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Funding Undocumented Latino/a Students in Public Higher Education Institutions in the United States

by

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Abstract

While undocumented students are provided free access to a K-12 education, many undocumented students access U.S. higher education with no financial assistance. In this article, the authors evaluate three state-level policy alternatives—state DREAM Acts, state aid using “dummy” Social Security numbers, and state partnerships with Hispanic-serving institutions—to determine which alternative might be the best option for providing undocumented Latino/a students with financial support. The authors conclude by offering a policy recommendation and suggestions regarding implementation.

Keywords: access, affordability, Latino/a, policy alternatives, undocumented

Introduction

Undocumented students face financial impediments that hinder their access to public or state-supported higher education institutions in the United States (US) (Passel & Cohn, 2009). Undocumented students are foreign nationals who enter the US without authorization, or they enter legally but remain in the US without authorization (UCLA Center for Labor and Research and Education, 2007). Although there are no federal or state laws that prohibit the admission of undocumented immigrants to U.S. colleges and universities, policies differ at the institutional level. However, under Federal Title IV of the Higher Education Act of 1965, undocumented students were, and still are, deemed ineligible for federal assistance in their pursuit of a postsecondary education (Drachman, 2006). Thus, the current funding situation is problematic due to the lack of comprehensive policies that enable undocumented students to afford a postsecondary education. Perhaps, with state support, accessibility to public higher education institutions may improve the educational pursuits of undocumented students. However, state initiatives for undocumented students do not come without criticism.

The use of tax dollars to provide undocumented students with financial support evokes a tremendous amount of pushback from some U.S. citizens and lawmakers. According to Kobach, “taxpayers [in California] pay in excess of \$100 million every year to subsidize the college education of thousands of illegal aliens” (as cited in Blume, 2011, p. 40). As Kobach highlighted, funding postsecondary education for undocumented students can be costly for states. Furthermore, criticisms of funding noncitizens often stem from concerns that institutions will become overburdened or that such funding is possibly unlawful (Blume, 2011). In addition, the DREAM Act has been positioned as a partisan bill that generates political opposition (Blume, 2011). With these concerns in mind, this article addresses three ways in which higher education institutions can support undocumented students financially as U.S. and higher education demographics continue to shift.

The Fiscal Landscape for Undocumented Students

In the 1981 *Plyer v. Doe* decision, the U.S. Supreme Court ruled in favor of providing undocumented youth with the legal right to a K-12 public education. The Court stressed that denying K-12 education to undocumented children amounted to creating a “lifetime of hardship” for individuals (Frum, 2007, p. 83). Although the *Plyer v. Doe* ruling created and protected the opportunity for undocumented youth to receive a public K-12 education, there has not been any similar ruling allowing undocumented youth to obtain financial assistance for higher education (National Association for College Admission Counseling, 2007). According to Frum (2007), the linkage between education and social mobility is vital for society to understand. Frum argued that, within the current U.S. economy, a college education is the “ticket” to social and economic mobility. Using the same logic that the U.S. Supreme Court used to rule in favor of Plyer, Frum advocated for funding for undocumented students at the postsecondary level.

As previously mentioned, undocumented students cannot legally receive any federally funded student financial aid, which includes loans, grants, scholarships, or work-study (Blume, 2011). Similarly, in many states, undocumented students are not eligible for state financial aid. Since undocumented students are not considered residents in a traditional sense, they are categorized as nonresidents and pay nonresident or out-of-state tuition at many colleges and universities (Salsbury, 2003). Salsbury (2003) has argued that undocumented students are noncitizens due to their inability to show proof of citizenship and permanent residency; therefore, they are classified as nonresidents, even if they have resided in a particular state for a long time. Because each state differs, there is no set formula for proof of residency. But, many require proof that cannot be attained by undocumented students, such as driver’s licenses and Social Security cards. This complicates the situation when undocumented students do not meet residency requirements and, therefore, have to apply to college as nonresidents of the state in which they have resided.

