



RETHINKING TUITION FOR UNDOCUMENTED STUDENTS THROUGH INTERSTATE TUITION AGREEMENTS (ITAS):

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A WAY FORWARD?



PRESIDENTS' ALLIANCE | ON HIGHER EDUCATION AND IMMIGRATION

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1. Executive Summary

Undocumented students and their supporters applauded the December 4, 2020 ruling by a federal court in New York that set aside limitations placed by the Trump administration on Deferred Action for Childhood Arrivals (DACA) and restored the program to near full operation, allowing new applicants to apply for the first time since September 2017 (National Immigration Law Center, 2020b). However, despite the federal court's decision and the Biden administration's recent actions to protect DACA recipients, substantial hurdles remain for undocumented students to access and graduate from higher education institutions (HEIs). Hurdles for undocumented students include being barred from enrolling in public institutions in three states (Alabama, Georgia, and South Carolina) and facing restrictions on accessing in-state tuition in five more states (Missouri, New Hampshire, North Carolina, Tennessee, and Wisconsin). These eight states can be categorized as either "prohibitive" or "restrictive" (Penichet-Paul et al., 2020).

It is important to identify additional pathways for undocumented students to access higher education opportunities. One route could be through inter-state tuition agreements (ITAs), which offer students, who would otherwise be charged out-of-state tuition, access to an in-state tuition rate or a discounted tuition rate in a participating state. In-state tuition rates have been shown to increase enrollment of undocumented students, though do not address all the challenges facing undocumented students in higher education (Amuedo-Dorantes & Sparber, 2012; Flores, 2010).

In this report, the authors seek to answer two questions: 1) To which ITAs do the eight restrictive or prohibitive enrollment states belong? 2) Are undocumented students eligible to participate?

Through a review of online tuition policy documents and follow-up phone conversations with state boards of higher education, the authors found that all but one restrictive or prohibitive state belongs to at least one ITA, but undocumented students' eligibility for these ITAs likely varies by region, state, and institution. When eligible, their participation in the ITA is generally approved on a case-by-case basis. State higher education boards and regional organizations have an opportunity to begin or continue advocacy for undocumented students and their eligibility to participate in ITAs. Publicly available information about undocumented students' eligibility should also be made clear and more consistent.

2. Introduction.

Since its inception under President Obama, DACA has protected almost 800,000 young undocumented immigrants who came to the U.S. as children from deportation and allowed them to apply for renewable two-year work permits. DACA, with its associated grant of lawful presence, opened the door for DACA recipients in at least ten states to enroll in public colleges or universities or access in-state tuition (Penichet-Paul & Lopez-Espinosa, 2020).

The Trump administration attempted to end DACA and, later, curtail its protections (Shear & Cochrane, 2020), but federal courts ruled against the administration's actions. The U.S. Supreme Court ruled on June 18, 2020 that the Trump administration's attempt to end DACA in September 2017 was unlawful, but left the door open to future attempts by the administration to terminate or restrict the program (Immigrant Legal Resource Center, 2020). In July 2020, the Department of Homeland Security (DHS) issued a new memo

that blocked initial applications for DACA and limited current DACA recipients to renewing their protections for one year, instead of two years. A federal court in New York ruled on November 14, 2020 that the July 2020 DHS memo was invalid (National Immigration Law Center, 2020b). The judge, Nicholas Garaufis, found that the memo had been unlawfully issued because Chad Wolf, then acting secretary of DHS, was improperly appointed to his position as acting secretary. Judge Garaufis ordered the Trump administration on December 4, 2020 to restore DACA to its original status before September 2017 (Hackman, 2020; Redden, 2020). As a result, U.S. Citizenship and Immigration Services (USCIS) is now accepting new initial DACA applications, renewal requests that provide protection for two years, and applications for advance parole (National Immigration Law Center, 2020b). President Biden issued a memorandum, Preserving and Fortifying Deferred Action for Childhood Arrivals (DACA), on his first day in office (Exec. Order No. 01769, 2021).

While Judge Garaufis' ruling and President Biden's actions were very encouraging for DACA recipients, the threat to DACA is not over: a lawsuit challenging the legality of DACA in the Southern District of Texas continues to make its way through the court system. U.S. District Judge Andrew Hanen indicated in that case that he may be inclined to strike down the program. While DACA will continue to be protected under the Biden administration, a permanent legislative solution to protect Dreamers, whether through targeted measures, such as the Dream Act or American Dream and Promise Act, or broader measures, such as the U.S. Citizenship Act, will require significant bipartisan support in the U.S. Senate.

It is imperative to identify additional pathways for undocumented students to access higher education. Not all undocumented students have DACA or are DACA-eligible, and the legal position of DACA continues to remain precarious. In fact, less than half of the 454,500 undocumented students enrolled in higher education in the United States are currently protected by DACA or DACA-eligible (Feldblum et al., 2020).

