

Tuition Equality Act is a Half-Measure Without Access to Financial Aid

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New Jersey's Tuition Equality Act, which extends in-state tuition rates at New Jersey public colleges and universities to most undocumented New Jersey high school graduates, is an essential step toward providing better educational opportunities for all students in the state. But a careful review of enrollment numbers shows that many are still unable to pursue this opportunity, largely due to lack of financial assistance. Allowing state financial aid for undocumented students – which was included in the original Tuition Equality Act but vetoed by the governor – is essential to fostering educational and economic opportunity for all New Jerseyans.

New Jersey's taxpayers have already invested heavily in these students' kindergarten through high school education – an average of \$198,000 per student if they attend all 13 years.¹ And these undocumented families, who pay about \$500 million each year in state and local taxes,² are not looking for a handout but rather an equal opportunity to succeed and invest in the state they call home.

New Jersey now has a second opportunity to follow through on the true promise of the Tuition Equality Act. Legislation that has cleared the Assembly Budget Committee would allow beneficiaries of the Tuition Equality Act to receive state financial aid from any program administered by the Higher Education Student Assistance Authority or the Secretary of Higher Education.³ The bill awaits a full Assembly vote.

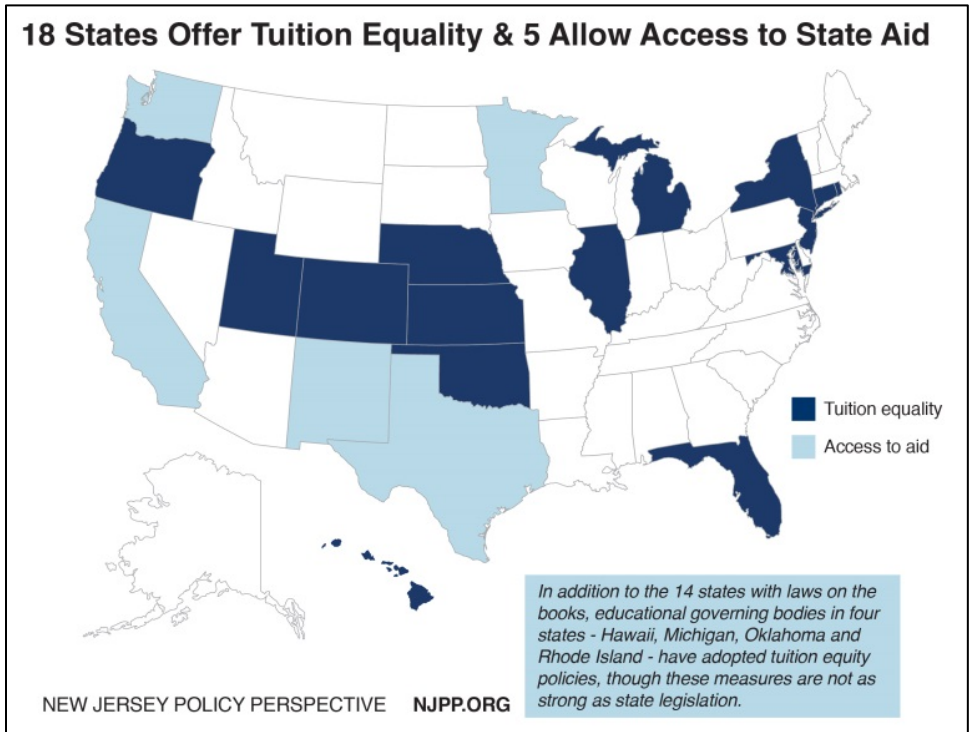
2013 Law Expanded Opportunities

Until last year, undocumented New Jersey students had to pay much higher out-of-state tuition rates at the state's public colleges and universities, even if they had attended the state's public schools their entire academic life.⁴ In many cases it cost these New Jerseyans twice as much to attend a four-year institution as it did their neighbors and classmates. At Rutgers University, for example, the tuition cost was \$27,523 instead of \$13,499.⁵

In late 2013, Gov. Christie signed the Tuition Equality Act, which allows undocumented students who attend a New Jersey high school for at least three years, and graduate or receive the

equivalent of high school diploma, to qualify for in-state rates. The law requires applicants to submit an affidavit stating that they will apply for legal status as soon as federal law allows.

