potential of the undocumented population in states, like Tennessee, without tuition equality policies is the first step towards growing institutional and statewide momentum for a movement to enact state policy.

Christian Brothers University is poised to be an integral player in the movement for in-state tuition equality in Tennessee. Institutional cooperation and facilitation are critical for successfully advocating for policy change. As Christian Brothers University grows their commitment to the undocumented and DACA-eligible community, they can provide a blueprint for other private universities in Tennessee in how to institutionalize support, and advocate for broader policy adoptions.

Recommendations

- Develop a strategic plan based on institutionalization theory and phases.
 - Identify potential policy levers for institutionalizing support for the undocumented and DACA-eligible community at CBU.
- By way of the Special Topics curriculum, encourage students to write and submit op-eds for publishing in support of tuition equality in Tennessee, along with writing blog entries sharing their experience in the class.
- Identify institutional partners (students, faculty, staff, administrators) that can serve as allies for the undocumented student community. Engage allies in support strategies that include overview of the current experience of undocumented students, along with campaign strategies for building advocacy capacity.

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