Tuition rates for undocumented students are often three times as

high as tuition rates for in-state residents (Feder, 2006). Nevertheless, some states do grant eligibility for state financial aid to undocumented students who qualify for in-state tuition, relying on their ability to regulate how residency is defined (Salsbury, 2003). Since 2001, 17 states have allowed undocumented students to pay in-state tuition: California and Texas in 2001; New York and Utah in 2002; Washington, Illinois, and Kansas in 2004; New Mexico and Nebraska in 2009; Maryland and Connecticut in 2011; and Colorado, Minnesota, and Oregon in 2013 (National Conference of State Legislatures, 2013). Hawaii, Oklahoma, and Rhode Island allow in-state tuition rates for undocumented students through their respective Board of Regents who govern the state institutions (National Conference of State Legislatures, 2013; Reese, 2013). But overall, the present funding landscape has not provided feasible funding solutions for undocumented students, educational reformers, or institutional administrators as the struggle between state and federal regulations continues and demographics change in higher education.

Demographics and Enrollment Trends

According to Passel and Cohn (2009), in 2008, approximately 1.5 million undocumented youth under the age of 18 were living in the United States: 65,000 of these youth graduated from high school, approximately 37,000 were Latinos/as, and 13,000 of them enrolled in college or universities. In 2007, the *Admission Trends Survey* included a question that asked colleges and universities if they received applications from undocumented students (National Association for College Admission Counseling, 2007). The results of that survey revealed that 71% of 312 public four-year institutions received applications from undocumented students.

For instance, in Texas, after the passage of House Bill 1403, a law allowing undocumented students to receive in-state tuition and compete for state financial aid, enrollment of undocumented students increased by 10 times (Gonzales & Kohli, 2008). Despite these efforts, due to the absence of aid from the federal government and their inability to pay out of pocket,

financial barriers are key factors preventing undocumented students from obtaining higher education. This policy environment is compounded by the poverty often experienced by undocumented Latino/a families.

According to Passel and Cohn (2009), undocumented Latino/a immigrants are more likely to live in poverty, have lower incomes and education, and hold lower-skilled jobs than the documented Latino/a population. In addition, 20% of undocumented immigrants live in poverty as compared to the 13% of legal Latino/a immigrants. Furthermore, 39% of undocumented children live below the poverty level as compared to 17% of native-born children (Frum, 2007). Undocumented immigrants have an average household income 40% lower than either native-born or legal immigrant families (Frum, 2007).

Collectively, these statistics indicate that undocumented Latino/a immigrants are more likely to come from households with low-socioeconomic status. Because of these data, it is feasible to suggest that undocumented students are more likely to come from households with low socioeconomic status as well. It is important to understand the relationship between students coming from improvised backgrounds and the financial burden of higher education, because they are tied deeply to equity and access.

State-Level Policy Alternatives

This article presents and compares three state-level policy alternatives that might increase access for undocumented students to state colleges and universities through financial assistance. The goals of this policy analysis were to show possibilities for (a) increasing funding for undocumented students, and (b) increasing programs and support for state-funded institutions, while (c) maintaining funding equity for the economic benefit of the state.

These goals are intended to address the low educational attainment of Latino/a students, which has been deemed a “crisis” (Pérez, 2010, p. 21) across all levels of educational attainment (Gándara & Contreras, 2009). Although undocumented students make up a fraction of the general

Latino/a population, documenting effective strategies to assist Latino/a undocumented students also can supplement policies to aid first-generation, U.S.-born Latino/a peers (Pérez, 2010).

Alternative #1: State DREAM Acts

Statewide DREAM Acts are the first alternative. These can be modeled after the California Development, Relief, and Education of Alien Minors (DREAM) Act and Assembly Bill 2083, which provides undocumented students who currently qualify for in-state tuition with the opportunity to compete for state financial aid (Gonzales & Kohli, 2008). According to the RAND Corporation, the economic benefits that California receives from undocumented students enrolled in its colleges is \$15 million per year in net tax revenue from an estimated 1,620 such students (Gonzales & Kohli, 2008). In addition, RAND indicated that Mexican immigrant women with a college degree pay \$5,300 more in taxes and cost \$3,900 less in government expenses each year compared to a high school dropout with similar characteristics (Gonzales & Kohli, 2008). Thus, making it feasible for undocumented students to attend colleges and universities not only creates social equity for this population, but it also generates more tax revenues for the state. With a college education, undocumented students would decrease social service expenditures, while contributing to economic benefits for the state (Blume, 2011).