After years of dawdling on passing this law, New Jersey is now one of 18 states that allow undocumented students to pay in-state rates.⁶



The Tuition Equality Act did not assign oversight of the law to the Secretary of Higher Education or any other state agency. So each public college and university was free to determine its approach to this new opportunity. Over a seven-month period,⁷ NJPP surveyed each of New Jersey’s 11 public colleges and universities on their Tuition Equality implementation process and enrollment numbers.

It is important to note that our analysis does not include two-year county colleges, even though most undocumented students enroll in community colleges due to their lower costs.⁸ We omitted these institutions because most of New Jersey’s community colleges already had a de facto policy of charging in-county rates to all students, regardless of status. With the exception of Morris and Warren county colleges, they employed a “Don’t Ask, Don’t Tell” admissions policy when it came to undocumented students.

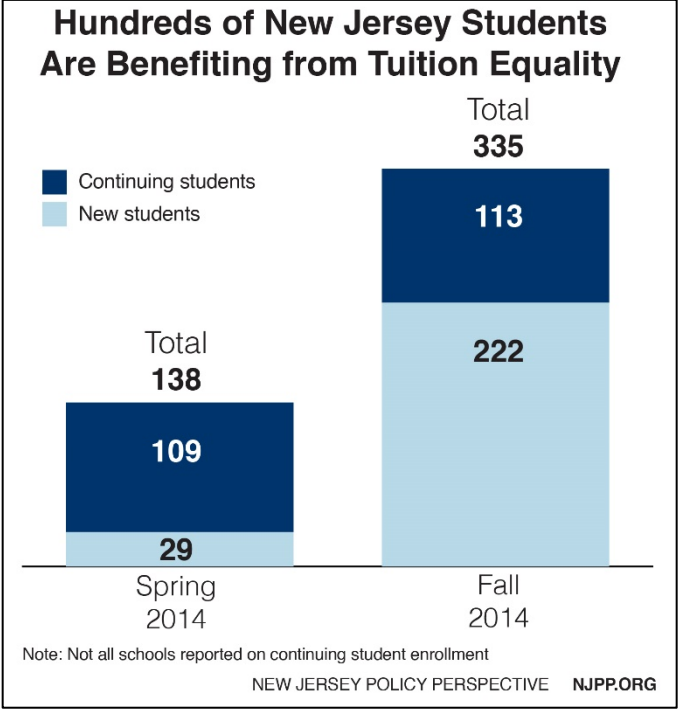
Students Are Benefiting from Tuition Equality

Since students covered by the Tuition Equality Act are the only applicants required to submit an affidavit pledging to pursue legal status should federal law be reformed, it is a simple matter for

institutions to track the students benefiting from the law. All 11 schools responded to our survey with the numbers of *new* students – those who had never enrolled at the institution before, including transfer and first-time students – who had been accepted. Nine universities or colleges were also able to provide the number of *continuing* students – those who were returning to continue their studies. Montclair State University and William Paterson University were unable to do so.

Overall, 251 *new* undergraduate students benefited from the Tuition Equality Act in 2014. New student enrollment increased by 666 percent from the Spring to Fall 2014 semesters. It is unsurprising that eligible students were not immediately aware of their improved prospects, given that the law was enacted on December 20 with only days left before the Spring semester began.

On the other hand, there was only a 3.7 percent increase in continuing students during the same time. It is also not surprising that so few undocumented students had enrolled prior to Tuition Equality’s enactment, since so few could have afforded out-of-state tuition rates.



All 11 schools had an increase in undocumented student enrollment with the exception of Rowan University and Thomas Edison University.⁹ (For a full breakdown of admissions and enrollments by school, see the Appendix.)

