

PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

Written Testimony Before the Joint Committee on Higher Education

**Dr. Miriam Feldblum,
Executive Director, Presidents' Alliance on Higher Education and Immigration**

RE: Bill [S.817](#), an Act providing access to higher education for high school graduates in the Commonwealth; Bill [H.1281](#), an Act to ensure tuition equity for Massachusetts residents; and Bill [S.836](#), an Act providing access to higher education for high school graduates in the Commonwealth.

July 14, 2023

Dear Chairwoman Comerford, Chairman Rogers, Vice Chair Gentile, and Distinguished Members of the Joint Committee on Higher Education:

The [Presidents' Alliance on Higher Education and Immigration](#) submits this testimony in support of expanding access to higher education and specifically to extending in-state tuition and financial aid eligibility to Dreamer and other undocumented students who have attended high school in the Commonwealth of Massachusetts, and who meet other non-residence based requirements. This expansion would benefit the Commonwealth, increase enrollments and revenues at the state's colleges and universities, and bolster the state's future workforce.

The nonpartisan, nonprofit Presidents' Alliance on Higher Education and Immigration brings college and university presidents and chancellors together on immigration issues that impact their students, campuses, communities, and the nation. We work to advance just, forward-looking immigration policies and practices at the federal, state, and campus level that are consistent with our heritage as a nation of immigrants and the academic values of equity and openness. The Alliance is composed of over [550 presidents and chancellors](#) of public and private colleges and universities, enrolling over five million students in 43 states, D.C., and Puerto Rico. The Presidents' Alliance includes [48 members from the Commonwealth](#), including two- and four year public and private institutions. The Presidents' Alliance supports our member campuses by providing them with data, evidence-based resources and policy analyses, including in the campaigns to expand access to tuition equity, most recently in [Arizona](#), and to defend tuition equity in states like [Florida](#) and [Texas](#).

The Presidents' Alliance submits this written statement to provide a brief background on the best ways to achieve tuition equity, and to substantiate several of the [significant benefits the Commonwealth gains](#) by extending in-state tuition and financial aid to undocumented students

as an investment in its economic prosperity and a step toward a more inclusive, equitable, and ultimately, stronger higher education system.

I. Recommended Amendments to the Proposed Legislation¹

The Presidents' Alliance wants to ensure that all undocumented students in Massachusetts are able to benefit from what could be a transformational policy, which, in turn, amplifies the positive returns on this commitment. The following recommendations are based on the comparative context of other states' tuition equity legislation and a specific analysis of the bills being considered by this committee. The recommendations would establish a more effective means of implementation by removing unnecessary limitations on the legislations' reach.

First, we recommend the removal of any limitation on the types of institutions that would be covered by the legislation. The current language exempts the University of Massachusetts Medical School and the University of Massachusetts School of Law. Other states that have extended in-state tuition rates did not exempt specific institutions. These exceptions in the current language of the legislation are contrary to the already recognized value in providing such access as both institutions accept DACA students. In fact, the University of Massachusetts [encourages](#) applications from undocumented and DACA students. This is in part because doing so helps address the need for Massachusetts retention of its graduates, especially in specialized fields like healthcare, which is already facing [severe shortages](#). A recent [report by the Massachusetts Taxpayers Foundation](#) found that “workforce shortages will worsen” as tax filers aged 26 to 35 dominate the outflow from the Commonwealth. Based on 2021 census data, it is estimated that 14.2 percent of all undocumented students are pursuing graduate and professional degrees. Additionally, 19.3 percent of DACA-eligible students are pursuing graduate and professional degrees.² Many undocumented graduate students hold degrees in STEM and healthcare fields, offering an important solution of underutilized potential.

Second, we recommend removing the eligibility requirement for in-state tuition that an individual present a valid social security number or a document reflecting issuance of an individual taxpayer identification number (ITIN) in lieu of a social security number. States like Texas, Florida, California, Colorado, Illinois, New Jersey, New York, and Oregon have keenly [refrained](#) from requiring a SSN or an ITIN as such a requirement would severely undermine the legislative goal of providing pathways to higher education for undocumented immigrants. Such states have encouragingly opted for other non-residence based requirements. Some of the requirements include: having attended a public or private school in the state for a certain number of years; graduating from a high school or equivalent; being admitted, registered, or currently enrolled in a public institution in such state, or filing an affidavit stating their intent to

¹ All references to “Legislation” in this recommended amendments section are references to all three bills (S.817, S.836, and H.1281), we realize some of the proposed amendments may already be included in some of the bills, but we want to provide an overview of all of our recommendations, as applicable.