Another outcome of this policy option is the increased development in human capital, bridging the gap between supply and demand for the future workforce. The Bureau of Labor Statistics estimated that high-demand occupations include careers in computer science, medical fields, and education—careers that all require an educated citizenry (Gonzales & Kohli, 2008).

Tables A1 and B1 (see appendix for Tables) indicate the possible reduction in state social services—particularly for unemployment—and the potential for increased tax revenues if undocumented students were provided sustainable financial pathways into higher education. This shows that it is in the interest of the United States to improve the pathways for DREAM

Act legislation, thus increasing the benefit to the overall economy (Ojeda, Takash, Castillo, Flores, Monroy, & Sargeant, 2010). Although Tables A1 and B1 indicate the potential positive economic effect if all undocumented students in the United States were to pursue higher education degrees, it can be implied that individual state DREAM Acts could receive increases in tax revenues from the incomes generated by undocumented students who graduate.

Of course, this is a regulatory policy, and adoption would be based solely on its feasibility (Fowler, 2004). If implemented, economic impact and human capital development would be factors. Another factor would be affordability (i.e., costs associated with the policy). Administrative operability also would be a concern because the policy requires additional roles for administration and staff. Further, procedures and training must be developed for administration and staff so they become familiar with admissions and financial aid processes, as well as means to support and retain undocumented students. In addition, there may be opposition from taxpayers and legislators, as financial assistance from the state may burden taxpayers.

Ultimately, this policy is politically feasible if carefully developed. California was able to extend in-state tuition to undocumented students due to the language lawmakers used in defining residency. Therefore, the policy is more likely to survive a challenge from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Salsbury, 2003).

Alternative #2: FAFSA Application with “Dummy” Social Security Number

The second policy revolves around the Free Application for Federal Student Aid (FAFSA) application and the required Social Security number that is used to determine a student’s expected family contribution (Blume, 2011). This policy alternative allows institutions to utilize the FAFSA application to determine students’ financial needs by allowing undocumented students to use 000-000-000 as their Social Security number. (Texas and New Mexico allow students to use 000-000-000 to determine need-based

financial aid.) This approach thus provides undocumented students with financial assistance, rewarding the bulk of the assistance to students with the most need.

According to Blume (2011), “States that award financial aid to undocumented students would theoretically benefit from an increase in educated workers and the workers’ subsequent increase in tax payments to the state” (p. 48). As with the DREAM Act option, Blume has argued that there would be an economic benefit from educating undocumented students; they would be an investment from which the state could reap future benefits. These educated students would generate more revenue than if they were not pursuing a postsecondary education.

This policy alternative also is a regulatory policy, and affordability, economic impact, and administrative operability would all be salient factors for implementation. The implementation of this policy would allow for institutional autonomy, as institutions would have the option to participate or not. However, a chief concern regarding this policy is its affordability. In California, legislative analysts estimated it would cost about \$2.8 million to extend state, need-based financial aid to approximately 2,000 undocumented students (Blume, 2011). Delivering state need-based financial aid to undocumented students could potentially be bureaucratic, costly, and inconsistent, since the state would rely on self-reported information from undocumented students and their families (Blume, 2011). And once again, political feasibility would be a concern.

Alternative #3: State Partnerships with Hispanic-serving Institutions

Partnerships between the states and public Hispanic-serving institutions (HSIs) comprise the third policy alternative. This option allows undocumented students to gain state financial assistance, based on their family’s expected contribution, through state-HSI partnerships. In addition, these partnerships give students the opportunity to pay in-state tuition prices.