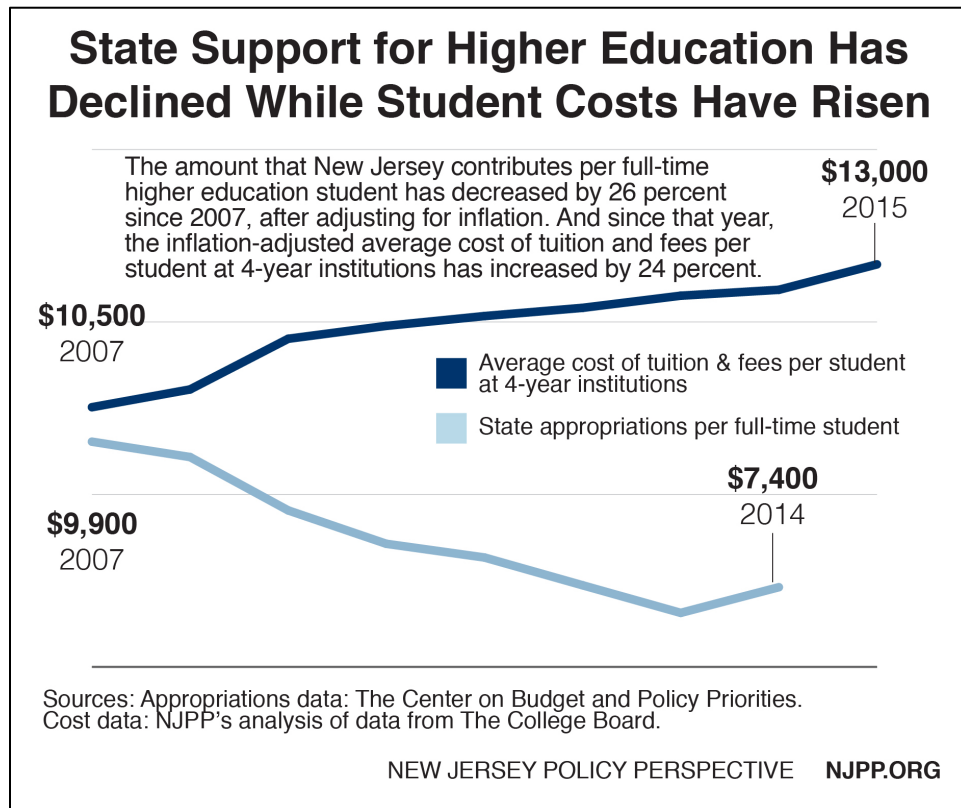
Thus far, 59 percent of all Tuition Equality students have enrolled at Rutgers University. In Spring 2014, Rutgers had 77 students enrolled; that Fall, enrollment increased by 62 percent to 202 students. This may be explained by Rutgers’ greater visibility and brand name and by the fact that its website emphasized the new opportunity with easy links to the application process.

In Fall 2014, 81 percent of qualifying undocumented students enrolled at Rutgers and two other universities: New Jersey City University and the New Jersey Institute of Technology. At these three schools, undocumented students comprised about 1 percent of total students admitted and 1.5 percent of total enrollees. At Rutgers and NJCU, 86 percent of enrollees were going to school full time (NJIT did not provide details on whether students were full- or part-time). Like many other low-income students, undocumented students are also likely to start at a community college and transfer to other institutions to complete their degrees. This was the case in Fall 2014: at

Rutgers University, about 40 percent of Tuition Equality students were transfer students; at the New Jersey Institute of Technology, half were transfers.

More Students Would Benefit if Financial Aid Were Available

Since 2007, the amount that New Jersey contributes per each full-time student has decreased by 26 percent when adjusted for inflation, a drop of more than \$2,500 per student. Consequently, the institutions have turned to tuition and fees to offset the decline in state assistance. As a result, the average cost for tuition and fees at 4-year schools has increased by 24 percent, or \$2,484.¹⁰



Overall, New Jersey's average cost for public tuition and fees during the 2014-2015 academic year was \$13,002, 42 percent more than the national average of \$9,139 and the fourth highest in the nation.¹¹

As the cost of a college education continues to rise, students from working families turn to both student loans and need-based financial aid to help meet the rising costs. However, the chances are slim to none that undocumented students in New Jersey will be able to cover their costs, as they are not eligible for any type of state or federal financial aid, regardless of their academic accomplishments or financial need.