3. Undocumented Students & In-State Tuition

In the absence of federal action on comprehensive immigration reform, almost two dozen state governments have implemented pathways to public higher education for undocumented students (Muñoz & Espino, 2017; Rincón, 2012). Because of the landmark 1982 *Plyler v. Doe* U.S. Supreme Court decision, states are required to provide all students with K-12 public education, “regardless of students' immigration status” (National Conference of State Legislatures [NCSL], 2019). However, national legislation, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), “bars states from giving unlawful residents postsecondary education benefits that states do not offer to U.S. citizens” (NCSL, 2020). This means thousands of students graduate from public high schools in the United States without a guaranteed way to pursue public higher education. An increasing number of states have addressed IIRIRA by basing all students' eligibility for in-state tuition on meeting certain criteria regardless of their immigration status, including attending high school in the state for a certain number of years and graduating from a state high school or obtaining a GED in the state (Kantrowitz, 2020).

Today, there is an intricate patchwork of state-level policies concerning access to in-state tuition and financial aid for undocumented students. Twenty-one states and the District of Columbia (D.C.) have passed legislation or established a policy that allows undocumented students living in the state or district to access in-state tuition (National Immigration Law Center, 2020a). The 21 states are: California, Colorado,

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Connecticut, Florida, Hawaii, Illinois, Kansas, Kentucky, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, Virginia, and Washington. To qualify, students must meet certain requirements. In California, for example, an undocumented student must attend a California high school for at least three years, graduate from a high school or earn a GED, and enroll at an accredited institution of public higher education in the state (uLEAD, 2020).

In some states like Rhode Island and Hawaii, undocumented students are eligible for in-state residence through decisions made by the state's Board of Regents or Board of Governors. Other states— including Arkansas, Massachusetts, and Ohio — extend in-state tuition to undocumented students who have DACA. In addition, undocumented students, or in some cases only DACA recipients, can access in-state tuition or reduced tuition costs in some states at specific public institutions of higher education. These states include Arizona, Michigan, and Pennsylvania, among others (Penichet-Paul et al., 2020).

Sixteen states and the District of Columbia (D.C.) go a step further and allow undocumented student to access state financial aid: California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, and Washington (Penichet-Paul et al., 2020). Virginia is poised to become the seventeenth state in 2021.

State-level policies can shift suddenly. In Oklahoma, for example, undocumented students were allowed to access in-state tuition through legislation, but the state now leaves it up to the Board of Regents, the top decision-making body for the state higher education system. Oklahoma's Board of Regents allows undocumented students who meet the original statutory requirements to receive in-state tuition. Wisconsin previously allowed undocumented students to access in-state tuition, but reversed course in 2011 (NCSL, 2020).

At least five states (Georgia, Indiana, Ohio, Missouri, New Hampshire) have passed legislation to bar undocumented students from accessing in-state tuition. However, Ohio has a state policy that permits DACA recipients to access in-state tuition. Tennessee and North Carolina bar undocumented students from accessing tuition, though not through legislation. There, the Board of Regents have assigned out-of-state tuition rates to undocumented students (Tennessee Educational Equity Coalition, 2020). Two additional states (Alabama and South Carolina) have blocked undocumented students from enrolling in any of the state's public higher education institutions (NCSL, 2020).

The fact that 21 states and D.C. provide access to in-state tuition for undocumented students, other states create access for DACA recipients, and some states include access to in-state tuition at certain public institutions is encouraging. This patchwork approach also reflects the confusing environment of policies that undocumented students must navigate. Research shows that, “[i]nconsistent state laws confuse many undocumented college applicants” (Pérez, 2014, p. 7).

What if an undocumented student lives outside of the 21 states and D.C. that offer in-state tuition? Or lives in a state that expressly prohibits in-state tuition? What if an undocumented student would like to study in another state? One route to access higher education could be through interstate tuition agreements (referred to here as “ITAs”). A student living in a state where in-state tuition (or higher education) is inaccessible could be interested in tuition reciprocity agreements that allow them to access in-state tuition

or heavily discounted tuition in a participating state. These agreements come in two varieties: multi-state agreements and state-to-state agreements.

While other scholars have examined undocumented students' access to in-state tuition rates, the authors of this report could not identify any who explored undocumented students' use of interstate tuition agreements (Amuedo-Dorantes & Sparber, 2012; Chin & Juhn, 2011; Conger & Chellman, 2013; Kaushal, 2008; Ruge & Iza, 2005).

4. Benefits of In-State & Reduced Tuition

A number of studies over the last decade have confirmed the benefits of expanding in-state tuition to undocumented students, including benefits to the U.S. economy and society at large (Ruge & Iza, 2005). There are many factors affecting college enrollment, including academic preparation, but “money is a primary deterrent for academically-qualified students who do not enroll in college” (Perna, 2010, p. 131). Discounted tuition, a “tuition subsidy” (Kaushal, 2008, p. 771), could lower one barrier to attending and succeeding in college.

In-state tuition rates increase enrollment rates of undocumented students. Amuedo-Dorantes and Sparber (2012) found that “likely-undocumented college-aged individuals are 3 to 6 percentage points more likely to enroll in college when they reside in states offering in-state tuition to undocumented immigrants” (p. 1). Flores (2010) found that in-state tuition policies for undocumented students “significantly increased college enrollment rates” of Latino foreign-born non-citizens (p. 266). The benefit was even more pronounced for women and those living near metropolitan areas.