HSIs are important to consider because they enroll half of Latino/a students pursuing degrees in higher education (Krueger, 2012). Furthermore, HSIs pay close attention to the cultural and academic development of Latino/a

students and their communities as part of their missions, which is often missing at predominantly White institutions without HSI status (Hurtado, Milem, Clayton-Pederson, & Allen, 1998). Exploring the role of social and environmental factors on postsecondary academic success, Perez, Cortes, Ramos, and Coronado (2010) reported that undocumented Latino/a students benefitted from supportive relationships with friends. Furthermore, Perez (2010) discussed the importance of undocumented student peer support. When undocumented students associate with academically successful undocumented peers, it has positive effects on persistence and motivation. In addition, undocumented peer relationships foster community solidarity and common identities (Center for Higher Education Policy Analysis, 2001; Perez, 2010). The aforementioned findings give credence to HSI-state partnerships.

Creating policies that allow for in-state tuition rates and state financial assistance for undocumented students at HSIs would likely increase enrollment of undocumented Latino students. In turn, this would create more tax revenue for the state as the students become productive contributors to a state's economic and civic life; they are more likely to reside in a state that has provided them with opportunities. In a review of policies for undocumented immigrants and students, Krueger (2012) noted that Texas' House Bill 1403 increased the likelihood of undocumented students enrolling in public colleges, ultimately creating more tuition revenue. Krueger also indicated that a number of studies concluded that the overall fiscal impact of undocumented immigrants on state economies was positive.

As with the other two options, this policy alternative is a regulatory policy. If implemented, affordability, economic impact, and administrative operability would, once again, be concerns. The administrative operability of this policy is a concern because administrators and staff would be required to take on additional roles. However, the policy might be well-received since HSIs aim to assist first-generation, low-income, Latino/a students in higher education. This policy alternative is politically feasible because it

would only be affecting HSIs, not all public universities. Thus, legislation regarding undocumented college students would not change statewide.

Evaluative Criteria

We used four evaluative criteria to assess the anticipated outcomes of the three proposed policy alternatives: (a) economic impact, (b) affordability, (c) administrative operability, and (d) political feasibility. Each policy option was assessed and ranked based on its probable effect on the identified criteria (Patton & Sawicki, 1993). Economic impact was measured by how well each policy would influence state economies. Affordability was measured by assessing the financial outcomes of implementing a policy alternative. Administrative operability was measured by forecasting the manpower or human capital needed to initiate, implement, and sustain the proposed policy alternative.

Lastly, political feasibility was measured by rating the likelihood of a proposed policy alternative receiving support from major stakeholders. Political feasibility was evaluated using the PRINCE analysis. Filipovitch (2005) explained that the PRINCE analysis (a) acknowledges stakeholders and their stances, (b) explores how concerned stakeholders are with the existing problem, and (c) examines how much power each group possesses.

Evaluation of Alternatives

The three proposed policy alternatives were evaluated and ranked using scores of 1, 2, or 3 (with 3 representing the highest ranking) for each criterion, and then added to get a final score. Affordability was multiplied by two because projected costs are essential within the current fiscal climate in the United States, particularly with declining state aid for higher education across the country. As mentioned previously, political feasibility was ranked using the PRINCE analysis (see Tables C1-C3). We used numerical scores ranging from -3 to +3, with a negative score representing projected political opposition. The overall policy scores identified the dominant, or best, alternative by ranking each policy proposal against the others, using the established criteria. The policy with the highest overall score was chosen for recommendation.

Recommendation and Implementation

Based on the literature reviewed and our comparative analysis, the recommended policy alternative is state partnerships with HSIs. Its overall score was 15 (see Table D1). It is critical for state legislators to include this policy as part of higher education appropriations. HSIs can help initiate the recommended policy by using networks of senior administrators, governing board members, and the community. Working with students, staff, faculty, and other stakeholders can increase support for the policy. The process can begin with one HSI in states considering the option—most likely at the institution that has the most undocumented Latino/a students or receives the most applications from undocumented Latino/a students. The decision to implement the proposed policy also can depend on the area in which an HSI is located; some HSIs may be located in regions that have larger populations of undocumented Latino/a youth. In addition, HSIs should work collaboratively to garner support from other HSIs to gain momentum with legislators. Showing solidarity across institutions can increase the leverage over other politicians and representatives.