Tuition and fees are clearly a challenge for many low-income students, but undocumented students' lack of access to financial aid puts them at a greater disadvantage than other low-income students who have access to both state and federal grants and loans for tuition and living expenses.¹²

Even the in-state rates are unaffordable for most undocumented families, Rutgers University's Vice President of Enrollment says. "Most of these young people, even with an allowance for in-state tuition, cannot afford to attend public universities such as Rutgers," Courtney McAnuff tells NJPP.¹³

Three key federal laws – the 1965 Higher Education Act, the 1996 Illegal Immigration Reform and Immigration Responsibility Act and the 1996 Personal Responsibility and Work Opportunity Reconciliation Act – prohibit undocumented immigrants from receiving federal financial aid.

This means undocumented New Jerseyans are not eligible to receive Pell Grants, the largest source of need-based aid in the country (nationally, about 9 million students receive Pell Grants).¹⁴ The failure to enact federal immigration reform that would make struggling students eligible for Pell Grants and federal loans magnifies the urgent need for state action.

In New Jersey, the largest source of state-administered need-based aid is the Tuition Aid Grant (TAG), which now gives 82,000 awards a year¹⁵ – many to students who receive both Pell and TAG funding. The average TAG award at a New Jersey public research university is \$10,318 and the maximum Pell grant award is \$5,730.¹⁶ This means that a student who qualifies for the maximum TAG award and Pell grant at NJIT would be able to cover her entire cost of tuition and fees (\$15,648), with a bit of money left over for books or other school expenses. This combination of federal and state aid gives students from working-class families a much stronger chance to complete a 4-year degree.

New Jersey had the opportunity to allow undocumented students to qualify for state-funded supports like TAG and the Educational Opportunity Fund (EOF), which give students from low-income families who show great academic promise the chance for a college degree. Five other states – Washington, California, Minnesota, New Mexico and Texas – allow all students, regardless of immigration status, to apply for state financial aid. Access to New Jersey's programs was included in the legislature's Tuition Equality Act. However, Gov. Christie vetoed

A Student's Story

In high school, Carlos Garcia loved to read, but did not do that well in school. He felt his undocumented legal status left him in limbo. "What's the point of doing well in high school, since I am not allowed to attend college or get a good job?" he thought.

That all changed when Carlos was approved in 2013 for the Deferred Action for Childhood Arrivals (DACA) program, which temporarily protected him from deportation. His expectations and aspirations changed, and he enrolled at Middlesex County College, earning an excellent 3.8 grade point average in his first year.

But Carlos is no longer in school, because his parents can no longer afford to help him pay the tuition. DACA and Tuition Equality gave Carlos a taste of the opportunities available, but not enough to fulfill his potential. As his parents toil in multiple low-wage jobs, Carlos hopes that he will soon have access to state financial aid and, with it, the chance to finish his education and give back to the Garden State.

**Based on a true story. Last name was modified to protect Carlos' identity.*

that part, explaining that doing so ensured New Jersey was offering Tuition Equality “responsibly and affordably.”¹⁷

With that veto, the governor kept the barrier to educational and economic opportunity too high for most undocumented New Jersey students, who face an array of financial challenges.

First and foremost, in New Jersey the average undocumented family’s income is \$39,100 per year, about \$75,000 less than the average family income of all New Jerseyans¹⁸ – making the prospect of paying \$13,000 a year for in-state tuition daunting, to say the least. But undocumented students face additional financial hurdles above and beyond those shared with other low-income students. They are *more likely* to take breaks from school to work full-time or handle family responsibilities and *less likely* to get assistance from their parents; at the same time they are more frequently expected to contribute to their family’s income.¹⁹ Having access to financial aid would increase undocumented students’ chances of finishing in a timely fashion without having to take breaks to work full-time or handle family responsibilities.