There may be benefits beyond enrollment. Kausha (2008) revealed that in-state tuition not only leads to an increase in college enrollment, but also increases college completion rates and the attainment of associate degrees. Darolia & Potochnick (2015) found that in-state tuition policies, in addition to increasing enrollment, affects the “when” and “where” of undocumented students' enrollment (p. 507). In states where there are in-state tuition policies, undocumented students are more likely to enroll sooner after high school with a shorter delay, which means they could realize the financial benefits of college degree in the labor market sooner. Undocumented students who enroll because of in-state tuition policies are more likely to enroll in associate degree programs, likely due to their affordability compared to bachelor's programs at four-year institutions.

The authors of this brief recognize that reducing financial costs to attend college is a necessary but not sufficient factor in helping to ensure undocumented student success in post-secondary education. Studies show that in-state tuition rates boost enrollment but may not be sufficient alone to “ensure undocumented students' success” (Darolia & Potochnick, 2015, p. 530) or address other factors that shape college access and post-college success (Flores, 2010). Conger and Chellman (2013) find that even if undocumented students can access in-state tuition, they “experience higher costs to completing their bachelor's degrees than they had anticipated upon enrollment” (p. 1). They may not be eligible for financial aid and even with in-state rates, tuition may still be expensive and students may continue to need to work part time. Post college, they may struggle to find work as they are in a “legal limbo” (Darolia & Potochnick, 2015, p. 508).

More research also is needed to understand undocumented students' success related to the kind of program and institution they enroll in (Chin & Juhn, 2011; Flores, 2010). Nonetheless, access to in-state or reduced tuition is a crucial first step to removing post-secondary education barriers for undocumented students.

5. Policy Environments for Undocumented Students

The Higher Ed Immigration Portal (the Portal) is a digital platform based at the Presidents' Alliance on Higher Education and Immigration. It classifies states according to seven policy environment categories, based on their tuition policies for undocumented students: Comprehensive Access, Accessible, Limited, Limited to DACA, No State Policy, Restrictive, and Prohibitive (Penichet-Paul et al., 2020; uLEAD, 2020). See Table 1 in the Appendix for a definition of each term.

New Hampshire, for example, is a restrictive state, since it passed statewide legislation in 2012 effectively prohibiting undocumented students from accessing in-state tuition. By contrast, Minnesota is a comprehensive access state. Minnesota passed statewide legislation in 2013 providing in-state tuition to the state's eligible undocumented students (Penichet-Paul et al., 2020; uLEAD, 2020). Some states are somewhere in the middle, as they might not have stated policies that explicitly address undocumented student access to postsecondary education (uLEAD, 2020). There are some caveats to the categorization for some states. For example, some states, like Ohio may block undocumented students from accessing in-state tuition but will permit DACA students to do so. Ohio is categorized as a "Limited to DACA" state. In other states, like Michigan, some individual institutions or university systems may grant in-state tuition to DACA students (Dream Educational Empowerment Program, 2015; uLEAD, 2020).

There are eight states that are considered either "restrictive" or "prohibitive" states. Missouri, New Hampshire, North Carolina, Tennessee, and Wisconsin are restrictive, while Alabama, Georgia, and South Carolina are prohibitive (Tables 1 and 2, Appendix). Laws in restrictive states actively bar access to in-state tuition for undocumented students (including DACA recipients) but permit enrollment in public institutions (Penichet-Paul et al., 2020, p. 2). Prohibitive states "actively bar enrollment in [all or some] public institutions for the state's resident undocumented students but may still allow DACA recipients to enroll" (p. 2).

6. Methodology

Using this list of eight restrictive and prohibitive states, the authors seek to understand what higher education options might be available for undocumented students living in these states to study in a neighboring state. Specifically, the authors are interested in exploring the following two research questions: 1) "To which interstate tuition agreements (ITAs) do these states belong?" and 2) "based on publicly available information, are undocumented students eligible to participate and access the agreements' benefits?" ITAs include both multi-state agreements, often organized by regional higher education organizations, and state-to-state agreements.

To answer the first question, the authors examined state higher education websites with resources for undocumented students. The authors reviewed program websites and carried out an online search using the keywords “[program]” AND “undocumented.” To answer the second question, the authors examined online policy documents, state higher education websites, and contacted representatives of state higher education boards and regional higher education organizations via phone, e-mail, and Twitter. Research findings were organized into a table (Table 5) with two columns, one for each question. If the answer could not be determined, “unsure” is written in the cell under the column header.

7. Results

A. Multi-State Tuition Agreements

All eight restrictive or prohibitive states belong to one of four regional higher education organizations. These organizations are below, with member states that are restrictive or prohibitive listed in parenthesis. None of the eight states belong to Western Interstate Commission for Higher Education, but the authors have included it as a point of comparison:

- Midwestern Higher Education Compact (Missouri, Wisconsin)
- New England Board of Higher Education (New Hampshire)
- Southern Regional Education Board (North Carolina, South Carolina, Alabama, Georgia, Tennessee)
- Western Interstate Commission for Higher Education (None)

Each of these organizations in turn offer some kind of multi-state tuition agreements, which are listed below (NASFAA, 2020).