Once the policy is implemented through state bills, funds should be dispersed to participating institutions based on estimates of currently enrolled undocumented students. In addition, HSIs should begin drafting recruitment and retention plans and discussing how the policy will be implemented at their respective institutions. Ensuring that participating institutions have retention plans and initiatives in place to support undocumented students is crucial to the success of partnerships and the expansion of partnerships at other HSIs. Addressing taxpayers' concerns regarding tax dollars being spent on undocumented students can be difficult, but legislators and higher education representatives can build upon the support from President Barack Obama and his administration. President Obama has been an advocate and supporter of the DREAM Act, allowing undocumented students to receive work permits and protection from deportation for two years, with the possibility of renewal (Immigration Policy Center, 2010).

In any outreach effort promoting this option, it should be emphasized

that undocumented college students increase tax revenue by spending money within the local economy and eventually having better jobs that generate increased taxable incomes. A study by the College Board found that, over the course of their working life, the average college graduate earns in excess of 60% more than a high school graduate, and workers with advanced degrees earn two to three times as much as high school graduates. Furthermore, the U.S. Department of Labor found that the wages of immigrants who benefited from the 1986 Immigration Reform and Control Act increased 15% over five years and that legalized immigrants moved on to better jobs (Immigration Policy Center, 2010). Researchers also have reported that in environments where undocumented immigrants feel supported, they are more likely to invest in their own educations, open bank accounts, buy homes, and start businesses (Immigration Policy Center, 2010).

Although undocumented graduates are not guaranteed employment after graduation due to the lack of comprehensive pathways to citizenship and legal work options, they can legally work as independent contractors. They are able to use a W-9 form and tax pins rather than Social Security numbers (Perez, 2010). Moreover, undocumented graduates have found some solace in organizations such as Educators for Fair Consideration (n.d.), a nonprofit organization established in 2006 in San Francisco with a mission to help undocumented students achieve their academic and career goals and actively contribute to society.

Monitoring and Evaluating

Participating HSIs should track the enrollment, retention, and graduation rates of undocumented students. This demographic information can serve as a tool for institutions to monitor the funding they receive from the state. Participating HSIs also should evaluate campus climates and support programs for undocumented students, which are important factors in retaining undocumented Latino/a students.

The proposed policy is intended to guide state legislators, policymakers, and institutional governing boards in decreasing the gaps between tuition costs and what undocumented students can pay to attend

state-supported institutions. In comparison to the other alternatives, the recommended policy appears to offer the most benefits for states and has high potential to establish and maintain equitable postsecondary funding for undocumented youth, which will have greater benefits for their families and Latino communities throughout the US.

Limitations and Conclusion

There are certain limitations in this article. First, anticipated outcomes were informed by extant literature and data projections. Given this, outcomes associated with the proposed alternatives and the ultimate recommendation may differ in actual implementation. Furthermore, while we proposed these policies and an eventual recommendation, there is no certainty that undocumented Latino/a students will be hired and recognized as citizens after they graduate. Nevertheless, as U.S. lawmakers continue to examine legislative alternatives that will provide pathways to citizenship for undocumented citizens, states and higher education institutions can be proactive in making sure that once pathways are created, those receiving citizenship will immediately contribute to society as educated citizens.

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Appendix A

Table A1

Unemployment Rates by Educational Attainment in 2012

| | (percent unemployed) |
|---------------------------------|----------------------|
| Ph.D./Doctoral Degree | 2.5 |
| Professional Degree | 2.1 |
| Master's Degree | 3.5 |
| Bachelor's Degree | 4.5 |
| Associate Degree | 6.2 |
| Some College, no degree | 7.7 |
| High school diploma | 8.3 |
| Less than a high school diploma | 12.4 |

Note. Adapted from “The Case for Undocumented Students in Higher Education,” by C. Eusebio and F. Mendoza, 2010, Educators for Fair Consideration, p. 8. Copyright 2012 by the Bureau of Labor Statistics.

