

**Policy Analysis: An Analysis of Institutional Admissions and State Policies  
in Higher Education as They Impact Undocumented Students**

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**ABSTRACT**

The term residency and definition of that term is the driving force that acts as the foundation of many, if not all, state funded college and university admissions policies. With over 65,000 undocumented students graduating from American high schools every year, it is essential that state colleges and universities look at their admissions policies and how they affect undocumented students (Gildersleeve, 2010).

State laws and admissions policies for state funded Pre-K-12 public education are led by the precedent set in *Plyler v. Doe* (1982), a Supreme Court case which mandates that all children that reside within local education agency school district boundaries receive a free and appropriate public education from the respective school district. However, there is a problem with state funded colleges and universities not having consistent, clear-cut laws and/or court rulings which would stand as a foundation for higher education admissions policies.

This quantitative, policy analysis will analyze the similarities and the differences between state and institutional admissions policies as they pertain to undocumented students.

**KEY WORDS:** Higher Education, Undocumented Students, Admission Policies, Public Education, State Funding

## Introduction

Undocumented students have long been part of the American education system. However, due to increases in the number of undocumented students seeking to attend public colleges and universities, issues concerning undocumented student admission into these institutions have become larger, more pressing issues (Badger & Yale-Loehr, 2008). Access to a public education for this population of students is currently a heated topic of debate makers and stakeholders due to issues concerning the provisions in public college and university admissions policies for undocumented students (Badger & Yale-Loehr, 2008). As a result of the growing population of undocumented immigrants in the United States, the federal and state governments have had to address policies and laws that impact the accessibility of a state funded education for undocumented students (Submission Stream, 2011). In K-12 public education, admissions policy is consistent across the United States due to the United States Supreme Court ruling in *Plyler v. Doe* (1982), which granted access to public K-12 education for all undocumented students who reside anywhere in the United States of America (The Advocates for Human Rights, 2006).

Unlike public K-12 admissions policy, public post-secondary institutions create their own admissions policies and in-state tuition rates, which have created complex differences in policies and tuition rates between public post-secondary schools across the United States (Submission Stream, 2011). Arguably, a public K-12 education is important, but most competitive jobs which afford stable income generally require an education from a post-secondary educational institution (Badger & Yale-Loehr, 2008).

Currently, there are approximately 1.1 million undocumented school-aged children and hundreds of thousands of college age, undocumented residents residing in the United States (Burkhardt et al., 2012). These statistics are a reflection of more undocumented students taking advantage of their K-12 educational rights. In a ten year span, 1990 to 2000, the number of foreign-born people in the United States increased from 20 million to 31.1 million (Rincon, 2005). As this population increases, so does the number of undocumented public K-12 graduates who are now eligible candidates for public college and university services. With increases in undocumented student graduate populations, approximately 65,000 undocumented graduates per year, the needs of both the country and the respective individuals are rapidly and undeniably changing (Gildersleeve, 2010).

A metamorphosis in admission policies in the United States is imminent with these changing dynamics. In the late 1970's, public K-12 education institutions began facing a more diverse community population including undocumented families (Zehr, 2007). Arguably the public schools were not ready with policy to face the change in population, and school districts were facing a need for more specific policy. One landmark example occurred in 1977 in the City of Tyler, Texas. Tyler experienced a small influx of undocumented families residing in their community. Undocumented students looking to enroll

in Tyler's public school system were asked to pay tuition because state law did not financially compensate local education agencies for undocumented students (Zehr, 2007). James Plyler, Superintendent of Schools and the Tyler Independent School District Board of Trustees, passed local policy that would allow them to charge for undocumented students (Zehr, 2007). In an interview with Mary Ann Zehr, Plyler stated that soon after the implementation of the policy, the Mexican American Legal Defense and Education Fund (MALDEF) filed a lawsuit against Plyler and the Tyler Independent School District (Zehr, 2007). When asked in his interview how he felt about the events which had taken place, he responded by commending the United States Supreme Court for making the right decision and moving toward educating all human beings (Zehr, 2007). In *Plyler v. Doe (1982)*, the United States Supreme Court guaranteed the rights of undocumented students to attend public K-12 schools under the provisions of the 14<sup>th</sup> Amendment (The Advocates for Human Rights, 2006). *Plyler v Doe* has served as a landmark decision that has brought a free and appropriate education to many undocumented students enrolled in all public American schools.

The lack of a legislative decision similar to *Plyler v. Doe (1982)* addressing admissions policies for undocumented students in public colleges and universities has allowed each state to create personalized admissions policies. These state college and university admissions policies range from those which deny undocumented students enrollment or charge out-of-state tuition to those which allow undocumented students to receive in-state tuition rates with access to financial aid and those which grant in-state tuition rates with no access to financial aid (Burkhardt et al., 2012). The majority of the 65,000 undocumented K-12 public school graduates who receive diplomas each year in the United States will be legally admitted to public colleges and universities (Gonzales, 2007). The major issue undocumented graduates will face during the admissions procedure is being forced to pay out-of-state tuition which is more expensive than in-state tuition. In 1999 the State of California, a leader in the in-state tuition for undocumented students, allowed undocumented students who had completed a minimum of three years in high school, to pay approximately \$1,506 in additional fees in contrast to paying \$9,253 in out-of-state tuition for a school year (Rincon, 2005). Similar to California, a state resident attending a Massachusetts state university would pay \$9,000 a year while a non-resident would pay out-of-state tuition at \$18,000 a year (Jefferies, 2008).

