

## *Government & Politics*

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# Arizona's Colleges Are in the Crosshairs of Efforts to Curb Illegal Immigration

By SARA HEBEL

Arizona's strict new limits on educational benefits for undocumented immigrants that took effect at the beginning of this year have brought new scrutiny to the state's colleges and their students and forced educators to assume an awkward role as enforcers.

In the wake of a ballot measure that nearly three quarters of Arizona voters approved a year ago, officials at the state's community colleges, universities, and Education Department have redirected thousands of students and adult learners who are not legal residents of the United States to privately financed scholarships and education programs. The new law prevents those individuals from paying lower, in-state tuition, receiving state financial aid, or enrolling in the state's adult-education classes.

The institutions also have spent thousands of dollars revamping their admissions and registration processes to meet the new law's requirements that they begin to document their students' residency status and keep track of how many people cannot verify they are living in the country legally.

Michael M. Crow, president of Arizona State University, says institutions are in a "difficult position" in the state's immigration debate. As colleges put in place the requirements of the new law, known as Proposition 300, he says, they are honoring their core educational mission by working to help immigrant students struggling to pay the higher tuition that the law requires such institutions to charge. At the same time, college officials also know that a large number of state residents would rather these immigrants be deported than enrolled in the state's universities at all.

### **Other States Have Immigration Laws**

Without federal action on broad immigration reforms, states like Arizona are passing their own laws to try to deal with the growing number of illegal immigrants who are arriving in their towns and to respond to the urgent debates about what public resources should be available to those immigrants. Ten states have enacted laws to specifically allow some illegal immigrants who are graduates of state high schools to pay in-state tuition at public colleges. (One state, Oklahoma, has repealed its law, although some illegal immigrants will still be eligible for the cheaper rates under the state regents' policy.)

Advocates of the approach argue that helping these students obtain a higher education will pay economic dividends by training people who have grown up in the United States to become part of a better-educated work force.

Taking a different approach, Georgia has enacted a law that its colleges believe prevents them from charging in-state tuition to any illegal immigrants. The restrictions on educational benefits in Arizona, where an

estimated half-million undocumented immigrants live, are among the broadest. Advocates of these policies say taxpayers should not have to subsidize the higher education of individuals who have violated U.S. immigration law.

During the first six months the Arizona law was in effect, more than 4,600 people in Arizona were denied state-based financial aid, prevented from paying cheaper in-state tuition, or rejected from adult-education classes, according to a report released this summer by the state's Joint Legislative Budget Committee.

Colleges have no way of knowing how many other potential students did not even show up at their doors because of the new law. But at the state's largest community-college district, Maricopa, enrollment dipped by 3 percent this fall, even though the region's population is growing. Administrators believe the drop is due, at least in part, to Proposition 300.

"There are a lot of good students who have been impacted by this," says Mary Lou Massal, dean of enrollment services at Glendale Community College, which is part of the Maricopa district. She says her college, for instance, can no longer provide state financial aid to help some immigrant students who have participated in the institution's honors program and a bridge program that helps prepare high-school students for college.

Proposition 300 also has further complicated an already-complex mix of state and federal laws on education and immigration, Mr. Crow says, that leave institutions trying to respond to policies that seem to be at odds with one other.

Arizona's Constitution, for instance, requires the state to educate every child from the age of six to 21. The U.S. Supreme Court has also ruled that public elementary and secondary schools must enroll all children, regardless of immigration status. And the state's Board of Regents requires that Arizona's three public universities admit all applicants who meet certain academic criteria.

Now Proposition 300 adds another wrinkle by making it more difficult for some of those qualified students who have attended the state's public schools to afford to attend Arizona's colleges.

"For us," Mr. Crow says, "it's confusing."

### **Monitoring Private Donations**

The new law also has brought greater scrutiny to university operations.

Dean Martin, who was the lead sponsor of Proposition 300 and is now the state's treasurer, wants to ensure that the state's institutions are not violating the new law by using public resources when their foundations award privately financed scholarships to illegal immigrants, who now face tuition that is more than three times as high as that of in-state students.