Opponents’ arguments against access to financial aid are twofold: that it will either cost too much or take opportunities away from other low-income New Jersey students. Extending financial aid to undocumented students would bring extra cost, in theory, if the state financial aid programs were expanded to accommodate new students. If funding for the aid programs did not grow, however, there would be more students competing for the same pie of funding, thereby reducing slightly everyone’s Tuition Aid Grants. But any extra costs would likely be minor, and the latter concern can easily be addressed by very slightly expanding the amount of state funding available in order to accommodate *all* low-income students, as would certainly occur if the governor’s proposed \$19.6 million TAG increase is approved in the upcoming 2016 budget.

The Office of Legislative Services estimated last year that including access to financial aid would cost New Jersey just \$5.3 million a year – less than 1.5 percent of the program’s total cost in the 2015 budget (\$355.7 million).²⁰ That is in line with what we’ve seen in other states: the number of undocumented students receiving aid is relatively small given their small share of the overall student body. Texas, for example, which offers financial aid to a much larger undocumented student population, only awards 1 percent of its total aid package to undocumented students.²¹ If OLS’s estimate were to be applied to the governor’s proposed funding level in 2016, the cost would be approximately \$3.3 million – just 17 percent of the proposed TAG funding increase.

Colleges and Universities Can Play a Key Role in Lowering Hurdles

The Tuition Equality Act was signed on December 20, 2013 with the express purpose of ensuring students could enroll at in-state rates in the Spring semester. But with the state taking a hands-off role in implementing the new law (Tuition Equality was not even posted on the Higher Education Secretary’s website until April 2014), the job of making potential beneficiaries aware of the new law was left to public colleges and universities.

But by February 2014, most schools hadn't done much outreach.²² We publicly urged them to include "clear and direct language detailing the policy change" on their websites, along with a link to the required affidavit. Soon thereafter, more of the colleges and universities increased efforts to publicize Tuition Equality.

Colleges and universities can take other proactive steps to accommodate the special needs of undocumented students. For instance, institutions were in a unique position to help already-enrolled undocumented students get tuition adjustments in Spring 2014. (Those who paid for the Spring 2014 semester before the governor signed the bill had to ask their schools to change the rate from out-state to in-state). Most of New Jersey's public colleges and universities created a process to help students do this, but three did not.

Another important – and easy – step schools can take to lower the hurdles faced by undocumented students is to designate a specific staff liaison – if not an entire department or unit – for these students and prospective students.²³ Only three – Rowan University, Kean University and Richard Stockton University – have a specific point person on campus to handle questions related to the Tuition Equality Act. (For a full breakdown of how all schools are implementing the law, see the Appendix.)

It's Time to Follow Through on Tuition Equality's True Promise

Without reasonable opportunities to earn a college degree, New Jersey's undocumented students will continue to be left behind in an underclass of low-wage work with little room to move up to the middle class. Three years from now, it is estimated that New Jersey will have the second-highest share of jobs in the nation that require a bachelor's degree,²⁴ making it increasingly important for working-class families to send their children to college.

For undocumented students to get a fair shot at climbing the economic ladder and investing fully in New Jersey later in life, financial aid is essential.

New Jersey Policy Perspective

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Appendix: Admissions, Enrollment & Implementation Data

How Many Students Are Enrolling Under Tuition Equality?