According to Hyun and Newburn (2010), of the 65,000 undocumented K-12 students who graduate each year, approximately 37,000 are Latino and close to 5% will attend college. The large Latino population is due to the close geographical proximity of the United States to Latin countries. Analyzing the reasons why only 5% of this population will attend college is a separate issue from those addressed by this study. Understanding what type of admissions policies exist between states and institutions and what impact these policies have on undocumented students seeking admission to public colleges and universities is the intent of this particular study. After graduation from public

K-12 schools, undocumented students find themselves facing confusing public college and university admissions policies. Undocumented students applying to a college or university, depending on the state in which they wish to attend college, may face very different admissions policy issues and tuition fees because of their undocumented status (Frum, 2007). Due to *Plyler v. Doe (1982)*, which set a precedent for the educational rights of undocumented students in public K-12 schools, undocumented students do not face diverse admissions policies until they attempt to enroll in a post-secondary education.

Although an estimated 5-10 percent of the 65,000 undocumented students who have graduated from high school each year intend go to college, there is still no state or federal law that denies or provides access to undocumented students (Collegeboard, 2012). The best reference that public colleges and universities have to create admissions policies and standards is predominantly based on the interpretation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) (Burkhardt et al., 2012).

State and public higher education institutions base their admissions and in-state tuition policies solely on the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Perry, 2004). Because of its generalized language, IIRIRA has created two different analyses on its intentions towards undocumented students in public post-secondary schools. Two critical statements in the IIRIRA cause this dual-analysis: (1) if public colleges and universities offer in-state tuition to undocumented students, they must offer in-state tuition to all legal citizen students; (2) the defining of state residency is the respective state's obligation (Hyun & Newburn, 2010).

One of the intended feats of the IIRIRA Act, specifically Section 505, was to restrict the rights of undocumented students in post-secondary studies by limiting public benefits (Perry, 2004). Because Section 505 is unclear in defining state residency, each state has created its own definition of state residency along with the associated requirements for qualification which directly impact tuition rates (Frum, 2007). Some states have determined that granting undocumented students in-state tuition rates and legal state residency is in direct violation of the 1996 IIRIRA act (Frum, 2007). These states consider in-state tuition rates to be taking advantage of a public benefit, therefore, denying access to these subsidies is in compliance with the intentions of the 1996 IIRIRA Act (Hyun & Newburn, 2010).

On the other hand, other states have interpreted the intention of Section 505 of the IIRIRA Act differently. Other states have created policy that allows undocumented students to be considered state residents which in turn, allows these students access to in-state tuition rates. These states have determined that in-state tuition rates and state financial aid subsidies are not public benefits because undocumented students have complied with specific state residency requirements (Frum, 2007).

One example of this type of policy was initiated by The State of Texas in 2001 with the introduction of House Bill 1403 (Rincon, 2005). Texas House Bill 1403 became Senate Bill 1528 which granted in-state tuition to undocumented students who had graduated from Texas high schools and had resided in the

state for three or more years (Rincon, 2005). This was a monumental legislative action in Texas not only because it was the first state to establish access to in-state tuition for undocumented students, but also because *Plyler v. Doe (1982)* originated in Texas. Other states soon followed by passing similar legislation: California, October 2001; Utah July 2002; New York, October 2002; Washington, May 2003; Illinois, May 2003; Oklahoma, May 2003; Kansas, 2004; and New Mexico, April 2005 (Rincon, 2005).

Reform to state funded college and university admissions policies which allow undocumented students admission is needed and could potentially benefit the entire country. Reform to existing policy may allow more individuals to obtain a degree and transfer from being dependent on financial benefits to financial independence (Morinaka, 2007). Half of the states in America have either employed or introduced laws that would give undocumented students admission, although with some limitations, to college (Melendez, 2004). Recently, 10 states: California, Texas, New York, Utah, Nebraska, New Mexico, Illinois, Oklahoma, Kansas and Washington, passed legislation that would allow undocumented students to be admitted into public colleges as long as these students graduated from an in-state high school (Collegeboard, 2012). However, in contrast, lawmakers in 2003 in Arizona, Alaska, Colorado, and Virginia introduced legislation that would deny admission to undocumented students (Melendez, 2004).

## **Purpose of the Study**

This study emerged from the lack of a consistent, universal admissions policy in state funded colleges and universities across the United States and is the baseline of study for two important issues: (1) to determine the differences and similarities in state and institutional admissions policies as they pertain to undocumented students; (2) to ascertain the impact diverse policies have on undocumented students. This dissertation is a policy analysis which will focus on comparing and contrasting state and institutional admissions policies as they pertain to undocumented students in the United States. The impact of the different policies will be addressed by comparing and contrasting five possible state admissions policies against institutional policies in those states respectively. This policy analysis study will attempt to contribute findings which may improve state and institutional residency-admissions policies in the United States.

## **Research Questions**

This pre-experimental study was designed to elucidate the diverse admissions policies for undocumented students which were in place for admission to state funded colleges and universities. This policy analysis utilizes an ex post facto quantitative design that examines data from a previously administered survey.

The following questions were used to guide this study:

- 1) What are the similarities and differences in state and institution admissions policies per state as they pertain to undocumented students?
- 2) What are the similarities and differences in institutional policies in states that prohibit undocumented students admission to some or all public colleges and universities?
- 3) What are the similarities and differences in institutional policies in states that prohibit in-state tuition to undocumented students?
- 4) What are the similarities and differences in institutional policies in states that allow in-state tuition to some or all undocumented students but do not allow them to be eligible for state financial aid?
- 5) What are the similarities and differences in institutional policies in states that allow in-state tuition to some or all undocumented students making them eligible to receive state financial aid?
- 6) What are the similarities and differences in institutional policies in states that do not have a clear policy?