- New England Regional Student Program (**New England Board of Higher Education**)
- Academic Common Market and Regional Contract Program (**Southern Regional Education Board**)
- Midwestern Exchange Program (**Midwestern Higher Education Compact**)
- Western Undergraduate Exchange, Western Regional Graduate Program, and Professional Student Exchange Program (**Western Interstate Commission for Higher Education**)

Not all states in the Southern Regional Education Board participate in the organization’s two programs. North Carolina does not participate in either Academic Common Market or the Regional Contract Program. Of the eight states in our study, only Georgia and South Carolina participate in the Regional Contract Program (Southern Regional Education Board, 2020).

The benefits of each program, as determined by online document analysis and follow-up emails conversations with program representatives, are outlined in Table 4. These agreements would allow students to avoid paying the full out-state tuition costs for eligible programs and institutions, though they sometimes will still pay more than the in-state rate.

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For example, students participating in the New England Regional Student Program would pay no more than 175% of the in-state tuition rate at participating public institutions in another state. Out-of-state students participating in the Midwestern Exchange Program or the Western Undergraduate Exchange would pay up to 150% of the in-state tuition rates, while students from approved states in the Southern Regional Education Board (SREB)'s Academic Common Market would pay in-state tuition rates at eligible programs in another state (Midwestern Higher Education Compact, 2020; New England Board of Higher Education, 2020; Southern Regional Education Board, 2020; Western Interstate Commission for Higher Education, 2020).

B. Undocumented Students' Eligibility for Multi-State Programs

As Table 4 shows, the authors did not find any literature or documentation about undocumented students' eligibility for the programs offered by the four regional organizations in our online search. The sole exception is Minnesota, whose Office of Higher Education specifies undocumented students' eligibility to participate in Midwest Student Exchange Program on its website (Minnesota Office of Higher Education, 2017). Minnesota is a comprehensive access state, where undocumented students and DACA recipients can access in-state tuition and some financial aid (Penichet-Paul et al. 2020). Minnesota also has state-to-state reciprocity agreements with neighboring states, including Wisconsin (Minnesota Office of Higher Education, 2017).

Since information about undocumented students was largely unavailable online, the authors contacted each of these multistate higher education organizations boards for clarification via e-mail, Twitter, or phone. Their responses are also summarized in Table 4.

A common theme in their responses was that undocumented students were either ineligible for these programs or they might be approved on a case-by-case basis and would depend on policies in individual institutions and states. This was true for three of four regional higher education organizations. According to New England Board of Higher Education, undocumented students' eligibility for Regional Student Program (RSP) varies by state and institution. There may be reported cases of individual students being eligible but there is no uniform policy or practice. RSP has advocated for undocumented students to participate, especially if they are going into a state that has favorable in-state tuition policies for undocumented students. Hypothetically, a student from a restrictive state, such as New Hampshire, could be eligible for the program and the tuition discount in a more inclusive state, such as Connecticut, but their eligibility might likely need to be approved on a case-by-case basis.

Undocumented students' eligibility for the Midwestern Student Exchange Program (MSEP) will depend on the policies of individual states and institutions, according to representatives from the program. Resident status, and therefore eligibility for the program, varies by each state. Private colleges and universities also participate in the MSEP. For a discussion of Wisconsin students' eligibility to participate in the MSEP, see the following section discussion below about "Undocumented Students' Eligibility for State-to-State Programs."

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While no state in our study belongs to the Western Interstate Commission for Higher Education (WICHE), it is possible that a DACA recipient student might be eligible for WICHE's Western Undergraduate Exchange (WUE) program. Their eligibility to participate would be approved on a case-by-case, or even institution-by-institution basis, as there is no uniform policy across WICHE member states. WUE institutions located in a WICHE member state that already offers in-state tuition to DACA students — who grew up in that state and are still living in-state — may be more likely to offer it to DACA students from another WICHE member state.

WICHE also offers two other regional interstate student access programs: the Western Regional Graduate Program (WRGP) and the Western and the Professional Student Exchange Program (PSEP). A DACA student might also be eligible for the WRGP, but it would be up to the individual state or the institution where the student enrolls. DACA (or other undocumented) students would not qualify for tuition support through PSEP for their professional healthcare degree studies, as PSEP funding is provided by the student's home state, and funding states typically require proof of U.S. citizenship.

Finally, undocumented students living in any of the states of the Southern Regional Education Board might not be eligible to participate in the Regional Contract Program or the Academic Common Market. The consortium follows guidance from the Free Application for Federal Student Aid (FAFSA) to determine eligibility for their programs. Just as undocumented students are ineligible for federal student aid, they are likely ineligible for the tuition-savings programs of the Southern Regional Education Board (U.S. Department of Education, 2020). This is notable, as more than half of the states in our study belong to the Southern Regional Education Board. This restriction underscores the urgency of federal immigration reform, and the need for continued state-level advocacy.

