

Policy Brief

## Nearly 2,500 Students Benefit from Florida Tuition Equity Law during First Year

### FLORIDA

#### Key Trends

It has been over eight years since Florida College Access Network (formerly ENLACE Florida) first highlighted the importance of providing in-state tuition rates to foreign-born students lacking legal residency status who earn their high school diplomas in Florida. In the absence of meaningful immigration reform at the federal level, several states around the country began implementing tuition equity laws for undocumented high school graduates in response to the call by many education and community leaders to provide reasonable postsecondary access to such students.

In Florida, House Bill 851 was passed into law in July 2014, making our state one of 17 in the nation that now allow eligible high school graduates the ability to pay in-state tuition rates at public postsecondary institutions. According to data requested by Florida CAN, during the first year of the policy's implementation, 2,475 students attending 31 Florida public colleges and universities used the new out-of-state tuition waiver. The data included in this brief offers an important first glance at the effect HB 851 has had on the enrollment of undocumented, or "DREAMer," students in Florida.

The colleges most attended by students using the out-of-state tuition waiver during the 2014-15 academic year were Palm Beach State College (389), Broward College (370), Florida International University (370), Valencia College (309) and Miami Dade College (243). Most likely due to the cost and proximity to home, eligible students showed a preference toward attending Florida College System institutions (76.8%) over State University System of Florida institutions (23.2%).

While the first year outcomes of the tuition equity bill are promising, there is reason to believe that many more undocumented students could benefit from the out-of-state tuition waiver. To further improve enrollment among eligible high school graduates, Florida CAN recommends streamlining the waiver process with a simple modification to the Florida Financial Aid Application (FFAA). By adding a single question to the FFAA form, students could more easily establish their eligibility for the in-state tuition rates.

Florida CAN also recommends tracking the retention and graduation rates of students utilizing the tuition waiver. Because undocumented students are not eligible for federal and state financial aid, they are less likely to enroll in college full time and are more likely to find themselves in financial stress than many of their peers. Tracking their retention and graduation rates can inform future policy decisions impacting such students, to ensure that they not only have equitable access to college but also the opportunity to successfully complete their chosen degree or credential.

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.

1. 2,475 students used waiver in 2014-15  
↔ Baseline year of data
2. 76.8% of students using waiver attended Florida College System  
↑ Students show preference for lower cost, closer to home college option
3. Few colleges land majority of students  
↑ 6 colleges and universities represented 75% of waivers used
4. Waivers concentrated in South Florida:  
↑ 55% of students used waivers at colleges in Palm Beach, Broward and Miami Dade Counties



## Undocumented Students and Access to Postsecondary Education in Florida

The term “undocumented students” generally refers to students born outside of the United States who lack legal status to reside in this country. In many cases, their parents brought them into the country as children with no legal permission to enter the U.S. or on a temporary visa that the family overstayed.<sup>1</sup> Advocates for these students also call them “DREAMers,” a reference to the DREAM Act, the proposed federal legislation to provide a pathway to citizenship for eligible undocumented students who entered the country as a child, graduated from a U.S. high school and have been admitted to a U.S. college.<sup>2</sup> Although the DREAM Act has not passed Congress to date, President Obama in 2012 issued an executive order to grant eligible undocumented youth with government protection from deportation and the ability to legally seek employment through the Deferred Action for Childhood Arrivals (DACA) program.

Undocumented students have a constitutionally-protected right to attend public K-12 schools in the U.S.—indeed, like all children, they are required to attend up to age 16. However, their access to public postsecondary institutions is a matter of state policy. Because benefits such as in-state college tuition rates and state-funded financial aid programs are often contingent on students’ residency status, undocumented students have traditionally faced near-insurmountable barriers to an affordable postsecondary education.

Throughout the 2000s, a number of states began to grant eligible undocumented students in-state tuition rates for public postsecondary institutions.<sup>3</sup> According to the National Immigration Law Center, as of October 2015 there are 17 states that provide in-state tuition rates to eligible undocumented students.<sup>4</sup> Some states have additionally elected to provide financial aid to such students who meet certain eligibility criteria.