## **RESEARCH DESIGN AND APPROACH**

A quantitative ex post facto design will be utilized to analyze admissions policies for undocumented students within states and institutions. The survey utilized was administered by Burkhardt et al. (2012) in 2011 and specific questions from this archived data will be analyzed. The survey questions which will guide this study to statistically describe any differences and/or similarities between state and institutional admissions policy include:

- “Does your state have a policy that explicitly allows undocumented students admission into your institution?”
- “Does your institution have a policy that explicitly allows undocumented students admission into your institution?”
- “Does your state have a policy that explicitly denies undocumented students admission into your institution?”
- “Does your institution have open admissions?”
- “What is/are the funding type(s) of state financial aid made available to undocumented students at your institution?”
- “For dependent undocumented students, what information do you require on the aid application?”
- “Does your state have a financial aid application specifically for undocumented students?”
- “Does your institution allow in-state residency tuition for undocumented

- students?”
- “How does your institution code or label an undocumented student’s residency status?”
- “Does your institution offer any type of financial aid to undocumented students?”
- “What type of financial aid does your institution offer to undocumented students?”
- “What is/are the funding type(s) of institutional financial aid made available to undocumented students at your institution?”
- “Does your institution have a financial aid application specifically for undocumented students?”
- “Does your institution provide informational materials specifically designed to inform undocumented students about the financial resources available at your institution?”
- “Does your department provide staff training specifically related to financial aid procedures for undocumented students?”
- “Does your institution have a designated staff person(s) responsible for assisting undocumented students during the financial aid process at your institution?”
- “Does your office keep track of information about undocumented students who have applied or enrolled at your institution?”
- “Is your office required to report information about undocumented students who have applied or enrolled at your institution?”
- “To whom is your office required to report application and enrollment information about undocumented students?”

The following demographic questions will be examined:

- “In what state or U.S. territory is your institution located?”
- “What is your institution type?”
- “Select the category that best describes your institution” [2 year, 4 year and 4 years and above]
- “Is your institution a minority serving institution?”

**In order to organize the data from these variables, an Excel spreadsheet data base will be developed which will desegregate data into**

**state, type of policy, and the institution in that state. The College Board has created a guide to state residency which will serve as an additional resource providing the states and institutional policies for undocumented students.**

## **SETTING AND SAMPLE**

The survey instrument created by Burkhardt et al. (2012) was administered by the National Association Financial Aid Administrators (NASFAA) members in institutions across the United States. NASFAA was established in 1966 in response to the Higher Education Act of 1965, which mandated the federal government to provide financial aid to qualifying students (Burkhardt et al., 2012). NASFAA is deeply involved in policy, advocacy, and perusing the success of programs that increase student accessibility to higher education opportunities (National Association of Student Financial Aid Administrators, 2011). NASFAA is an organization for financial aid administrators from large institutions and/or small colleges who would like to gain the latest, most important information needed to effectively run their departments (National Association of Student Financial Aid Administrators, 2011). Not only is the information and training provided by NASFAA important to potential financial aid administrators, but also the network members which will have ranges from over 18,000 NASFAA members and over 2,800 institutions across the United States opportunities (National Association of Student Financial Aid Administrators, 2011).

Researchers Burkhardt et al.(2012) and the Education for the Public Good at the University of Michigan finalized the survey instrument and sent out the survey electronically to members of NASFAA who were financial aid directors during the early Spring 2012 (Burkhardt et al., 2012). Each institution which participated in the study was allowed to have one NASFAA member represent and participate in the survey. Institutions which had members of NASFAA totaled 2,650 member institutions across the United States, and 447 or 17 percent responded to the survey (Burkhardt et al., 2012).

## **RESULTS AND FINDINGS**

The archived data received from Burkhardt et al. (2012), was a product of the survey instrument created by Burkhardt et al. (2012) and administered to NASFAA members in institutions across the United States. NASFAA is an organization for financial aid administrators from large institutions and/or small colleges who would like to gain the latest, most important information needed to effectively run their departments (National Association of Student Financial Aid Administrators, 2011). There are an estimated 18,000 NASFAA members representing over 2,800 institutions across the United States (National Association of Student Financial Aid Administrators, 2011). The



archived data is a product of survey data obtained from 449 or 17 percent of the 2,650 NASFAA respondents.

### **Quantitative Analysis**

The methodology used was an ex post facto quantitative analysis of the survey data employing descriptive statistics. A statistical analysis of the five different state policy environments compared and contrasted to the institutions that pertain to those respective states were analyzed by finding admissions policy frequency for all responding states and institutions. Statistical Packages for the Social Sciences (SPSS) frequency analysis was used for each state and for each of the five groups of policy types. The descriptive statistics for each state and for each policy environment type was driven by the six research questions.

The research questions drove the groupings for the SPSS frequency analysis. Research question 1: What are the similarities and differences in state and institution admissions policies per state as they pertain to undocumented students? For this research question, a frequency policy analysis for states and institutions across the United States was conducted.

Research question 2: What are the similarities and differences in institutional policies in states that prohibit admission to undocumented students to some or all public colleges and universities? This question needed states to be grouped (data-select cases) to fit into the questions policy environment 1. Due to the group's state policy and practice, Alabama, Georgia and South Carolina are restricting admission access to undocumented students. A frequency policy analysis was conducted for this group.

Research question 3: What are the similarities and differences in institutional policies in states that prohibit in-state tuition to undocumented students? This category is also considered restrictive to undocumented students because of the restrictions on in-state tuition for undocumented students. The states in policy environment 2 included Arizona, Colorado, Georgia, Indiana and Wisconsin. These states were grouped and a frequency policy analysis was conducted.