C. State-to-State Tuition Programs

Three of the eight states examined are also part of separate state-to-state programs or agreements: Wisconsin, Missouri, and, in a more limited fashion, Tennessee. These programs are the Minnesota-Wisconsin Tuition Reciprocity Program and the Missouri-Kansas Reciprocal Agreement on Architecture, Dentistry, and Optometry. There are also a number of agreements between some institutions in border counties of Kentucky and Tennessee, but these do not constitute a formal reciprocity program, according to the Tennessee Higher Education Commission.

Benefits of each program are also listed in Table 4. The Minnesota-Wisconsin Tuition Program, which is distinct from the Midwestern Exchange Program, allows Wisconsin residents to attend public universities in Minnesota at in-state tuition rates and for Minnesota residents to do the same at Wisconsin institutions (State of Wisconsin Higher Educational Aids Board, 2015). The Missouri-Kansas Reciprocal Agreement on Architecture, Dentistry, and Optometry provides for reciprocity tuition rates for Missouri residents at the University of Kansas or the College of Architecture and Design at Kansas State University in architecture and related fields. It also allows Kansas residents to study dentistry at the University of Missouri-Kansas City School of Dentistry or optometry at the University of Missouri-St. Louis School of Optometry (State of Missouri, 2020). The tuition Reciprocity State Reciprocity Agreement Between Kentucky and Tennessee applies only to select border counties and select institutions (Commonwealth of Kentucky, 2007).

D. Undocumented Students' Eligibility for State-to-State Programs

Undocumented students are not eligible the Missouri-Kansas Reciprocal Agreement on Architecture, Dentistry, and Optometry, according to a program representative. Information about undocumented students' eligibility for this program is not available online.

Some undocumented students could be eligible for Minnesota-Wisconsin Tuition Reciprocity Program, but more research is needed. According to online information and representatives from the Minnesota Office of Higher Education, undocumented Minnesota residents are eligible to participate in both the multi-state and the Midwest Student Exchange Program (MSEP) and the Minnesota-Wisconsin Tuition Reciprocity Program. Minnesota undocumented students are "eligible for reduced tuition at a limited number of Midwest public and private schools and programs of study" in Wisconsin and five other states through MSEP (Minnesota Office of Higher Education, 2017). They are also eligible for reciprocity benefits if they attend a "Wisconsin technical college or any two- or four-year public college or university in Wisconsin" through the Minnesota-Wisconsin Tuition Reciprocity Program (Minnesota Office of Higher Education, 2017).

There is no public information available regarding Wisconsin undocumented students' eligibility to participate in either program. Based on conversations with higher education leaders in Wisconsin and Minnesota, it is unclear that undocumented students from Wisconsin are eligible for either program as they would not meet their home state's residency requirements (legislation passed in Wisconsin in 2013 disqualified undocumented students for in-state classification). It would appear that, while a Minnesota institution might theoretically offer the undocumented Wisconsin student tuition benefits, the student might not meet the Wisconsin residency requirements to participate in the program. However, more research is needed on Wisconsin undocumented students' eligibility for these programs.

8. Discussion and Conclusions

This report examined what pathways might be open to undocumented students living in restricted or prohibitive states to access higher education opportunities in another state through inter-state tuition agreements (ITAs). All but one (North Carolina) of the eight restrictive or prohibitive states are part of ITAs, which offer qualifying out-of-state students in-state tuition or reduced tuition among their member states. In addition, two states have signed onto state-level tuition agreements that may apply to specific programs or institutions in each state.

Undocumented students could potentially be eligible for ITAs offered by three of the four regional higher education organizations, but their eligibility would likely be decided on a case-by-case basis and determined by policies of individual states and/or institutions. ITAs could do more to take into consideration undocumented students seeking to access affordable higher education. The authors found no specific mention of undocumented students' eligibility for any of the programs in our review of online material, with the exception of Minnesota, which can serve as a model for other states (Table 5).

Even if students do qualify for these ITAs, tuition may still not be as affordable as in-state tuition. The New England Regional Student Program, for example does not offer in-state tuition to out-of-state students, but rather a tuition discount of no more than 175% of in-state tuition. These undocumented students may have a harder time graduating and graduate with more debt (Conger & Chellman, 2013).

A student may also find limitations to the tuition agreements. Sometimes only public institutions and only a subset of public institutions in a given state participate in any of the interstate tuition agreements. Sometimes only certain programs at particular institutions participate. For example, while 18 institutions and their campuses participate in the Midwest Exchange Program in Wisconsin, just four do so in Ohio (Midwestern Higher Education Compact, 2020).