In July 2014, Florida became the latest state to waive out-of-state tuition for undocumented students. To be eligible for the waiver, such students must meet the following criteria: (1) attend a Florida secondary school for three consecutive years immediately before graduating from a Florida high school; (2) apply to college within 24 months after high school graduation; and (3) submit an official high school transcript as evidence of attendance and graduation.<sup>5</sup>

Table 1: Cost of tuition and fees (30 credits) at public postsecondary institutions in Florida: FY 2013-14

Institution	FY 13-14 Nonresident Tuition and Fees (Avg.)	FY 13-14 Resident Tuition and Fees (Avg.)	Difference (#)	Difference (%)
State University System of Florida	\$21,434	\$6,155	-\$15,279	248%
Florida College System	\$11,531	\$3,124	-\$8,407	269%

Source: Florida Legislature Office of Economic and Demographic Research

The cost savings to undocumented students eligible for the tuition waiver is significant. On average, in-state tuition costs an estimated \$15,200 less a year at state universities and \$8,400 a year less at state and community colleges, a savings of 248% and 269% respectively (see Table 1).<sup>6</sup> Before the introduction of the

<sup>1</sup> <https://studentaid.ed.gov/sa/sites/default/files/financial-aid-and-undocumented-students.pdf>

<sup>2</sup> <http://www.ed.gov/news/speeches/dream-act-testimony>

<sup>3</sup> See Florida CAN policy brief (May 2007) to learn more on early efforts in Florida and U.S. to pass tuition equity legislation: <http://www.floridacollegeaccess.org/wp-content/uploads/2012/10/ActionBrief2.pdf>

<sup>4</sup> <http://www.nilc.org/eduaccessstoolkit2.html>

<sup>5</sup> [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1009/Sections/1009.26.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1009/Sections/1009.26.html)

<sup>6</sup> Cost of full-time attendance, data from Florida Legislature Office of Economic and Demographic Research

tuition waiver in July 2014, the cost of tuition made attending college prohibitive for the vast majority of undocumented students in Florida.

### How many students have used the tuition waiver so far?

During the 2014-15 academic year, 2,475 students used out-of-state tuition waivers to attend 31 public colleges and universities in Florida. Of the total number of students using tuition waivers, almost 77% (1,903) attended Florida College System institutions, with the remaining 23% (572) attending State University System of Florida institutions.<sup>7</sup> Institutions where students used the tuition waiver most often were Palm Beach State College (389), Broward College (378), Florida International University (370), Valencia College (309) and Miami Dade College (243). Table 2 lists tuition waivers used by eligible students at all public colleges and universities in Florida.

**Table 2: Out-of-State Tuition Waivers Used by Eligible High School Graduates in Florida: 2014-15**

College	Governance	Students using waiver
Palm Beach State College	FCS	389
Broward College	FCS	378
Florida International University	SUS	370
Valencia College	FCS	309
Miami Dade College	FCS	243
Florida SouthWestern State College	FCS	166
St. Petersburg College	FCS	86
Indian River State College	FCS	68
Seminole State College of Florida	FCS	66
University of Central Florida	SUS	63
Polk State College	FCS	50
Florida Gulf Coast University	SUS	40
Eastern Florida State College	FCS	29
University of Florida	SUS	29
Florida Atlantic University	SUS	29
University of South Florida	SUS	27
Hillsborough Community College	FCS	26
Daytona State College	FCS	23
Pasco-Hernando State College	FCS	16
College of Central Florida	FCS	15
Florida Keys Community College	FCS	13
Florida State University	SUS	10

  

College	Governance	Students using waiver
Florida A&M University	SUS	*
Gulf Coast State College	FCS	*
Florida Gateway College	FCS	*
Lake-Sumter State College	FCS	*
Pensacola State College	FCS	*
South Florida State College	FCS	*
The University of West Florida	SUS	*
University of North Florida	SUS	*
Florida Polytechnic University	SUS	*
Chipola College	FCS	0
Florida State College at Jacksonville	FCS	0
State College of FL, Manatee-Sarasota	FCS	0
North Florida Community College	FCS	0
Northwest Florida State College	FCS	0
St. Johns River State College	FCS	0
Santa Fe College	FCS	0
Tallahassee Community College	FCS	0
New College of Florida	SUS	0
<b>Total SUS</b>		<b>572</b>
<b>Total FCS</b>		<b>1,903</b>
<b>Total SUS &amp; FCS</b>		<b>2,475</b>

Notes: To protect the individual privacy of students, data are displayed only when the total number of students in a group is at least 10. Data for groups less than 10 are displayed with an asterisk (\*). Includes Summer 2014, Fall 2014 and Spring 2015. Source: 2014-15 Florida College System Student Database, PK-20 Education Reporting and Accessibility, Florida Department of Education; Board of Governors staff analysis of the State University Database System (SUDS).

<sup>7</sup> Includes summer 2014, fall 2014 and spring 2015 semesters.

