

SENATE OF COLLEGE COUNCILS  
THE UNIVERSITY OF TEXAS AT AUSTIN

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2201 Speedway A6210 · Austin, TX 78712-0810 · (512) 471-3166 · Fax: (512) 471-3408 · [www.utsenate.org](http://www.utsenate.org)

## **S.R. 2213**

### **A Resolution in Support of Protecting In-State Tuition for Undocumented Students at Texas Public Colleges and Universities**

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#### **Executive Summary**

Texas House Bill (H.B.) 1403, the Texas Dream Act, was signed into law on June 16, 2001.<sup>1</sup> This law provides undocumented high school graduates (including DACA recipients) access to in-state tuition rates at public colleges and universities. Passed with bipartisan majorities in both the Texas House and Senate and a Republican governor, this policy sets the criteria for how undocumented students in Texas can receive in-state tuition. Texas is one of 23 states along with D.C. who have created this eligibility, and more than 58,000 undocumented students in Texas are currently pursuing higher education in the state.<sup>2</sup>

In July of 2021, the Young Conservatives of Texas Foundation filed a lawsuit against Neal Smatresk and Shannon Goodman, the President and Vice President of the University of North Texas (UNT).<sup>3</sup> The plaintiffs are suing UNT for charging out-of-state U.S. citizens out-of-state tuition, while undocumented students are eligible for in-state tuition, as required by state law. The central argument the YCT Foundation makes is that it is unfair to charge out-of-state U.S. citizens out-of-state tuition rates, which will likely have significant implications for the future of the 2001 law.<sup>4</sup> In April of 2022, a federal judge in Texas ruled against UNT. UNT lawyers have appealed the decision, and a decision is expected to come soon from the U.S. Court of Appeals for the Fifth Circuit.<sup>5</sup>

This Senate Resolution will provide the following: (1) affirm that the Senate stands in solidarity with the Executive Branch of the UNT Student Government Association, and supports the preservation of the 2001 Texas Dream Act; (2) Senate recognizes and celebrates the essential contributions of undocumented students to the University of Texas at Austin community; (3) in the event that the 2001 Texas Dream Act established by HB 1403 is reversed, the Senate should create a College Tuition and Budget Advisory Committee (CTBAC) to make recommendations for how the University of Texas at Austin can address matters of affordability and tuition for undocumented students. The resolution also requires that the CTBAC have undocumented student participation, and work in close consultation with organizations that support undocumented students at the University.

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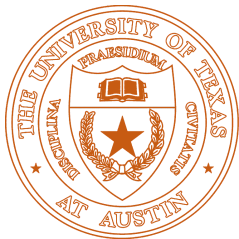
<sup>1</sup> [Texas Dream Act \(HB 1403\)](#)

<sup>2</sup> <https://www.higheredimmigrationportal.org/state/texas/>

<sup>3</sup> Young Conservatives of Texas Foundation v. Smatresk, et. al.

<sup>4</sup> [Dallas Morning News: What to know about Texas' fight over college tuition for undocumented and out-of-state students](#)

<sup>5</sup> [Presidents' Alliance & Idra React To Oral Arguments In University Of North Texas Case](#)



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### Frequently Asked Questions

**Q:** What are the requirements for an undocumented student in Texas to become eligible for in-state tuition under the Texas DREAM Act?

**A:** HB 1403, the Texas Dream Act, establishes the following criteria for undocumented students to become eligible for in-state tuition:

- Graduated from a public or private high school or received the equivalent of a high school diploma in Texas;
- Resided in Texas for at least three years as of the date the person graduated from high school or received the equivalent of a high school diploma;
- Register as an entering student in an institution of higher education not earlier than the 2001 fall semester; and,
- Provide an affidavit stating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so.

**Q:** What about refugee students?

**A:** Texas Education Code Sec. 54.052 makes refugees eligible for in-state tuition after establishing residency.<sup>6</sup> This lawsuit will likely not impact this policy.