9. Policy Alternatives & Recommendations

Based on our research, the authors propose the following policy recommendations to state boards of higher education, multi-state organization, and other higher education leaders:

- Where possible, expand undocumented students' eligibility or provide clear language on their eligibility for state reciprocity agreements. With the exception of the Minnesota's participation in the Midwestern Exchange Program and the Wisconsin-Minnesota Tuition Reciprocity Agreement, there was no information available online or on school websites specific to undocumented students.
- At the state level, begin or continue to advocate for undocumented students' eligibility to participate in inter-state tuition agreements.
- Provide undocumented students guidance on how to determine whether they are currently eligible for inter-state tuition programs and other local programs, such as in metro areas that cross state boundaries. For most regional higher education organizations the authors contacted, undocumented students are considered on a case-by-case basis for their eligibility to participate in tuition reciprocity/discount programs.
- Clarify language around the terms "undocumented" and "DACA." While the term "undocumented" usually encompasses DACA students, some states do not consider DACA students as undocumented. This lack of clarity can be confusing for students, advocates, and educators alike.
- When applicable, in light of the continuing court battles over DACA, jurisdictions should update their eligibility criteria from holding a valid grant of DACA to satisfying the underlying requirements for DACA (e.g. age of entry, length of residency, educational attainment, etc.).
- Ensure that financial aid and admissions counselors at all higher education institutions, and those working with high school students, are trained and kept updated on state and institutional policies that impact undocumented and DACA students, including inter-state tuition programs.
- Continue advocacy for undocumented students' (including, but not limited to DACA students') eligibility for access to higher education and state tuition, financial aid — particularly in "restrictive" states as well as advocacy for immigration reform at the federal level.

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- While the focus of this brief is on public institutions, private colleges and universities can implement policies that treat undocumented students as domestic students for the purposes of admission and financial aid. A growing number of private institutions [have established](#) these practices.

10. References

- Amuedo-Dorantes, C., & Sparber, C. (2012). *In-state tuition for undocumented immigrants and its impact on college enrollment, tuition cost, student financial aid, and indebtedness (IZA Discussion Paper No. 6857)*. Bonn, Germany: Institute for the Study of Labor.
- Chin, A., & Juhn, C. (2011). Does reducing college costs improve educational outcomes for undocumented immigrants? Evidence from state laws permitting undocumented immigrants to pay in-state tuition at state colleges and universities. In D. L. Leal & S. J. Trejo (Eds.), *Latinos and the economy: Integration and impact in schools, labor markets, and beyond* (pp. 63–94). Springer. https://doi.org/10.1007/978-1-4419-6682-7_4
- Commonwealth of Kentucky. (2007). *Tuition reciprocity agreement between Kentucky and Tennessee 2007-2013*. <http://cpe.ky.gov/policies/finance/reciprocity-ky-tennessee.pdf>
- Conger, D., & Chellman, C. C. (2013). Undocumented college students in the United States: In-state tuition not enough to ensure four-year degree completion. *Education finance and policy*, 8(3), 364–377. https://doi.org/10.1162/EDFP_a_00101
- Darolia, R., & Potochnick, S. (2015). Educational “when,” “where,” and “how” implications of in-state resident tuition policies for Latino undocumented immigrants. *The review of higher education*, 38(4), 507–535. <https://doi.org/10.1353/rhe.2015.0028>
- Dream Educational Empowerment Program. (2015). *Tuition and state aid for undocumented students and DACA grantees*. United we dream. http://unitedwedream.org/wp-content/uploads/2015/01/UWDN_InstitutionalToolkit_final-1.pdf
- Exec. Order No. 01769, 86 Fed. Reg. 7053 (January 20, 2021).
- Feldblum, M., Hubbard, S., Lim, A., Penichet-Paul, C. & Siegel, H. (2020). *Undocumented students in higher education*. New American Economy and Presidents’ Alliance on Higher Education and Immigration. <https://www.presidentsalliance.org/wp-content/uploads/2020/07/Undocumented-Students-in-Higher-Education-April-2020.pdf>
- Flores, S. (2010). State dream acts: The effect of in-state resident tuition policies and undocumented Latino students. *The Review of Higher Education*, 33, 239–283. <https://doi.org/10.1353/rhe.0.0134>
- Hackman, M. (2020, December 5). Federal judge orders government to fully restore DACA. *The Wall Street Journal*. <https://www.wsj.com/articles/federal-judge-orders-government-to-fully-restore-daca-11607133464>
- Immigrant Legal Resource Center. (2020). *DACA: Frequently asked questions*. https://www.ilrc.org/sites/default/files/resources/nilc_ilrc_daca_faq_august_2020.pdf
- Kantrowitz, M. (2020, February 20). *In-state tuition for undocumented students and parents*. Savingforcollege.Com. <https://www.savingforcollege.com/article/in-state-tuition-for-undocumented-students-and-parents>