College or University	Spring 2014				Fall 2014			
	Admitted New	Enrolled New	Enrolled Continuing	Spring Total	Admitted New	Enrolled New	Enrolled Continuing	Fall Total
New Jersey Institute of Technology	N/A	11	17	28	N/A	24	8	32
Rowan University	0	0	0	0	0	0	0	0
Rutgers University	10	10	67	77	310	121	81	202
The College of New Jersey	N/A	0	4	4	N/A	6	4	10
Kean University	0	0	10	10	N/A	5	10	15
Montclair State University	0	0	3	3	15	12	N/A	12
New Jersey City University	1	1	8	9	26	26	10	36
Ramapo College	1	1	0	1	20	6	0	6
Stockton University	0	0	0	0	12	1	0	1
Thomas Edison State College	0	0	0	0	0	0	0	0
William Paterson University	10	6	N/A	6	61	21	N/A	21
Total	22	29	109	138	444	222	113	335

Note: This includes undergraduate students only

Detailed Fall 2014 Enrollment Data from Top 3 Schools

Institution	Accepted	Enrolled	First-Year	Transfer	Full-Time	Part-Time
Rutgers University (New Students)	310	121	75	46	114	7
Rutgers University (Continuing Students)	N/A	81	N/A	N/A	68	13
NJIT (New Students)	N/A	24	12	12	N/A	N/A
NJIT (Continuing Students)	N/A	8	N/A	N/A	N/A	N/A
NJCU (New Students)	26	26	26	N/A	18	8
NJCU (Continuing Students)	N/A	11	N/A	N/A	5	6
Total	336	271	113	58	205	34

How Are Colleges & Universities Handling Tuition Equality?

School	Affidavit required?	Affidavit provided?	Notarized affidavit required?	Any additional information required?	Was there a process for students to apply for Spring 2014 reimbursement?	Point of contact
New Jersey Institute of Technology	Yes	Yes	No	No	Yes	Admissions or office of registrar
Rowan University	Yes	Yes	Yes	No	No	Specific point of contact: Fausto Vasquez, Assistant Director of Admissions
Rutgers University	Yes	Yes	No	No	Yes	Admissions Office
The College of New Jersey	Yes	Yes	No	No	Yes	Admissions for applicants and office of registrar for continuing students
Kean University	Yes	Yes	No	Copy of high school diploma	Yes	Admissions for applicants and office of registrar for continuing students
Montclair State University	Yes	Yes	Yes	No	Yes	Each individual area has a designated person
New Jersey City University	Yes	Yes	No	No	Yes	Admissions for applicants and office of registrar for continuing students
Ramapo College	Yes	Yes	No	No	No	Admissions for applicants and office of registrar for continuing students
Stockton University	Yes	Yes	No	No	Yes	Heather Medina, Assistant Director of Admissions
Thomas Edison State College	Yes	Yes	Yes	No	Yes	The primary point of contact is the Learner Support Center
William Paterson University	Yes	Yes	No	No	Did not answer	Admissions for applicants and office of registrar for continuing students