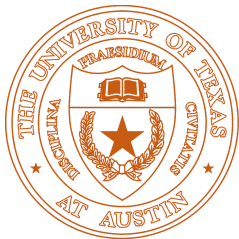
**Q:** What action has the University of North Texas' Student Government Association taken?

**A:** The Executive Branch of the UNT Student Government Association joined a number of organizations in an amicus brief submitted to the U.S. Court of Appeals for the Fifth Circuit in support of the appellants (UNT Administration).<sup>7</sup> These organizations include the Texas Business Leadership Council, Texas Business Immigration Coalition, Texas Association Of Mexican American Chambers Of Commerce, North Texas Commission, Intercultural Development Research Association (IDRA), Every Texan, The Education Trust In Texas, Young Invincibles, Texas Association Of Chicanos In Higher Education, Texas Association Of Diversity Officers In Higher Education, and The National Association Of Graduate And Professional Students.

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<sup>6</sup> [https://texas.public.law/statutes/tex.\\_educ.\\_code\\_section\\_54.052](https://texas.public.law/statutes/tex._educ._code_section_54.052)

<sup>7</sup> <https://www.idra.org/wp-content/uploads/2022/08/YCT-v-UNT-IDRA-Coalition-Amicus-Brief.pdf>



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**S.R. 22XX**  
**A Resolution in Support of Protecting In-State Tuition for  
Undocumented Students at Texas Public Colleges and  
Universities**

*April 6, 2023*

Introduced in The Senate of College Councils on \_\_\_\_\_ • Voted on in The Senate of College Councils on  
\_\_\_\_\_ • The Resolution \_\_\_\_\_ on a \_\_\_\_\_ vote.

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**WHEREAS,** The Senate of College Councils (hereafter “Senate”) serves as the official voice of  
students in academic affairs, as decreed by the Board of Regents of the University of  
Texas System on July 27, 1973; and,

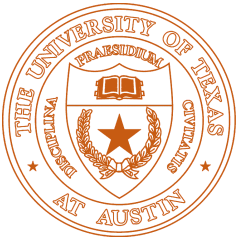
**WHEREAS,** Senate recognizes that academics are inherently affected by the intersectionality of  
identities; and,

**WHEREAS,** Senate has the authority to create a College Tuition and Budget Advisory Committee  
(CTBAC), serving as a forum for students to discuss college-wide budgetary decisions  
and make budgetary recommendations to the deans of their respective colleges and  
schools;<sup>8</sup> and,

**WHEREAS,** Texas House Bill (H.B.) 1403, the Texas Dream Act, provides eligible undocumented  
students, including DACA recipients, access to in-state tuition rates as well as state  
financial aid through grants and loans; and,

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<sup>8</sup> [Bylaw IX: College Tuition and Budget Advisory Committees and Invest in Texas](#)



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- WHEREAS,** Texas has 58,255 undocumented students currently pursuing higher education,<sup>9</sup> are currently ineligible from accessing federal financial aid via FAFSA (Free Application for Federal Student Aid), and
- WHEREAS,** Undocumented students in Texas have contributed much more in tuition payments than they received in tuition benefits, paying \$64 million in tuition while receiving only \$12 million in state-funded grants in 2016;<sup>10</sup> and,
- WHEREAS,** A 2019 analysis from Every Texan (formerly the Center for Public Policy Priorities) found that the median income for an immigrant who works full time in Texas with a bachelor's degree is \$46,349, compared to \$18,137 per year earned by those with just a high school diploma, equating to an increase of \$2,138 in taxes per person, and a total tax benefit to the state and local governments of \$54 million;<sup>11</sup> and,
- WHEREAS,** In-state tuition is a critical component of making the University of Texas at Austin more affordable for all students; and,
- WHEREAS,** Senate unanimously passed S.R. 2205, A Resolution in Support of an Undocumented Student Center at the University of Texas at Austin;<sup>12</sup> and,
- WHEREAS,** A 2019 analysis of a similar law in California found that tuition-equity policies (like the Texas Dream Act) have no negative impact on U.S. citizens receiving financial aid;<sup>13</sup> and,

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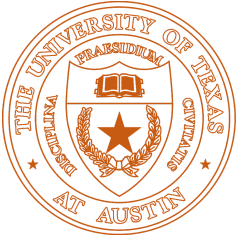
<sup>9</sup> <https://www.higheredimmigrationportal.org/state/texas/>

<sup>10</sup> [Every Texan: TEXAS DREAM ACT: Ensuring in-state tuition for all Texans \(HB 1403\)](#)

<sup>11</sup> Ibid.