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- Kaushal, N. (2008). In-state tuition for the undocumented: Education effects on Mexican young adults. *Journal of Policy Analysis and Management*, 27(4), 771–792. <https://doi.org/10.1002/pam.20366>
- Kavi, A. (2021, January 20). Biden’s 17 executive orders and other directives in detail. *The New York Times*. <https://www.nytimes.com/2021/01/20/us/biden-executive-orders.html>
- Midwestern Higher Education Compact. (2020). *Midwest student exchange program*. https://msep.mhec.org/institutions?field_state_term_tid=2&field_program_type_term_tid=12&field_sector_term_tid=All
- Minnesota Office of Higher Education. (2017). *Reduced out-of-state tuition options*. <https://www.ohe.state.mn.us/mPg.cfm?pageID=97>
- Muñoz, S. M. & Espino, M. M. (2017). The freedom to learn: The voices and experiences of undocumented students at Freedom University. *Review of Higher Education*, 40(4). 533- 555
- National Conference of State Legislatures. (2019, September 19). *Undocumented student tuition: overview*. <https://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>
- National Immigration Law Center. (2020a, April 11). *Basic facts about in-state tuition*. <https://www.nilc.org/issues/education/basic-facts-instate/>
- National Immigration Law Center. (2020b, December 7). *DACA*. <https://www.nilc.org/issues/daca/>
- New England Board of Higher Education. (2020). *Tuition break: eligibility & FAQs*. <https://nebhe.org/tuitionbreak/eligibility-faqs/>
- NASFAA. (2020). *State & regional college tuition discounts*. NASFAA: National Association of Student Financial Aid Administrators. https://www.nasfaa.org/State_Regional_Tuition_Exchanges
- Penichet-Paul, C., & Lopez-Espinosa, I. (2020). *Policy brief: Ending DACA would limit access to higher education in ten states*. President’s Alliance on Higher Education and Immigration.
- Penichet-Paul, C., Rios, R., Espita, N., & Lopez-Espinosa, I. (2020). *Higher ed guide to tuition, financial aid, & other funding opportunities for undocumented students: FAQs for public and private colleges and universities*. President’s Alliance on Higher Education and Immigration, uLEAD Network and the National Forum on Higher Education for the Public Good, University of Michigan. <https://www.presidentsalliance.org/wp-content/uploads/2020/09/Higher-Ed-Guide-to-Tuition-Financial-Aid-Other-Funding-for-Undocumented-Students-September-2020.pdf>
- Pérez, Z. J. (2014). *Removing barriers to higher education for undocumented students*. Center for American Progress. <https://cdn.americanprogress.org/wp-content/uploads/2014/12/UndocHigherEd-report2.pdf>
- Perna, L. W. (2010). Toward a more complete understanding of the role of financial aid in promoting college enrollment: The importance of context. In J. C. Smart (Ed.), *Higher education: Handbook of theory and research* (Vol. 25, pp. 129–179). Springer Netherlands. https://doi.org/10.1007/978-90-481-8598-6_4

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- Redden, E. (2020, December 7). Judge orders restoration of DACA. *Inside Higher Ed*. <https://www.insidehighered.com/quicktakes/2020/12/07/judge-orders-restoration-daca>
- Rincón, A. (2012). *Repository of resources for undocumented students*. The College Board. Retrieved from <https://vtechworks.lib.vt.edu/handle/10919/84045>
- Ruge, T. R., & Iza, A. D. (2005). Higher education for undocumented students: The case for open admission and in-state tuition rates for students without lawful immigration status. *Immigration and Nationality Law Review*, 26, 383.
- Sacchetti, M. (2020, November 15). Judge rules acting homeland security secretary appointment unlawful, which could have implications for DACA. *Washington Post*. https://www.washingtonpost.com/immigration/dhs-secretary-unlawful-daca/2020/11/15/c52ae64e-26d1-11eb-8672-c281c7a2c96e_story.html
- Shear, M. D., & Cochrane, E. (2020, June 19). Trump says administration will try again to end ‘Dreamers’ program. *The New York Times*. <https://www.nytimes.com/2020/06/19/us/politics/trump-daca.html>
- Southern Regional Education Board. (2020). *Academic common market*. <https://www.sreb.org/overview/academic-common-market>
- State of Wisconsin Higher Educational Aids Board. (2015). *MN-WI tuition reciprocity application—HEAB*. <http://www.heab.state.wi.us/reciprocity/#app>
- Tennessee Educational Equity Coalition. (2020). *Undocumented-friendly schools in Tennessee*. <http://tnedequity.org/undocumented-friendly-schools-in-tennessee/>
- U.S. Department of Education. (2020). *Eligibility for non-U.S. citizens*. <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>
- uLEAD (University Leaders for Educational Access and Diversity) Network. (2020). *Policy Environment*. National Forum on Higher Education for the Public Good. University of Michigan. <https://uleadnet.org/>
- Western Interstate Commission for Higher Education. (2020). *Save money on college: WICHE student access programs*. <https://www.wiche.edu/tuition-savings/>

11. Appendix

Table 1

Definition of State Policy Environments, adapted from Penichet-Paul et al. (2020)

Policy Environment	Definition
Comprehensive Access	Policies provide statewide access to in-state tuition and state financial aid or scholarships for the state's resident DACA recipients and undocumented students.
Accessible	Policies provide statewide access to in-state tuition for the state's resident DACA recipients and undocumented students.
Limited	Policies provide the state's resident DACA recipients and undocumented students with access to in-state or reduced tuition in at least some public institutions.
Limited to DACA	Policies provide the state's resident DACA recipients with access to in-state tuition in at least some public institutions.
No State Policy	No known policies on access to in-state tuition or state financial aid for the state's resident DACA recipients and undocumented students.
Restrictive	Policies actively bar access to in-state tuition or state financial aid for the state's resident DACA recipients and undocumented students, but permit enrollment in public institutions.
Prohibitive	Policies actively bar enrollment in at least some public institutions for the state's resident undocumented students, but may still allow DACA recipients to enroll.