Research question 4: What are the similarities and differences in institutional policies in states that allow in-state tuition to some or all undocumented students but do not allow them to be eligible for state financial aid? The states in policy environment 3 are considered inclusive because of the access to in-state tuition for undocumented students. The states included: Connecticut, Kansas, Maryland, Nebraska, Oklahoma, New York, Rhode Island, Utah and Washington. This group was analyzed conducting a frequency policy analysis.

Question 5: What are the similarities and differences in institutional policies in states that allow in-state tuition to some or all undocumented students making them eligible to receive state financial aid? The states Texas, California and New Mexico are the "most inclusive" because of their access to

in-state tuition and state financial aid for undocumented students and represent policy environment 4 of the groups.

Researches question 6: What are the similarities and differences in institutional policies in states that do not have a clear policy? The largest group included Alaska, Arkansas, Delaware, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming. These states that are neither restrictive nor inclusive for undocumented students; they do not have a clear-cut admissions and in-state tuition policy for undocumented students and represent policy environment 5.

## **Findings**

### **Research Question 1: What are the similarities and differences in state and institution admissions policies per state as they pertain to undocumented students?**

The United States is made up states with different admission policy categories as they pertain to undocumented students. Research question 1 included all respondents from across the United States except for Alaska, Nevada, and Wyoming, bringing the total respondents from the Burkhardt et al. (2012) NASFAA survey to 449 respondents. However, not all the respondents answered all the questions and the actual numbers who responded to each of the seven questions are specified in Table 1 (Appendix).

For the question, “Does your state have a policy that explicitly denies undocumented students from being admitted to your institution? 165 of the 430 responded. For the question, “Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?” 232 of the 430 responded. Table 2 (Appendix) bases the percentages on the total number that responded to the question.

Nineteen point seven percent of institutions responded their respective state had a policy which specifically allowed admissions to undocumented students, and 39.6% responded their respective state did not have such a policy. Also, 40.8% of respondents did not know if their respective state had a policy specifically allowing admissions to undocumented students. The data indicates approximately one-third of the respondents would not know if their respective state had a policy which would allow undocumented students to be admitted into a public institution, creating a difficult situation for the undocumented student and the institution.

Respondents were then asked if their respective institution had a policy specifically allowing undocumented students into their institution. In Table 2, 95.3% of the respondents answered and 4.7% were missing. Of those that responded, 27.1% of institutions responded they had an institutional policy which allowed admissions for undocumented students; further, 56.4% of the institutions responded their respective institution did not have a policy which

allowed undocumented students, and 16.4% of the institutions did not know if their institution had a policy in place which allowed undocumented students.

The data from Table 3 (Appendix) illustrates that in the United States, 9.1% of institutions in the United States responded their respective state had a policy which did not allow admissions to undocumented students. Institutions that responded their respective state did not have a policy which denied admissions to undocumented students were 67.9%. Institutions that did not know if their state had a policy in place which denied admissions to undocumented students was 16.4%.

For the institutional responses, Table 3 illustrates that 449 respondents, only 232 or 51.7%, answered the question if their respective institution had a policy which would explicitly deny undocumented students where 16.4% of respondents answered that their respective institution had a policy in place which denied admissions to undocumented students. More than one-third or 74.1% answered their respective institution did not have such a policy in place. The majority of respondents, 48.3%, were missing for this question.

Table 4 (Appendix) shows how respondents answered their respective institutions and their respective state allows in-state tuition rates for undocumented students. Interestingly enough, all the respondents answered the same for both the institutional and for state in-state tuition questions.

## **Research Questions 2-6, States grouped into policy environments 1-5.**

Research questions 2-6; correspond to policy environments 1-5, respectively. The findings will be organized by statistically analyzing the research question against its respective policy environment. The groups were classified according to what policy environment their respective state and institution are in.

Research question 2: What are the similarities and differences in institutional policies in states that prohibit admission to undocumented students to some or all public colleges and universities?

Policy environment 1 includes Alabama, Georgia and South Carolina with a total of 17 respondents for these states as seen on Table 5 (Appendix)

As illustrated in Table 6 (Appendix), respondents were asked if their respective state and institution had a policy which explicitly admits undocumented students. All respondents, 100%, in Policy Environment 1 responded to the state and institutional question. For the question, "Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?" only 15 of the 17 responded. For the question, "Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?" only 13 of the 17 responded.

The data in Table 6 shows 88.2 % answered their respective state did not have a policy which would allow the institution to admit undocumented students. Institutions not knowing if their state had a policy in place were 11.8 %. Table 6 also illustrates how respondents answered to their institution

having a specific policy denying admissions to undocumented students, and 100% of the respondents answered the question. Correspondingly, 11.8% of institutions have a policy to allow undocumented students into their respective institution, and 76.5 % of respondents did not have a policy which allowed undocumented students. Respondents who did not know if their institution had a policy in place which allowed undocumented students were 11.8%.

In Table 7 (Appendix), respondents in Policy Environment 1 were then asked if their state and institution had a policy that specifically denied undocumented students. A majority, 88.2% responded to the state question, and 76.5% responded to the institutional question.

The data shows 33.3 % of respondents replied their respective institution had a policy which denied admissions to undocumented students. Respondents answering their respective institution did not have a policy which specifically denied admissions to undocumented students were 40 %, and 26.7 % of respondents did not know. Even though these respondents pertain to a very restrictive policy environment, only 33.3 % of respondents answered their respective state had a policy which explicitly denied undocumented students.

Table 7 also shows how respondents in Policy Environment 1 responded to if their institution had a policy in place which specifically denies admissions to undocumented students. A total of 76.5% answered, and 23.5% were missing responses within this policy environment. There were no responses for the “I don’t know” (IDK) selection as 26.7% of the respondents did not know if their respective state had such a policy for undocumented students. Table 7 also indicates that 53.8% of respondents answered their respective institutions did have a specific policy, and 46.2% answered “no”.

