



**MICHAEL DEMBROW**  
**STATE REPRESENTATIVE**  
DISTRICT 45

**HOUSE OF REPRESENTATIVES**

**3/19/2013**

**Testimony on HB 2787**

Chair Hass and Members of the Senate Committee on Education and Workforce Development:

HB 2787 is a critical part of the effort that this committee is making this session to extend opportunity to more young Oregonians, to make college affordable and accessible to every single high school graduate in this state. We have heard again and again just how important it is for our young people to have post-secondary skills if we are to move our state's income level above the national average. Last session this committee passed the Transfer Student Bill of Rights, the Foster Youth Promise, the Affordable Textbook Act, and other measures designed to close the opportunity gap and remove barriers to success.

This session we have lots more work to do to expand access to our public universities and to make sure that young Oregonians have the tools to succeed there.



With HB 2787, we're removing another set of barriers to higher education. There's a group of young Oregonians who have been priced out of the higher ed marketplace. Even though they've grown up in Oregon, attended school here, graduated from an Oregon high school, and been accepted by an Oregon public university, they are unable to enter the university. Why? As a result of their parents' documentation status, they are not considered to be Oregon residents and must pay between 3 and 4 times the in-state tuition rate that their peers pay. They are effectively priced out of opportunity (\$28,000 at the U of O).

Colleagues, they've done their part to match our investment in them. They've overcome a number of barriers in most cases to become the first in their families to become eligible for a university. That dream of qualifying for college, getting a college degree, and a good productive job kept them going through high school. They could have been headed for the streets, for a life of being a burden on society, but instead they took the path that we want all young Oregonians to take. And then they hit this roadblock, this barrier that holds them back and that prevents the state from capitalizing on the investment that we have already made in them.

Federal law allows this tuition roadblock to be lifted if states pass tuition-equity legislation, and over the last ten years, thirteen states have chosen to do so: Texas, New Mexico, California, Washington, Illinois, New York, Nebraska, Wisconsin, Utah, Oklahoma, Kansas, Maryland, and Connecticut.

This legislation is nearly identical to all theirs. It says that students will be considered resident for purposes of tuition if they meet EACH of the following requirements:

- They have gone to school in this country for at least five years.
- They have attended an Oregon high school for at least three years.
- They have graduated from an Oregon high school.
- They have been accepted by an Oregon university and enroll in that university within three years of their high school graduation.
- They have applied for an official federal tax ID number, and shown their intention to become a citizen or a lawful permanent resident of the United States by filing with the university an official copy of their application to register with a federal immigration program or with DACA, the new federal deportation deferral program that allows them to work legally for a set period of time, or shown their intention in other ways.

Colleagues, I know that you've received form-letter emails filled with misinformation about this bill. They say that tuition equity is not legal. In fact, no legal challenge to any of these state statutes has ever been successful. In fact, the most recent challenge, in California, was denied by the State Supreme Court, which ruled UNANIMOUSLY in 2011 that the tuition equity statute is consistent

with federal law. A recent LC opinion on HB 2787 requested by Representative John Huffman (and submitted for the record) made the same finding.

We are so confident that HB 2787 will meet legal scrutiny we have included a provision for direct review of the bill by our own Oregon Supreme Court.

There are other objections that you may hear about this bill, none of them based in fact. You will hear that tuition equity gives these students special privileges, that it discriminates against residents of other states. It does not. This nation's public college and university system is built on the idea that if you attend the public college or university in the state where you live, you pay in-state tuition. If you choose for whatever reason not to attend college in your own state, and prefer to attend a public college or university in another state, you pay a higher rate. You can always move to another state, establish residence there after a year, and then attend a school in that state's higher education system at an in-state rate. That's not true for the young people that HB 2787 is trying to help. They have nowhere else to go.

You may also hear that giving in-state tuition to these young people will drain scarce state resources and shut out qualified legal residents.

According to the Oregon University System, admitting a student eligible for tuition equity will not shut qualified legal residents who meets entrance requirements. We have no enrollment caps in our universities, and according to

OUS the system has room for every qualified in-state student who applies. Not a single qualified student will be displaced.

The tuition equity students are NOT a cost to the system. They will not require additional expenditures by the universities.

In fact, the Legislative Fiscal Office's analysis of tuition equity in 2011 showed that it will actually bring additional money to the universities. Without HB 2787, these students would not be attending a public university. With HB 2787 they will be adding their in-state tuition dollars to the university budgets at no additional cost. Because their numbers will be small and spread out among our seven public universities, no new sections will need to be opened, no new professors will need to be hired. This has been the experience of every state where tuition equity has existed over the last ten years.

These students will be assets to their universities. That's why the State Board of Higher Education and the presidents of every state university have endorsed this bill.

You will hear that it makes no sense to confer degrees on students who will never be able to work legal in this state. There is a faulty assumption here. If we look at the other states that have tuition equity, many of their young graduates are now working legally. In various ways they have found their way to legal status, and now they are putting their education to good use.

We all know that the public's attitude towards these young people brought to Oregon as children is changing. The federal executive order known as DACA is allowing them to receive renewable work permits. Everyone in this room knows that we as a nation will eventually—and perhaps very soon--come up with some form of immigration reform, which will create a path to citizenship for these young people, to those most able to contribute to our country. When that happens, those other states that have tuition equity will have an educated workforce ready and willing to take advantage of the law.

Here in Oregon, if we do not institute tuition equity soon, we will have created a kind of “lost generation” without the high-level skills needed to succeed and to help Oregon move forward. Many of them will in fact be a drain on our resources rather than an asset. Is that really the route we want to take?

And finally, I want to address the argument that tuition equity rewards lawbreakers. These kids are not lawbreakers; they are examples of exactly what we want our young people to do—work hard, get good grades, dream big. They are exactly the kind of kids we should be investing in. Many have lived here virtually their whole lives. They did not choose to come here. They were brought here. They have no other country to go to. They have plenty to offer this state.

But unfortunately, they have become the collateral damage of the immigration debate. They are being sentenced to lives without a future, through no

fault of their own. That's wrong, and it's not the American way. In this country, we don't punish children for the actions of their parents. We try to show them a better way and open up that better way for them. These kids are not asking for any kind of handout. They will not receive a nickel in state aid or federal aid. All they're asking for is access to opportunity, access to success, a chance to repay the people of this state for the investment we have made in them, a chance to be part of the economic development that this state needs. In a few minutes, you'll be hearing from them directly. They will tell their stories FAR more eloquently than I can. They are what HB 2787, the Tuition Equity bill, is all about. Senators, the time has come. I urge you to support tuition equity.