Table 2

States categorized as “restrictive” or “prohibitive” for undocumented students, adapted from Penichet-Paul et al. (2020)

Policy Environment	State
Restrictive	Missouri
	New Hampshire
	North Carolina
	Tennessee
	Wisconsin
Prohibitive	Alabama
	Georgia
	South Carolina

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Table 3

Interstate tuition agreements (multi-state and state-to-state agreements) for restrictive states and prohibitive states (italicized)

State	Multistate Agreement	State-to-State
<i>Alabama</i>	Academic Common Market & Regional Contract Program	No
<i>Georgia</i>	Academic Common Market	No
Missouri	Midwestern Exchange Program	Missouri-Kansas Reciprocal Agreement on Architecture, Dentistry, and Optometry
New Hampshire	New England Regional Student Program	No
North Carolina	No	No
<i>South Carolina</i>	Academic Common Market	No
Tennessee	Academic Common Market	No formal program
Wisconsin	Midwestern Exchange Program	Wisconsin-Minnesota_

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Table 4

Interstate tuition agreements (multi-state and state-to-state agreements) and their benefits. (Coordinating regional education body listed in parentheses if available).

Interstate tuition program	Participating states and territories*	Benefits for out-of-state students
Academic Common Market (Southern Regional Education Board)	Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia	In-state tuition, especially for programs not available in student's home state
Regional Contract Program (Southern Regional Education Board)	Arkansas, Delaware, Georgia, Kentucky, Louisiana, Mississippi, and South Carolina.	In-state tuition or reduced tuition for professional health degrees
Midwestern Exchange Program (Midwestern Higher Education Compact)	Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and Wisconsin (Inactive: Michigan)	No more than 150% of in-state tuition (public institutions); 10% discount at private institutions
New England Regional Student Program (New England Board of Higher Education)	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	No more than 175% of in-state tuition
Western Undergraduate Exchange (Western Interstate Commission for Higher Education)	Alaska, Arizona, California, Colorado, Hawai'i, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, U.S. Pacific Territories, Utah, Washington, and Wyoming	No more than 150% of in-state tuition for undergraduate programs

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Western Regional Graduate Program (Western Interstate Commission for Higher Education)	Alaska, Arizona, California, Colorado, Hawai'i, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, U.S. Pacific Territories, Utah, Washington, and Wyoming,	No more than 150% of in-state tuition for graduate certificate, master's, and doctoral programs
Professional Student Exchange Program (Western Interstate Commission for Higher Education)	Alaska, Arizona, Commonwealth of the Northern Mariana Islands (CNMI), Colorado, Hawaii, Montana, Nevada, New Mexico, North Dakota, Utah, Wyoming	Tuition support from home state or territory for out-of-state health degree
Wisconsin-Minnesota Exchange Program	Wisconsin, Minnesota	Tuition reciprocity
Missouri-Kansas Reciprocal Agreement on Architecture, Dentistry, and Optometry	Missouri, Kansas	Reciprocal tuition for Missouri residents at two Kansas institution and for Kansas residents at two Missouri institutions

** Participation may be restricted to certain institutions, and benefits may vary. Visit program websites for the latest detailed information about program benefits.*

Table 5

Interstate tuition agreements (multi-state and state-to-state agreements) and undocumented students' eligibility.

Tuition Reciprocity Program Name	Information about undocumented students available online?*	Undocumented students eligible?***
Academic Common Market (Southern Regional Education Board)	No	No, unlikely; possibility of case-by-case eligibility in certain states
Regional Contract Program (Southern Regional Education Board)	No	No, unlikely
Midwestern Exchange Program (Midwestern Higher Education Compact)	Yes (Minnesota only)	Yes (Minnesota residents); other states: potentially on a case-by-case basis
Tuition Break (New England Board of Higher Education)	No	Case-by-case: depends on institutions' and state policies
Western Undergraduate Exchange (Western Interstate Commission for Higher Education)	No	Case-by-case: depends on institutions' and state policies
Western Regional Graduate Program (Western Interstate Commission for Higher Education)	No	Case-by-case: depends on institutions' and state policies

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Professional Student Exchange Program (Western Interstate Commission for Higher Education)	No	No, unlikely
Wisconsin-Minnesota Exchange Program	No	No (Wisconsin); Yes (Minnesota)
Missouri-Kansas Reciprocal Agreement on Architecture, Dentistry, and Optometry	No	No

** Determined by searching through program website and through Google search using keywords, "[program]" AND "undocumented"?*

***Based on publicly available online information or information provided by program representatives*

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