Table 8 (Appendix) illustrates identical responses for state and institution allowing in-state tuition for undocumented students, and all 17 respondents answered respectively to both questions.

As evidenced in Table 8, 70.6% responded their respective state and institution did not allow undocumented students to pay in-state tuition rates. On the other hand, 5.9% of institutions did not know if their state and institution allowed in-state tuition for undocumented students, and 23.5% of respondents answered the question did not pertain to them.

### **Research question 3: What are the similarities and differences in institutional policies in states that prohibit in-state tuition to undocumented students?**

Policy Environment 2, states which prohibit in-state tuition rates to undocumented students, is also a restrictive policy environment because it denies in-state tuition for undocumented students. For the state groupings for this policy environment, the states include Arizona, Colorado, Georgia, Indiana and Wisconsin. The states in this policy environment totaled (N=40) or 40 respondents as seen in Table 9 (Appendix). For the question, “Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?” only 22 of the 40 responded. For the question,

“Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?” only 21 of the 40 responded.

Table 10 (Appendix) shows how respondents answered to if their state and institution had a policy which explicitly allows undocumented students. All 40 respondents which pertain to this restrictive policy environment answered this question.

From Table 10, 17.5% of institutions responded that their state had a policy which allowed admissions to undocumented students. Institutions which responded their state did not have such a policy were 55.0%. Institutions which did not know if their state had a policy in place, which allowed undocumented students, were 27.5%.

Table 10 also illustrates how respondents in Policy Environment 2 answered to if their institution had a policy which explicitly allows undocumented students into their respective institution. As illustrated in Table 10, all 40 respondents in this policy environment responded. So, 32.5% of respondents answered their respective institution within Policy Environment 2 does have a policy in place which admits undocumented students. The majority, or 52.5%, answered their respective institution does not have such a policy in place, and 15.0% did not know.

Table 11 (Appendix) shows how respondents answered to if their respective state and institution within Policy Environment 2 had a policy which would deny admissions to undocumented students. Of the 40 respondents, only 55% answered the state question, and 52.5% answered the institutional question.

Table 11 shows 4.5% of institutions responded their state had a policy which denied admissions to undocumented students. Institutions responding their respective state did not have a policy which specifically denied undocumented students, were 77.3%. Respondents which did not know if their state had a policy in place which denied undocumented students were 10.0%. Policy Environment 2, the most restrictive policy environment for undocumented students, only had 55% of respondents answer the question on whether or not their state had a policy which specifically denies admissions to undocumented students.

Table 11 also shows how respondents in Policy Environment 2, answered if their institution had a policy which explicitly denies undocumented students admission into their respective institution. Only 52.5% of respondents answered the question, and 47.5% of respondents were missing. Table 11 also illustrates how 4.8 % of institutions responded their institution had a policy which denied admissions to undocumented students. Institutions responding their institution did not have a policy, which denied undocumented students, were 76.2%. Institutions that did not know if their institutions had a policy in place, which denied admissions to undocumented students, were 19%, and 47.5% of respondents were missing.

Table 12 (Appendix) illustrates how respondents answered to if their respective state and institution allowed in-state tuition for undocumented

students. As seen in other policy environments, the respondents answered exactly the same for the state and the institutional question.

In Table 12, 10.0 % of institutions responded their respective state and institution granted in-state tuition rates for some undocumented students. Institutions and states which did not make in-state tuition rates available to undocumented students were 35.0%. Institutions and states which did not know if their institution granted in-state tuition to undocumented students was 5.0%, and 47.5% of institutions answered this did not pertain to them and their state.

#### **Research question 4: What are the similarities and differences in institutional policies in states that allow in-state tuition to some or all undocumented students but do not allow them to be eligible for state financial aid?**

Policy Environment 3, driven by research question 3, “What are the similarities and differences in institutional policies in states which allow in-state tuition to some or all undocumented students but do not allow them to be eligible for state financial aid?” States in Policy Environment 3 include Connecticut, Kansas, Maryland, Nebraska, Oklahoma, New York, Rhode Island, Utah and Washington. These states totaled (N=69) or 69 respondents, and all were statistically analyzed by admissions frequencies for policy environment 3 as seen in Table 13 (Appendix).

Table 13 shows how all 69 respondents answered to if their institution had open admissions for undocumented students for Policy Environment 3, which is an inclusive policy environment because it allows in-state tuition for undocumented students.

In Table 14 (Appendix), 69 respondents answered if their respective state had a policy which explicitly allows undocumented students. All 100% of the respondents answered the question with one out of the three answer choices as seen below.

For the question, “Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?” only 20 of the 69 responded. For the question, “Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?” only 29 of the 69 responded.

Table 14 indicates 27.5% answered their respective state did have a policy that would admit undocumented students, and 29.0 % of institutions answered their state did not have a policy which admitted undocumented students. Institutions that did not know if their state had a policy in place were 43.5 %. The majority of respondents, 43.5%, did not know if their inclusive state had a policy in place which would admit undocumented students. Table 14 also shows how 69 respondents answered if their respective institution had a policy which explicitly allows undocumented students and all 100% of the respondents answered the question.

According to Table 14, 30.4% of institutions responded their institution

had a policy explicitly admitting undocumented students. Respondents answering their institution did not have a policy which allowed undocumented students were 42.0 %, and 27.5% of respondents did not know if their institution had such a policy in place. Taking into account how this is an inclusive policy environment for undocumented students, only 30.4% of respondents answered their respective institution had a policy that specifically admits undocumented students, and 27.5% did not know where their institution stood. Nearly one-third or 27.5% did not know if their respective institution had such a policy in place.

