



**MEDIA ALERT**  
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**Statement by**  
**BRAULIO COLÓN, Executive Director for Florida College Access Network,**  
**On Senate Bill 180 and House Bill 17**

“The Florida College Access Network applauds Senator Anitere Flores of Florida Senate District 37 and Representative Carlos Trujillo of Florida House District 105 for leading on the important issue of expanding postsecondary access with the introduction of Senate Bill 180 and House Bill 17.”

“We believe all Florida high school graduates deserve an opportunity to access a high-quality postsecondary education that prepares them to engage and compete in the 21<sup>st</sup> century knowledge-based global economy. Senate Bill 180 and House Bill 17 seek to provide Florida students who are undocumented with a pathway to qualify for in-state tuition rates at a public state college or university.”

“We are encouraged by the bi-partisan support both bills are currently receiving in their respective chambers and we are hopeful that doing what is right for Florida students will supersede all other factors in this debate.”

“Florida must significantly increase its postsecondary degree attainment rate to remain economically competitive in the new economy. Increasing degree production, talent recruitment, and retention will require action on multiple policy fronts including in the area of residency status for tuition purposes. We should not sit back and wait on a federal resolution to this issue; We should take the lead now and demonstrate to our students and future talent pool that Florida believes in them.”

## The Issue:

According to estimates made by the Pew Hispanic Center, there were 11.9 million unauthorized immigrants living in the United States in 2008. It is estimated that 15% of the nation's nearly 12 million undocumented immigrants are under the age of 18. Approximately 1 million illegal residents live in Florida. According to the American Immigration Law Foundation, there are approximately 1.1 million undocumented students in the United States, which constitutes 2 percent of the student population. Roughly 50,000-65,000 undocumented immigrant students graduate from U.S. high schools each year. Of these, no more than 13,000 enroll in a U.S. college or university.

	Estimated Population	Range
<b>U.S. Total</b>	11,900	(11,400 - 12,400)
California	2,700	(2,500 - 2,850)
Texas	1,450	(1,300 - 1,550)
Florida	1,050	(950 - 1,150)
New York	925	(800 - 1,050)
New Jersey	550	(500 - 600)
Arizona	500	(475 - 550)
Georgia	475	(425 - 500)
Illinois	450	(375 - 525)
North Carolina	350	(300 - 400)
Virginia	300	(275 - 325)

Source: Pew Hispanic Center estimates based on augmented March Current Population Surveys for 2006-08. See Table B1

Federal law currently requires all states to provide undocumented students with a K-12 public education. In *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court struck down a Texas statute which withheld state funds for the education of children who were not “legally admitted” into the United States and authorized local school districts to deny enrollment to such children on the grounds that it violated the Equal Protection Clause of the Fourteenth Amendment. The court found that the Texas statute imposed “a lifetime hardship on a discrete class of children not accountable for their disabling status. These children can neither affect their parents’ conduct nor their own undocumented status.” The court decision, moreover, affirmed the value of providing a public education to all residents of the state: “Public education has a pivotal role in maintaining

the fabric of our society and in sustaining our political and cultural heritage; the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well-being of the individual, and poses an obstacle to individual achievement.”

Although *Plyler v. Doe* did not apply to post-secondary education, it did require states to provide equal educational opportunities to all K-12 students regardless of legal status. Their obligation to undocumented students currently stops at high school graduation. Undocumented students may be admitted into state higher education institutions, but federal law does not currently require states to provide them with this education at in-state tuition rates.

## State Responses:

No state has offered unconditional higher education benefits to undocumented students. State legislation—either enacted or proposed—has generally included residency requirements,

academic standards, and legalization requirements in order for the student to qualify for in-state tuition rates. In short, current federal law provides a path to higher education for students who are undocumented provided that the students have become de facto residents of the state, graduated from high school, qualified for admission to a public college or university, and pledged to apply for legal immigration status through a signed affidavit.

Texas, California, Utah, Washington, New York, Oklahoma, Illinois, Kansas, New Mexico, and Nebraska have all passed legislation providing a path to higher education at in-state tuition rates for undocumented students. Only Texas, Oklahoma, and Utah currently provide state financial aid to undocumented students.



Florida College Access Network's mission is to create and strengthen a statewide network that catalyzes and supports communities to improve college & career preparation, access, and completion for all students. Our Big Goal is to increase the proportion of working-age adults in Florida who hold a high-quality postsecondary degree or credential to 60% by the year 2025.