Mr. Martin says he learned earlier this fall that Arizona State may have used a process that violated the law as the university's foundation gave out nearly \$2-million in private scholarships to about 200 undocumented students.

If employees of the university have any say in awarding the aid to specific undocumented immigrants, Mr. Martin says, that would be illegal, even though all of the foundation funds came from private sources. That is because foundation funds would become public money if they are deposited in university accounts before they are allocated to students. He has asked the state's Board of Regents to investigate what public universities are doing and to establish procedures for the institutions to follow.

"My interest is less in saying 'I gotcha,' but rather in making sure that everyone follows not only the letter but

the spirit of the law," Mr. Martin says, especially since the ballot measure passed by such a wide margin.

After local newspapers reported that funds from Arizona State's foundation were going to support undocumented students, and that public funds may have been involved in administering the aid, Mr. Martin says his office was flooded with hundreds of calls, including about a dozen from donors to the university who "were very upset."

But Mr. Crow says he does not know of a single donor who has called the university to complain, though he says various other members of the public have expressed their unhappiness that scholarships, even private ones, go to undocumented immigrants.

Mr. Crow also says the university and its foundation have been following the law in how they distribute scholarships. University officials provide a list of students with financial need to the foundation, and then the foundation alone decides who will receive the scholarships, he says. Many undocumented immigrants have risen to the top of that list and are receiving the private aid because they need aid more now that they are charged out-of-state rates, he adds.

This fall, full-time in-state undergraduates pay close to \$2,500 per semester at Arizona State, while students considered to come from out of state have to pay just over \$8,500 per semester.

### **Community Colleges Reach Out**

Elsewhere, Maricopa Community College officials also direct undocumented students to the district's foundation to apply for scholarships that are financed by private foundations and individual donors.

Steve Schenk, chief executive officer of the Maricopa Community Colleges Foundation, says the foundation has long had some donors who have specified that they want their money to be given only to U.S. citizens. But he says no additional donors have put that restriction on their gifts since Proposition 300 was passed.

In fact, in the wake of Proposition 300, he says, he has heard from a handful of foundations and individuals who have specifically said they want their money to go to help undocumented students.

Across the Maricopa district, which enrolls about 170,000 students at 10 institutions, the number of students who are counted as coming from out of state more than doubled, to 11,000 this fall from 4,800 a year ago. Officials say they believe Proposition 300 played a significant role.

Ms. Massal of Glendale Community College says her institution has actively sought to reach out to students who were likely to be subject to the new restrictions to encourage them to enroll and make them aware of how they could reduce their tuition bills.

The college held informational forums about the law and called many individuals, including students who were enrolled in English-as-a-second-language classes and who were identified by groups that serve the Hispanic community.

Some students were not aware that they could still enroll at all, Ms. Massal says, and many others did not know they had options to reduce costs, such as by taking fewer courses. At Maricopa district colleges, students who are classified as out-of-state pay \$90 per credit hour if they take less than seven credits in a semester and \$280 per credit hour if they take seven or more. In-state students pay \$65 per credit hour.

Meanwhile, at Arizona's Department of Education, officials are sending some of the more than 1,400 adults, or about 12 percent of applicants, who are blocked from the department's courses because of their immigration status to private programs. In the aftermath of Proposition 300, more churches and other community groups are starting to offer literacy, English-language, and other classes, says Karen Liersch,

state director of adult education services.

She is worried about what the effects of Proposition 300 will be in a state where more than one in four people speak a language other than English at home and more than 16 percent of people 25 years and older have not completed high school.

"There is a big need for adult literacy," she says. "It's important for the Arizona economy and the Arizona work force."

She and other educators in the state still hope that Congress will eventually enact new federal laws to lessen the pressure on states and their institutions to figure out how to respond to the constant flow of people coming across their borders.

"The federal government is not doing its job," says Fred Boice, president of the Arizona Board of Regents. As a result, he says, Arizona voters obviously felt they needed to take control.

"To punish college students seems pretty severe," he says of how Arizona residents responded in crafting Proposition 300. "But, in my view, it was a frustration measure."

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