² American Immigration Council and Presidents' Alliance on Higher Education and Immigration. Fact Sheet, Undocumented Students in Higher Education: How Many Students Are in U.S. Colleges and Universities, and Who Are They? (New York City, forthcoming).

legalize their status as soon as possible. More so, Arizona, Connecticut, Florida, Minnesota, New Mexico, Virginia, and D.C. do not even require affidavits.³

Finally, we recommend extending state financial aid assistance on the same basis as it applies to other eligible Massachusetts students to state-approved private, independent nonprofit institutions of higher education. In Texas, California, Washington, Colorado, New Jersey, and nearly all other states which have extended in-state financial aid to undocumented students who meet the non-residence-based criteria, the state-funded financial aid grants, comparable to MassGrants in Massachusetts, apply to eligible public and private/independent, nonprofit postsecondary institutions. [MassGrants](#) are eligible for “state-approved private, independent, nonprofit institutions of higher education.”

The proposed amendments would provide access to in-state tuition for undocumented students at all Massachusetts public colleges and universities, while ensuring that these deserving students are able to access state financial aid programs while attending a public or private, nonprofit college or university in the state. These small amendments would align the Massachusetts tuition equity provisions with the tuition equity policies passed by most of the [23 states and DC](#) that have passed in-state tuition laws and the 17 states and DC that have also extended access to state financial aid. The investment fuels an economic engine for these schools, where according to the [Massachusetts Taxpayers Foundation](#), “based on the weighted averages of in-state tuition and fee costs for community colleges, state universities, and the University of Massachusetts system, undocumented students would generate approximately \$2.6 million to \$3.5 million in revenue for public higher education institutions.” The Presidents’ Alliance would welcome the opportunity to provide additional resources to support the consideration of this crucial legislation, including model language.

II. Increasing Access to Higher Education for Undocumented Students Has a Direct and Positive Impact on the Commonwealth

Allowing undocumented students to access in-state tuition makes economic, educational, and practical sense. Massachusetts strengthens the social fabric of its populus in doing so as this policy would result in positive impacts on education access, economic growth, workforce development, retention of talent, entrepreneurship, innovation, and the Commonwealth’s overall competitive advantage.

By extending tuition equity to undocumented students, the Commonwealth would be investing in the education and skills development of its residents, which have long-term benefits for Massachusetts. Not only does this policy enhance Massachusetts’ reputation as a hub for academic excellence but it helps retain local talent already making significant economic contributions. Undocumented students who are unable to afford out-of-state tuition rates often leave Massachusetts to pursue higher education in states with more inclusive policies, taking with them immediate economic contributions and continued potential and heightened

³ See attached document, *In-State Tuition/Financial Aid Requirements Chart*, detailing the various non-residence based requirements from other states.

entrepreneurial and innovative spirit. DACA-eligible residents in Massachusetts alone [contributed](#) \$41.5M in state and local taxes and \$68.6M in federal taxes. This legislation would have a great multiplier effect on those contributions.

The timing of this legislation comes at a time when college enrollment is drastically [down](#) in the Commonwealth. At present, an estimated [three thousand Dreamers](#) graduate from Massachusetts high schools annually. These highly motivated students, who have grown up in the state, with many attending primary, middle, and high school in the Commonwealth, are burdened with out-of-state tuition rates and are denied access to state financial aid, further exacerbating the financial challenges faced by low income students and their families.

This legislation under consideration would provide greater access to higher education for a significant portion of the population and provide the opportunity to reverse this concerning trend of student body atrophy and bolster the number of students enrolling in college each year. The extension of in-state tuition, and especially providing access to state financial aid to undocumented students would also [result](#) in reduced high school dropout rates. The legislation delivers hope. The legislation represents an opportune future.

We would welcome the opportunity to discuss further the significant benefits that passing tuition equity legislation brings to Massachusetts, students, campuses, and communities as well as any specific provisions of the legislation under consideration. If you have any questions, please feel free to contact me at miriam@presidentsalliance.org.

Respectfully submitted,

Miriam Feldblum

Dr. Miriam Feldblum, PhD,
Executive Director
Presidents' Alliance on Higher Education
and Immigration