Endnotes

- ¹ New Jersey Department of Education, *Taxpayers' Guide to Education Spending 2014*, <http://www.state.nj.us/education/guide/2014/ind01.shtml>
- ² Institute on Taxation and Economic Policy, *Undocumented Immigrants' State and Local Tax Contributions*, July 2013. <http://www.itep.org/pdf/undocumentedtaxes.pdf>
- ³ State of New Jersey 216th Legislature. *Assembly Number 3617*, September 2014. http://www.njleg.state.nj.us/2014/Bills/A4000/3617_R1.PDF
- ⁴ A notable exception to this was most of the state's county colleges, which had a de facto policy of charging in-county rates to all students, regardless of status.
- ⁵ We used the 2013-14 tuition cost here, since we are referencing costs *before* the Tuition Equality Act.
- ⁶ National Conference of State Legislatures, *Undocumented Student Tuition: State Action*, June 2014. <http://www.ncsl.org/research/education/undocumented-student-tuition-state-action.aspx>
- ⁷ The seven-month period covers June to November 2014.
- ⁸ See Journal of College Admission, Documenting Implementation Realities: Undocumented Immigrant Students in California and North Carolina, Winter 2010 (http://williamperzphd.com/yahoo_site_admin/assets/docs/oseguera-flores-burciaga-2010-jca.24232814.pdf) and Immigration Policy Center, *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students*, October 2007 (<http://www.immigrationpolicy.org/sites/default/files/docs/Wasted%20Talent%20and%20Broken%20Dreams.pdf>)
- ⁹ Both universities had no students that enrolled under the NJ DREAM Act. In the case of Thomas Edison State College, it is considered an adult institution and most beneficiaries of the in-state tuition law are around the average college age. Anecdotally, DREAMers in South Jersey noted that most of them seek admission at Rutgers-Camden.
- ¹⁰ Center on Budget and Policy Priorities May 2014 calculation (using the "Grapevine" higher education appropriations data from Illinois State University, enrollment data from the State Higher Education Executive Officers' Association, and the Consumer Price Index, published by the Bureau of Labor Statistics) and NJPP March 2015 analysis of the College Board Data for Tuition cost and fees, inflation adjusted using Bureau of Labor Statistics calculator.
- ¹¹ Calculation based on data from The College Board, *Annual Survey of Colleges 2014-15 In-State Tuition and Fees at Public Four-Year Institutions by State and Five-Year Percentage Change*. <http://trends.collegeboard.org/college-pricing/figures-tables/2014-15-in-state-tuition-fees-public-four-year-state-five-year-percentage-change>
- ¹² Migration Policy Institute, *Lessons from the Local Level: DACA's Implementation and Impact on Education and Training Success*, January 2015. <http://www.migrationpolicy.org/research/lessons-local-level-dacas-implementation-and-impact-education-and-training-success>
- ¹³ Interview with Courtney McAnuff, March 2015.
- ¹⁴ New America Foundation, *Federal Pell Grant Program Background & Analysis*, September 2014. <http://febp.newamerica.net/background-analysis/federal-pell-grant-program>
- ¹⁵ Higher Education Student Assistance Authority, *2013 Annual Report*. <http://www.hesaa.org/Documents/Financial/AnnualReports/AnnualReport2013.pdf>
- ¹⁶ Ibid 12
- ¹⁷ NJ Spotlight, *DREAM Act Passes, Grants In-state Tuition to Undocumented Immigrants*, December 2014. <http://www.njspotlight.com/stories/13/12/20/dream-act-passes-grants-in-state-tuition-to-undocumented-immigrants/?p=all>
- ¹⁸ Average family income of undocumented New Jersey families in 2009-2011 from Institute on Taxation and Economic Policy, *Undocumented Immigrants' State and Local Tax Contributions*, July 2013

(<http://www.itep.org/pdf/undocumentedtaxes.pdf>). Average family income of all New Jerseyans from 2009-2013 (\$113,394) from U.S. Census Bureau, American Community Survey.

¹⁹ Journal of Ethnic and Migration Studies, *Dreams Delayed: Barriers to Degree Completion Among Undocumented Community College Students*, October 2014.

<http://www.tandfonline.com/doi/abs/10.1080/1369183X.2014.968534#preview>

²⁰ State of New Jersey 216th Legislature, *Legislative Fiscal Estimate Assembly No. 3617*, December 2014.

http://www.njleg.state.nj.us/2014/Bills/A4000/3617_E1.PDF

²¹ New Jersey Policy Perspective, *Issue Brief: To Put the 'Equity' in Tuition Equity, Access to State Aid is Essential*, November 2013. <http://www.njpp.org/reports/issue-brief-to-put-the-equity-in-tuition-equity-access-to-state-aid-is-essential>

²² New Jersey Policy Perspective, *Op-Ed: New Jersey Colleges Should Do More to Publicize Tuition Equality*, February 2014. <http://www.njpp.org/blog/op-ed-n-j-colleges-should-do-more-to-publicize-tuition-equality-law>

²³ University of Albany, *Implementation of College In-State Tuition for Undocumented Immigrants in New York*, Spring 2010.

http://iume.tc.columbia.edu/i/a/document/13859_InStateTuitionforUndocumentedImmigrants.pdf

²⁴ Georgetown University Center on Education, *Help Wanted: Projections of Jobs and Education Requirements Through 2018*, June 2010. <https://cew.georgetown.edu/wp-content/uploads/2014/12/State-LevelAnalysis-web.pdf>