Table 15 (Appendix) shows how 69 respondents in Policy Environment 3 responded to if their respective state had a policy which specifically denied undocumented students. Only 29.0% of the respondents answered, and the responded majority, or 71%, were missing responses.

In Table 15, 5 % of institutions responded their state had a policy which denied admissions to undocumented students, and 75 % of respondents answered their respective state did not have such a policy in place. Institutions not knowing if their state had a policy in place which denied admission to undocumented students were 20%, and a total 71.0% of respondents did not answer this question.

Table 15 also shows how the 69 respondents answered if their respective institution had a policy which explicitly denies undocumented students. Less than half or 42.0% responded, and the other 58.0% were missing responses. Likewise, 21 % of institutions responded their institution had a policy which denied admissions to undocumented students. Institutions responding their institution did not have such a policy in place were 75.9 %. Institutions not knowing if their state had a policy in place which allowed undocumented students were 3.4% and 58% did not respond to this question. As well, 21% of respondents in this inclusive policy environment answered their respective state has a policy in place which explicitly denies undocumented students, which contradicts their respective group's stance on policy for undocumented students.

Table 16 (Appendix) illustrates how respondents answered to whether or not their respective state and institution allowed in-state tuition for undocumented students. As seen in other policy environments, the respondents answered exactly the same for the state and the institutional in-state question.

Table 16 indicates 5.8 % of institutions responded their state and institution granted in-state tuition rates for some undocumented students, and 26.1% granted in-state tuition to some undocumented students. Respondents in states and institutions which did not make in-state tuition rates available to undocumented students were 8.7%. Respondents in states and institutions not knowing if their institution granted in-state tuition to undocumented students was 10.1%, and 49.3% of institutions answered this question did not pertain to them.

**Research question 5: What are the similarities and differences in institutional policies in states that allow in-state tuition to some or all undocumented students making them eligible to receive state financial aid?**

Policy Environment 4, states that allow in-state tuition to undocumented students and makes them eligible for state aid, is the most inclusive policy environment for undocumented students. Texas, California and New Mexico compose this group and had a total of (N=67) or 67 respondents as seen in Table 17 (Appendix).

For the question, “Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?” only 14 of the 67 responded. For the question, “Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?” only 26 of the 67 responded.

Table 18 (Appendix) shows how all 67 respondents in Policy Environment 4 responded to if their respective state and institution had a policy that specifically admits undocumented students.

As seen in Table 18 (Appendix), 58.2 % of respondents answered their respective state did have a policy which would explicitly admit undocumented students, and 20.9% of respondents answered their respective state did not have such a policy. Institutions not knowing if their state had a policy in place, which specifically allowed undocumented students, were 20.9%. Table 18 also shows the number of respondents and how they answered to if their institution has a policy in place allowing undocumented students. All 67 respondents in Policy Environment 4 answered the question pertaining to their respective institution. So, 58.2 % of institutions responded their institution had a policy which allowed admissions to undocumented students. Institutions responding their institution did not have a policy which allowed undocumented students were 38.8 %. Institutions not knowing if their state had a policy in place which allowed undocumented students were 3.0%.

Table 19 (Appendix) shows how respondents within Policy Environment 4 answered to if their respective state had a policy which would deny admissions to undocumented students. Of the 67 respondents, only 20.9% answered, yet 3.0% did not know, and the majority or 79.1% were missing responses.

Table 19 illustrates how 7.1 % of institutions responded their state had a policy which denied admissions to undocumented students. Institutions which responded their respective state did not have a policy which denied undocumented students were 78.6 %. Institutions that did not know if their state had a policy in place which denied undocumented students were 14.3%.

Table 19 also shows how respondents answered to whether or not their respective institution had a policy which would deny admissions to undocumented students. Also, 15.4 % of institutions responded their institution had a policy which denied admissions to undocumented students. Institutions which responded their institution did not have a policy which



specifically denied undocumented students, were 80.8 %. Institutions which did not know if their institution had such a policy in place were 3.8%.

In Table 20 (Appendix) respondents were asked if their respective state and institution allowed in-state tuition for undocumented students. All 67 respondents for Policy Environment 4 answered the question as seen in Table 20.

Once again respondents answered exactly the same for state allowing and institutional allowing in-state tuition for undocumented students in policy environment 4. Table 20 illustrates a high percentage of respondents who answered against their respective policy environment. For institutions allowing in-state tuition rates for undocumented students, 59.7% answered “yes for some,” and 6.0% answered their respective state and institution did not allow in-state tuition. High percentages were seen on the response of this “does not apply” to them with institutional, and state “does not apply” were 34.3%.

### **Research question 6: What are the similarities and differences in institutional policies in states that do not have a clear policy?**

Policy Environment 5, states who have no clear policy, has the largest state representation including Alaska, Arkansas, Delaware, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming. These states are in an unstipulated policy environment and represent a total of (N=159) or 159 respondents as seen in Table 21 (Appendix).

Table 22 (Appendix) shows how all 159 respondents answered to if their respective state and institution had a policy in place which specifically admits undocumented students. For the question, “Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?” only 72 of the 159 responded. For the question, “Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?” only 104 of the 159 responded.

Table 22 illustrates 6.9 % of respondents in Policy Environment 5 answered their respective state did have a policy which would admit undocumented students, and 45.3% answered their respective state did not have a policy which would admit undocumented students. Respondents which did not know if their state had such a policy in place were 47.8 %. All 159 respondents in Policy Environment 5 answered to if their respective institution had a policy in place which would admit undocumented students into their respective institution. Likewise, 18.2 % of institutions responded their institution had a policy which allowed admissions to undocumented students. Institutions which responded their institution did not have a policy which specifically allowed undocumented students were 65.4 %. Institutions which did not know if their state had such a policy in place were 15.7% and 65.4% of respondents answered their respective institution did not have a policy which

would specifically admit uncommented students into their respective institution.