State	In-State Tuition Eligibility	State Financial Aid (FA) Eligibility	If yes to FA, Applicable at Public & Private Institutions?	Educational Requirements	Affidavit of intent to apply for LPR/Citizenship when eligible	Start w/Community College ?	SSN/ITIN Requirement
Washington State	YES	YES	YES at both Public and Private	1 year- Completed a full senior year at a high school in the state and earned a diploma or received an equivalent (GED).	YES	NO	NO
Oregon	YES	YES	YES at both Public and Private	3 years- Attended an Oregon primary or secondary school for at least three years prior to receiving a high school diploma or equivalent in Oregon.	YES	NO	Requires affidavit stating that the student has applied for a federal individual taxpayer number but does not require ITIN/SS number for application
California	YES	YES	YES at both Public and Private	3 years- Attend a California high school, adult school, or community college for at least three years or the equivalent; or graduate from a California high school, attain an equivalent GED, or fulfill minimum transfer requirements from a community college to a UC or CSU campus. Students arriving to CA after high school can obtain in-state tuition by attending adult school or community college for 3 years, or equivalent credit.	YES	NO	NO
Nevada	YES	YES	No- only public institutions	Graduate from a high school located in Nevada, regardless of whether student or the student's family are considered "bona fide" residents. In Nevada, Governor Joe Lombardo signed A.B. 226, which gives DACA recipients and TPS holders access to in-state tuition after one year of in-state residency. The law goes into effect July 1, 2023, and builds on the 2021 expansion of in-state tuition eligibility to undocumented students who graduate Nevada high schools.	NO	NO	NO
Utah	YES	YES	YES at both Public and Private	3 years- Attend a high school in Utah for three or more years; Graduate from a Utah high school or received the equivalent of a high school diploma (GED) before the start of the school term	YES	NO	NO
Colorado	YES	YES	YES at both Public and Private	3 years- Must have attended a public or private high school in Colorado for at least three years immediately preceding graduation;	YES	NO	NO
New Mexico	YES	YES	No- Only public institutions	1 year- Have attended a New Mexico middle school or high school for at least one year; and, Have either graduated from a New Mexico high school or received their GED in New Mexico.	NO	NO	NO
Texas	YES	YES	Yes at both Public and Private	3 years- Resided in Texas for at least three years as of the date the person graduated from high school or received the equivalent of a high school diploma; Graduated from a public or private high school or received the equivalent of a high school diploma in Texas	YES	NO	NO
Minnesota	YES	YES	Yes at both Public and Private	3 years- Attended a high school in the state for at least 3 years; Graduated from a Minnesota high school or earned a GED	NO	NO	NO
Illinois	YES	YES	YES at both Public and Private	3 years- residing with their parents or guardians while attending a public or private high school in the state for at least (3) years, graduating from these programs or receiving an equivalent of a high school diploma	YES	NO	NO
New York	YES	YES	YES at both Public and Private	2 years- Attend at least two years of high school in New York; Graduate from a New York high school or receive a GED	YES	NO	NO
Virginia	YES	YES	YES at both Public and Private	2 years- Attended high school for at least two years in the Commonwealth and either, Graduated on or after July 1, 2008, from a public or private high school or program of home instruction in the Commonwealth, or Passed a high school equivalency examination approved by the Secretary of Education	NO	NO	NO
Connecticut	YES	YES	YES at both Public and Private	2 year- Complete at least 2 years of high school in Connecticut; Graduate from a high school or its equivalent in Connecticut	NO	NO	NO
New Jersey	YES	YES	YES at both Public and Private	3 years- Attend high school in New Jersey for three or more years; Graduate from a high school in New Jersey or received the equivalent of a high school diploma	YES	NO	NO
Maryland	YES	YES	YES at both Public and Private	On February 4, 2019, (S.B.) 0537 was signed into law and lifted the requirement that student must attend three years of high school to qualify for in-state tuition.	YES	NO [1]	NO
Rhode Island	YES	YES	YES at both Public and Private	3 years- Attend an approved Rhode Island high school for three (3) or more years and continue to live in Rhode Island; Graduate from an approved Rhode Island high school or received a high school equivalency diploma from the state of Rhode Island	YES	NO	NO
District of Columbia	YES	YES	YES at both Public and Private	3 years- Attended high school in the District of Columbia for 3 years, graduated from a high school in the district, or received the equivalent of a high school diploma in the district within the last 10 years	NO	NO	NO
Oklahoma	YES	NO	N/A	2 years- while attending classes for at least 2 years prior to high school graduation	YES	NO	NO
Kansas	YES	NO	N/A	3 years- Attended an accredited Kansas high school for three or more years; either graduated from an accredited Kansas high school or obtained a GED in Kansas.	YES	NO	NO
Nebraska	YES	NO	N/A	3 years- Resided in Nebraska for at least three years prior to high school graduation/obtaining a GED; Graduated from a Nebraska public or private high school or obtain a GED from Nebraska	YES	NO	NO
Florida	YES	NO	N/A	3 years- Attend a secondary school in Florida for at least three consecutive years before graduation	NO	NO	NO
Arizona	YES	NO	N/A	2 years- They spent at least two years attending an Arizona public or private high school or homeschool equivalent; and if they graduated from an Arizona public or private high school secured high school equivalency diploma in Arizona.	NO	NO	NO
Massachusetts PROPOSED	YES	YES	No- Only public institutions	3 years- attended high school in the commonwealth for not less than 3 years, graduated from a high school in the commonwealth or earned the equivalent; sign and submit an affidavit stating their intent to apply for citizenship or lawful permanent residence with 120 days of eligibility for such status.	YES	NO	YES