

# Protecting Tuition Equity

**A Playbook for State  
Coalitions and  
Higher Education**

**January 2026**

# Acknowledgements

This guide was made possible through the leadership and contributions of members of the Higher Ed Coordinating Group on Tuition Equity and Program Criteria, convened by the Presidents' Alliance on Higher Education and Immigration and FWD.us. The Coordinating Group includes national, state, local, and campus-based organizations; institutions of higher education; and legal and policy experts. The group was convened to explore strategies and responses to growing threats to tuition equity policies and programs that support undocumented students.

We extend our sincere thanks to members of the Education for All Texans Working Group, who joined the Coordinating Group while actively responding to challenges in their state. Their insights, guidance, and lessons learned from defending in-state tuition policies were invaluable to the development of this playbook.

Finally, we are deeply grateful to the students and communities most directly impacted by these issues, whose stories and advocacy continue to inform and inspire this work.

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# Introduction

- Executive Summary
- How to Use this Playbook



# Executive Summary

## Overview

The Protecting Tuition Equity Playbook<sup>1</sup> was developed by the Higher Education Coordinating Group to support higher education institutions, state leaders, and advocates as they respond to heightened federal efforts to challenge in-state tuition policies for undocumented students. The playbook is designed as a practical, action-oriented resource for states and institutions defending tuition equity laws. It is intended to help groups proactively strengthen coordination and prepare to support students if access is threatened or revoked.

On April 28, 2025, President Trump issued an executive order titled “Protecting American Communities from Criminal Aliens” (the “EO”), signaling a renewed federal effort to undermine state and institutional policies that expand access to higher education for undocumented students. Section 5 of the EO, “Equal Treatment of Americans,” directs the Attorney General to identify and halt enforcement of state or local laws that allegedly favor noncitizens, explicitly referencing 8 U.S.C. § 1623, the federal provision governing in-state tuition eligibility.

Following the EO, the Department of Justice (DOJ) filed lawsuits against multiple states that provide in-state tuition to undocumented students, including Texas, Minnesota, Kentucky, Oklahoma, Illinois, California, and Virginia (as of the publication of the playbook on January 20, 2026). These cases represent a significant federal effort to restrict state authority over higher education policy, threatening long-standing statutory frameworks that promote affordability, access, and economic mobility for immigrant students. Importantly, the EO itself does not alter or invalidate existing state tuition equity laws, and each legal challenge turns on state-specific statutory language and legal interpretation.

<sup>1</sup> This resource is provided for informational and educational purposes only and does not constitute legal advice. Readers should consult qualified legal counsel for advice specific to their state, institution, or circumstances. 5

## Purpose of the Playbook

This playbook equips higher education institutions and state and community coalitions with the information and tools needed to:

- Understand the legal and policy landscape surrounding tuition equity.
- Prepare proactively for potential federal or state challenges.
- Respond effectively and collaboratively if litigation or misinformation arises.
- Support students and campus communities through periods of uncertainty.

It combines legal context, research and data, communications guidance, and practical response strategies to help states and institutions maintain policy continuity and protect students' access to higher education.

## How to Use This Playbook

This playbook is intended for two closely connected audiences:

- **Higher Education Institutions**, including colleges, universities, and state systems that determine tuition classifications, implement policies, and communicate with students and policymakers.
- **State and Community Coalitions**, including advocates, legal experts, institutional leaders, and community partners coordinating strategy and response.

Because these roles often overlap, the playbook is structured to support both independent and joint action. Readers may use it as a comprehensive guide or refer directly to sections most relevant to their immediate needs. Each section includes actionable steps, best practices, and adaptable tools that can be customized to specific state contexts.

## What the Playbook Covers

- **Section One** provides an overview of tuition equity policies, their legal foundations, and the current federal landscape, underscoring the importance of coordinated state and institutional responses to reaffirm legal authority.

- **Section Two** outlines concrete action steps for institutions and coalitions, including preparedness planning, coordinated legal and policy strategy, documentation of impact, and guidance on responding if a legal challenge is filed.
- **Section Three** focuses on communications and narrative strategy, offering messaging guidance, rapid response tools, and research-based framing to counter misinformation and highlight the educational and economic value of tuition equity.
- **Section Four** addresses how institutions and states can support students if tuition equity access is rescinded, drawing lessons from Texas to mitigate harm and confusion during rapid policy shifts.
- **Section Five** compiles tools and resources, including sample statements, amicus briefs, state-specific materials, and links to additional resources available through the Higher Ed Immigration Portal.

## Key Takeaways

- Federal executive orders do not alter or invalidate in-state tuition laws.
- Legal challenges are ongoing and state-specific. Each case will depend on unique statutory language and legal interpretation.
- Tuition equity policies facilitate postsecondary opportunities for undocumented students while sustaining higher education institutions and bolstering the state and national economy.
- Preparedness and coordination are critical. Institutions and coalitions should align messaging, affirm legal authority, and document student and community impact.