An important caveat to the data listed in Table 2 is that “students using a waiver” does not necessarily mean that they are undocumented, for it is possible to meet the criteria for the tuition waiver without being undocumented for federal immigration purposes.<sup>8</sup>

## Discussion & Recommendations

Florida House Bill 851, passed in July 2014, allows eligible graduates of Florida schools the ability to pay in-state tuition rates regardless of their ability to provide documentation establishing their legal residency or the residency of their parents. Now that Florida’s undocumented students are eligible for lower tuition rates, what are some of the issues our state should consider moving forward?

1. *Simplify the process for using the out-of-state tuition waiver.* The tuition waiver in its current form can be difficult for students and parents to find on college websites. Because the tuition waiver does not exclusively apply to undocumented students, many colleges refer to the form as the “Out-of-State Tuition Waiver Form for Select Florida High School Graduates.” For obvious reasons, the title of the form might make it difficult to find. Students can also be limited in their ability to learn about the tuition waiver because federal law prohibits school counselors and other school officials from asking students questions about their residency status.<sup>9</sup> For these reasons, Florida CAN recommends that the state simplify the eligibility process by replacing the tuition waiver form with a single question on the Florida Financial Aid Application (FFAA).

The FFAA is used to determine students’ eligibility for state-funded scholarships, grants and other financial aid programs. The application asks students to indicate their residency status, their expected high school graduation year and term, and includes a section which authorizes the Florida Department of Education Office of Student Financial Assistance to release high school transcripts for the purpose of evaluating and certifying eligibility for certain state programs. This information is then input into centralized “master” eligibility lists that schools and colleges can access to advise students on tuition rates and financial assistance. Because this process already exists, the inclusion of the eligibility criteria for in-state tuition rates could make the process less burdensome for undocumented students.

2. *Share best practices in recruiting, receiving and retaining undocumented students at Florida higher education institutions.* The data discussed in this brief suggest that in just a few years, over 10,000 undocumented students could be enrolled in Florida postsecondary institutions. Colleges have been admitting undocumented students long before the passing of HB 851, but now that the waiver exists, colleges will likely need to increase their efforts to support these students as enrollments increase. There are examples of such work taking place in Florida already. For example, Palm Beach State College actively engages with their surrounding community to communicate the supports their institution provides undocumented students. Miami Dade College has a dedicated advisor to support undocumented students after they have enrolled. Broward College has begun posting flyers to encourage DREAMer students to seek out helpful information and resources. Now that graduation rates are metrics for performance-based funding for both the state college and university systems, administrators will have an incentive to provide additional supports for their undocumented students.<sup>10</sup>
3. *Look beyond access for Florida’s undocumented students.* The tuition waiver for undocumented students provides a more financially feasible path to postsecondary access in Florida, but further research is

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<sup>8</sup> See question 4, <http://www.floridacollegeaccess.org/wp-content/uploads/2014/07/JA-Memo-HB851-Out-of-state-Fee-Waiver-HS-Students-070314-2.pdf>

<sup>9</sup> Plyler v. Doe, 457 U.S. 202 (1982)

<sup>10</sup> View this chart from National Conference of State Legislatures to learn more about Florida’s performance-based funding programs: <http://www.ncsl.org/research/education/performance-funding.aspx>

recommended to monitor the success of these students as they progress through college. Because undocumented students are not eligible for state or federal financial aid, there is reason to believe that many of these students take less than full-time credits. If retention and completion rates for enrolled undocumented students are lower than their peers, Florida CAN would strongly recommend that our state consider policy changes to ensure undocumented students don't just enroll, but also complete their academic programs.

4. *Increase awareness and provide training for school counselors, advisors, mentors and others on the out-of-state tuition waiver and how to support Florida's undocumented students.* Because school counselors and school administrators are legally not allowed to inquire about students' residency status, it can be difficult for them to provide targeted resources and information to undocumented students. And because the out-of-state tuition waiver has been available for under two years, there are still many education professionals in our state who are not aware of the waiver, the qualification process or the eligibility criteria. It is important to increase education and outreach to school personnel. Community-based organizations and social service agencies that serve such youth should also have access to a statewide repository with helpful information, resources and scholarship opportunities for DREAMer students. ■

*The views expressed in this policy brief were developed independently and do not reflect the opinions of the universities, agencies, and funders with which the leadership team and staff are affiliated.*

The 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. For more information, visit [www.floridacollegeaccess.org](http://www.floridacollegeaccess.org).