<sup>12</sup> [S.R. 2205](#)

<sup>13</sup> Ngo, F., & Astudillo, S. (2019). California DREAM: The Impact of Financial Aid for Undocumented Community College Students. *Educational Researcher*, 48(1), 5–18. <https://doi.org/10.3102/0013189X18800047>



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**WHEREAS,** Tuition-equity policies like the Texas Dream Act are associated with strong positive outcomes for undocumented students, such as significantly increased college enrollment,<sup>14</sup> therefore be it,

**RESOLVED,** That Senate stands in solidarity with the Executive Branch of the UNT Student Government Association, and supports the preservation of the 2001 Texas Dream Act; therefore be it,

**RESOLVED,** Senate recognizes and celebrates the essential contributions of undocumented students to the University of Texas at Austin community; therefore be it,

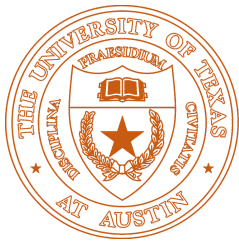
**RESOLVED,** In the event that the 2001 Texas Dream Act established by HB 1403 is reversed, the Senate shall create a College Tuition and Budget Advisory Committee (CTBAC) to make recommendations for how the University of Texas at Austin can address matters of affordability and tuition for undocumented students; therefore be it,

**RESOLVED,** In the event that Senate creates a CTBAC for this purpose, the committee membership must include undocumented students enrolled at the University of Texas at Austin, and work in close consultation with organizations supporting undocumented students at the University, such as the Rooted Collective, Monarch Program, and the future Undocumented Student Center; therefore be it,

**RESOLVED,** that this resolution of the Senate of College Councils be sent to Dr. Jay Hartzell (President, UT Austin), Dr. Sharon Wood (Executive Vice President and Provost, UT

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<sup>14</sup> Flores, Stella. (2010). State Dream Acts: The Effect of In-State Resident Tuition Policies and Undocumented Latino Students. *The Review of Higher Education*. 33. 239-283. 10.1353/rhe.0.0134.  
[https://www.researchgate.net/publication/236749320\\_State\\_Dream\\_Acts\\_The\\_Effect\\_of\\_In-State\\_Resident\\_Tuition\\_Policies\\_and\\_Undocumented\\_Latino\\_Students](https://www.researchgate.net/publication/236749320_State_Dream_Acts_The_Effect_of_In-State_Resident_Tuition_Policies_and_Undocumented_Latino_Students)



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Austin), Dr. Soncia Reagins-Lilly (Vice President for Student Affairs and Dean of Students, UT Austin), Dr. LaToya Smith (Vice President for Diversity and Community Engagement), Marquita Booker (Associate Vice President, Office for Inclusion and Equity), Dr. Darren Kelly (Associate Vice President, Academic Diversity Initiatives & Student Engagement), The Rooted Collective, The Monarch Program within the Division for Diversity and Community Engagement (DDCE) and the Daily Texan; therefore be it,

**RESOLVED,** if the Graduate Student Assembly or the Student Government adopt a resolution that is identical or substantially similar to this resolution, the Senate of College Councils endorses, supports, and concurs with that resolution. As used in this clause, the term “substantially similar” means minor changes by an organization so that its version of the resolution complies with the organization’s rules and mission.

**AUTHOR,** Geoffrey Carlisle, Representative, Graduate Public Affairs Council (he/him)

**SPONSORS,** Amanda Garcia, Policy Director, The Senate of College Councils (she/her)