In Table 23 (Appendix) respondents in Policy Environment 5 were asked if their respective state and institution had a policy in place which would explicitly deny admissions to undocumented students. Out of the 159 respondents, only 72 or 45.3% responded, and 87 respondents or 54.7% were missing responses.

Table 23 shows 5.6 % of institutions responded their state had a policy which specifically denied admissions to undocumented students. Institutions which responded their respective state did not have such a policy were 70.1 %. Institutions which did not know if their state had such a policy in place were 23.6%.

In Table 23 respondents in Policy Environment 5 were also asked if their respective institution had a policy in place which would specifically deny admissions to undocumented students. Table 23 also shows 14.4 % of institutions responded their institution had a policy which denied admissions to undocumented students. Institutions which responded their respective institution did not have such a policy were 76 %. Institutions which did not know if their institution had such a policy in place were 9.6%. Respondents not knowing if their respective state and institution had a policy which specifically denies admissions to undocumented students were 23.6% for the state question and 9.6% for the institutional question.

For Table 24 (Appendix) respondents were asked if their respective state and institution allowed in-state tuition for undocumented students. All 159 respondents for Policy Environment 5 answered the question.

Table 24 shows responses for state and institutional allowance of in-state tuition; the answers were identical indicating the respondents are well-informed with the state and institutional policy for in-state tuition for undocumented students. The states and institutions not allowing in-state tuition rates for undocumented students were represented by 28.9% and 10.1% answered yes for some. The largest percent of respondents at 49.1% answered this question does not apply to them.

## **CONCLUSIONS AND RECOMMENDATIONS**

The purpose of this study was to compare and contrast admissions policies for undocumented students between states and institutions and in their respective policy environments.

The absence of a legislative decision similar to *Plyler v. Doe (1982)* addressing admissions policies for undocumented students in public colleges and universities has allowed each state to create personalized admissions policies. These state college and university admissions policies range from those that deny undocumented students enrollment or charge out-of-state tuition to those that allow undocumented students to receive in-state tuition rates with access to financial aid and those which grant in-state tuition rates with no access to financial aid (Burkhardt et al., 2012).

The importance of educational access and attainment are critical in today's economy. The data clearly indicates that there are inconsistent admissions policies across the United States for undocumented students. These students upon high school graduation would have to research state and institutional policies and practices in order to find out if they could attend an institution and at what tuition rate. The implications of this inconsistent policy practice may be limiting educational access to undocumented students causing them the inability to positively contribute to the economy. The primary goal of this study is to raise awareness in the need for consistent admissions policy for undocumented students as was done in 1982 in *Plyler v. Doe* for all public K-12 schools across the United States.

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## APPENDIX

**Table 1**

*NASFAA Survey Questions and Respondents*

Questions from NASFAA Survey	Total Number of Respondents
Does your state have a policy that explicitly allows undocumented students to be admitted to your institution?	430
Does your institution have a policy that explicitly allows undocumented students to be admitted to your institution?	428
Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?	165
Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?	232
Does your institution allow in-state residency tuition for undocumented students?	414
Does your state allow in-state residency tuition for undocumented students?	414

**Table 2**

*State/Institution Policy Allowing Admissions*

Does your state/institution have a policy that explicitly <b>allows</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	83	114	19.7	27.1
No	167	237	39.6	56.4

I Don't Know	172	69	40.8	16.4
Total	422	420	100	100

**Table 3**

*State/Institution Policy Denying Admissions*

Does your state/institution have a policy that explicitly <b>denies</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	15	38	9.1	16.4
No	112	172	67.9	74.1
I Don't Know	38	22	23	9.5
Total	165	232	100	100

**Table 4**

*State/Institution Allow In-State Tuition*

Does your state/institution allow in-state residency tuition for undocumented students?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	12	12	2.9	2.9
Yes for Some	85	85	20.8	20.8
No	86	86	21.1	21.1
I Don't Know	30	30	7.4	7.4
Does Not Apply	195	195	47.8	47.8
Total	408	408	100	100

**Table 5*****Policy Environment 1: Survey Questions and Respondents***

<i>Questions from NASFAA Survey Policy Environment 1</i>	Total Number of Respondents
Does your state have a policy that explicitly allows undocumented students to be admitted to your institution?	17
Does your institution have a policy that explicitly allows undocumented students to be admitted to your institution?	17
Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?	15
Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?	13
Does your state allow in-state residency tuition for undocumented students?	17

**Table 6*****Policy Environment 1: State/Institution Policy Allowing Admissions***

Does your state/institution have a policy that explicitly <b>allows</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	0	2	0	11.8
No	15	13	88.2	76.5
I Don't Know	2	2	11.8	11.8
Total	17	17	100	100

**Table 7*****Policy Environment 1: State/Institution Policy Denying Admissions***

Does your state/institution have a policy that explicitly <b>denies</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	5	7	33.3	53.8
No	6	6	40	46.2
I Don't Know	4	0	26.7	0
Total	15	13	100	100

**Table 8*****State/Institution Allow In-State Tuition***

Does your state/institution allow in-state residency tuition for undocumented students?	State Frequency	Institution Frequency	State Percent	Institution Percent
No	12	12	70.6	70.6
I Don't Know	1	1	5.9	5.9
Does Not Apply	4	4	23.5	23.5
Total	17	17	100	100