Appendix B

Table B1

Estimated Income of Undocumented Students if DREAM Act Legalized Over 40-Year Period

| | (in billions) |
|-----------------------|---------------|
| Ph.D./Doctoral Degree | \$40.3 |
| Master's Degree | \$81.9 |
| Bachelor's Degree | \$ 2,049.8 |
| Associate Degree | \$ 1,278.1 |
| Total Impact | \$ 3,450 |

Note. Adapted from *No DREAMers Left Behind: The Economic Potential of DREAM Act Beneficiaries*, by R. Ojeda, P. Takash, G. Castillo, G. Flores, A. Monroy, and D. Sargeant, 2010, University of California, Los Angeles, North American Integration and Development Center, p. 10. Copyright 2010 by the University of California, Los Angeles, North American Integration and Development Center.

Appendix C

Table C1

“State DREAM Act” Alternative PRINCE Analysis

| | Stance | Priority | Power | Total |
|-------------------------|------------|----------|----------|-------|
| Stakeholders | (-3 to +3) | (1 to 3) | (1 to 3) | |
| For | | | | |
| Administration/Trustees | 3 | 3 | 1 | 9 |
| Faculty/Staff | 3 | 2 | 1 | 6 |
| Students | 3 | 3 | 1 | 9 |
| Some Politicians | 3 | 3 | 3 | 27 |
| Some Taxpayers | 3 | 2 | 2 | 12 |
| Against | | | | |
| Some Taxpayers | -3 | 3 | 3 | -27 |
| Some Politicians | -3 | 3 | 3 | -27 |
| Overall Score | | | | 9 |

Table C2

“FAFSA Application Social Security” Alternative PRINCE Analysis

| | Stance | Priority | Power | Total |
|------------------------------|------------|----------|----------|-------|
| Stakeholders | (-3 to +3) | (1 to 3) | (1 to 3) | |
| For | | | | |
| Some Administration/Trustees | 3 | 3 | 3 | 27 |
| Faculty/Staff | 3 | 3 | 2 | 18 |
| Students | 3 | 3 | 1 | 9 |
| Against | | | | |
| Some Administration/Trustees | -3 | 2 | 3 | -18 |
| Some Taxpayers | -3 | 3 | 3 | -27 |
| Some Politicians | -3 | 3 | 3 | -27 |
| Overall Score | | | | - 18 |

Table C3

*“State Partnerships with Hispanic-serving Institutions” Alternative
PRINCE Analysis*

| | Stance | Priority | Power | Total |
|-------------------------|------------|----------|----------|-------|
| Stakeholders | (-3 to +3) | (1 to 3) | (1 to 3) | |
| For | | | | |
| Administration/Trustees | 3 | 3 | 3 | 27 |
| Faculty/Staff | 3 | 3 | 2 | 18 |
| Students | 3 | 3 | 1 | 9 |
| Some Taxpayers | 3 | 3 | 3 | 27 |
| Some Politicians | 3 | 3 | 3 | 27 |
| Against | | | | |
| Some Taxpayers | -3 | 2 | 3 | -18 |
| Some Politicians | -3 | 3 | 3 | -27 |
| Overall Score | | | | 63 |

Appendix D

Table D1

Overall Alternative Evaluation Scores

| | Autonomy | Affordability | Administrative | Political | Overall |
|-----------------|----------|---------------|----------------|-------------|---------|
| | | (x2) | Operability | Feasibility | Score |
| State DREAM Act | 1 | 2 | 2 | 2 | 7 |
| FAFSA | 2 | 4 | 1 | 1 | 8 |
| Partnerships | 3 | 6 | 3 | 3 | 15 |

Note. Affordability rankings are multiplied by two because of the current economy and recent cuts in state higher education appropriations.