**Table 9*****Policy Environment 2: Survey Questions and Respondents***



Questions from NASFAA Survey for Policy Environment 2	Total Number of Respondents
Does your state have a policy that explicitly allows undocumented students to be admitted to your institution?	40
Does your institution have a policy that explicitly allows undocumented students to be admitted to your institution?	40
Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?	22
Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?	21
Does your institution allow in-state residency tuition for undocumented students?	40
Does your state allow in-state residency tuition for undocumented students?	40

**Table 10**

***Policy Environment 2: State/Institution Policy Allowing Admissions***

Does your state/institution have a policy that explicitly <b>allows</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	7	13	17.5	32.5
No	22	21	55.0	52.5
I Don't Know	11	6	27.5	15.0
Total	40	40	100	100

**Table 11*****Policy Environment 2: State/Institution Policy Denying Admission***

Does your state/institution have a policy that explicitly <b>denies</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	1	1	4.5	4.8
No	17	16	77.3	76.2
I Don't Know	4	4	18	19
Total	22	21	100	100

**Table 12*****State/ Institution Allow In-State Tuition***

Does your state/institution allow in-state residency tuition for undocumented students?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes for Some	4	4	10.0	10.0
No	14	14	35.0	35.0
I Don't Know	2	2	5.0	5.0
Does Not Apply	19	19	47.5	47.5
Total	40	40	100	100

**Table 13*****Policy Environment 3: Survey Questions and Respondents***

Questions from NASFAA Survey for Policy Environment 3	Total Number of Respondents
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Does your state have a policy that explicitly allows undocumented students to be admitted to your institution?	69
Does your institution have a policy that explicitly allows undocumented students to be admitted to your institution?	69
Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?	20
Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?	29
Does your institution allow in-state residency tuition for undocumented students?	69
Does your state allow in-state residency tuition for undocumented students?	69

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Table 14

***Policy Environment 3: State/ Institution Policy Allowing Admissions***

Does your state/institution have a policy that explicitly <b>allows</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	19	21	27.5	30.4
No	20	29	29.0	42.0
I Don't Know	30	19	43.5	27.5
Total	69	69	100	100

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Table 15

***Policy Environment 3: State/Institution Policy Denying Admissions***

Does your state/institution have a policy that explicitly <b>denies</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	1	6	5	21
No	15	22	75	75.9
I Don't Know	4	1	20	3.4
Total	20	29	100	100

**Table 16**

***State/Institution Allow In-State Tuition***

Does your state/institution allow in-state residency tuition for undocumented students?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	4	4	5.8	5.8
Yes for Some	18	18	26.1	26.1
No	6	6	8.7	8.7
I Don't Know	7	7	10.1	10.1
Does Not Apply	34	34	49.3	49.3
Total	69	69	100	100

**Table 17**

***Policy Environment 4: Survey Questions and Respondents***

<i>Questions from NASFAA Survey for Policy Environment 4</i>	Total Number of Respondents
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Does your state have a policy that explicitly allows undocumented students to be admitted to your institution?	67
Does your institution have a policy that explicitly allows undocumented students to be admitted to your institution?	67
Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?	14
Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?	26
Does your institution allow in-state residency tuition for undocumented Students?	67
Does your state allow in-state residency tuition for undocumented students?	67

Table 18

*State/Institution Policy Allowing Admissions*

Does your state/institution have a policy that explicitly <b>allows</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	39	39	58.2	58.2
No	14	26	20.9	38.8
I Don't Know	14	2	20.9	3.0
Total	67	67	100	100

Table 19

*Policy Environment 4: State/Institution Policy Denying Admissions*

Does your state/institution have a policy that explicitly <b>denies</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	1	4	7.1	15.4
No	11	21	78.6	80.8
I Don't Know	2	1	14.3	3.8
Total	14	26	100	100

**Table 20**

***Policy Environment 4: State/Institution Allow In-State Tuition***

Does your state/institution allow in-state residency tuition for undocumented students?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes for Some	40	40	59.7	59.7
No	4	4	6.0	6.0
Does Not Apply	23	23	34.3	34.3
Total	67	67	100	100

**Table 21**

***Policy Environment 5: Survey Questions and Respondents***

Questions from NASFAA Survey for Policy Environment 5	Total Number of Respondents
Does your state have a policy that explicitly allows undocumented students to be admitted to your institution?	159

Does your institution have a policy that explicitly allows undocumented students to be admitted to your institution?	159
Does your state have a policy that explicitly denies undocumented students from being admitted to your institution?	72
Does your institution have a policy that explicitly denies undocumented students from being admitted to your institution?	104
Does your institution allow in-state residency tuition for undocumented students?	159
Does your state allow in-state residency tuition for undocumented students?	159

**Table 22**

*Policy Environment 5: State/Institution Policy Allowing Admissions*

Does your state/institution have a policy that explicitly <b>allows</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	11	29	6.9	18.2
No	72	104	45.3	65.4
I Don't Know	76	25	47.8	15.7
Total	159	159	100	100

**Table 23**

*Policy Environment 5: State/Institution Policy Denying Admissions*

Does your state/institution have a policy that explicitly <b>denies</b> undocumented students to be admitted to your institution?	State Frequency	Institution Frequency	State Percent	Institution Percent
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Yes	4	15	5.6	14.4
No	51	79	70.8	76
I Don't Know	17	10	23.6	9.6
Total	72	104	100	100

**Table 24**

***Policy Environment 5: State/ Institution Allowing In-State Tuition***

Does your state/institution allow in-state residency tuition for undocumented students?	State Frequency	Institution Frequency	State Percent	Institution Percent
Yes	6	6	3.8	3.8
Yes for Some	16	16	10.1	10.1
No	46	46	28.9	28.9
I Don't Know	13	13	8.2	8.2
Does Not Apply	78	78	49.1	49.1
Total	159	159	100	100