**For questions about this resource or for technical assistance, contact the Higher Education Coordinating Group at [legalteam@presidentsalliance.org](mailto:legalteam@presidentsalliance.org).**

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<sup>2</sup> This resource mainly focuses on preparing for and responding to challenges to existing tuition equity policies. Coalitions interested in expanding in-state tuition access via legislation can visit the [State Policy Hub](#) on the Higher Ed Immigration Portal and the [National Immigration Law Center's](#) higher education toolkit for model policies and sample language. For technical assistance related to legislation or for coalition connections in other states, please contact [legalteam@presidentsalliance.org](mailto:legalteam@presidentsalliance.org).

# Background and National Landscape

- What is Tuition Equity?
- Current Federal Efforts to Restrict Access
- In-State Tuition Legal Framework

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# What is Tuition Equity?

## Defining Tuition Equity

Throughout the playbook, we use the term “tuition equity policies” to refer to state-based policies that allow eligible students who meet defined criteria to pay in-state tuition rates and, in some cases, receive state-based financial aid. Tuition equity policies do not provide reduced or favorable tuition to undocumented students; they establish consistent criteria for evaluating eligibility for in-state tuition rates and/or state financial aid.

## Why Tuition Equity Matters

Protecting in-state tuition access for undocumented students is essential for advancing educational equity, strengthening higher education institutions, and supporting strong state economies and thriving communities. Tuition equity policies ensure that students who attend and graduate from local schools, regardless of immigration status, have an opportunity to pursue higher education.

These policies are not new; over the past 20 years, states across the country have adopted tuition equity laws, reflecting longstanding bipartisan recognition of their social and economic benefits. Over time, these policies have expanded college access, increased graduates’ earning potential, and strengthened local and state economies through higher tax contributions and workforce participation.

In addition to the economic benefits, inclusive tuition access improves graduation rates, reduces high school dropout rates, and promotes student engagement and civic participation. Rolling back these policies would limit opportunities for thousands of students and undermine the social and economic well-being of communities across the country. Additional information about the benefits of tuition equity policies is available in *Appendix A*.

# Federal Efforts to Restrict Access to Higher Education

The April 2025 executive order (EO) “Protecting American Communities from Criminal Aliens” directs the Department of Justice to challenge state laws that allegedly “favor [non-citizens] over American citizens,” explicitly referencing 8 U.S.C. § 1623. Following the EO, the Department of Justice (DOJ) filed lawsuits against several states with tuition equity policies, including **Texas, Minnesota, Kentucky, Oklahoma, Illinois, California,** and **Virginia**, as of January 2026.

These cases mark an unprecedented attempt to reinterpret federal law in a way that undermines state authority over higher education. However, the EO does not alter existing state statutes. States retain the authority to determine tuition classifications and maintain inclusive policies unless and until a court rules otherwise.

The posture of these federal challenges has varied, and litigation is ongoing. While officials in some states are defending their laws, other states joined the federal government in requesting a “consent judgment” from the court.

**To access the most up-to-date developments on these lawsuits, visit the [State Policy Hub](#) on the Higher Ed Immigration Portal.**

In Texas and Oklahoma, lawsuits challenging in-state tuition policies resulted in consent judgments after both states declined to defend their statutes. Without an opportunity for adversarial briefing, and without addressing the merits, the district courts in both states quickly issued orders narrowing eligibility for in-state tuition to include only students who have “lawful presence.”

## Examples from Texas and Oklahoma

### Texas

The Texas legislative session ended on June 2, 2025, after legislative efforts to repeal the Texas Dream Act failed. Two days later, on June 4, the DOJ filed a [lawsuit](#) challenging the law, and Texas joined the DOJ in a motion to permanently enjoin its enforcement. Within hours, a district judge issued an [order](#) limiting eligibility for in-state tuition to students with “lawful presence.” The litigation is currently before the Fifth Circuit Court of Appeals.

### Oklahoma

On August 5, 2025, the DOJ filed a [lawsuit](#) challenging Oklahoma’s law providing in-state tuition to eligible undocumented students. Within hours, Oklahoma’s Attorney General declined to defend the statute and joined the DOJ’s motion to block the law. On August 7, a magistrate judge recommended granting the joint motion and entering an order to invalidate the law, with a three-day period for objections. On August 29, 2025, the court issued an order limiting access to in-state tuition to students who meet the definition of “lawful presence.”

While these decisions prevent undocumented students from accessing in-state tuition rates, many immigrant students, including TPS holders, DACA recipients, asylum seekers, and parolees, are lawfully present in the United States and therefore remain eligible. For additional guidance, see the section titled *Supporting Students After Loss of Access*.

# In-State Tuition Legal Framework

This section reviews the legal framework supporting tuition equity policies. It provides an overview of the federal statutory framework affirming states' authority to implement policies that extend in-state tuition rates and financial aid options to all eligible students, regardless of immigration status.

## Key Takeaways:

- Although federal law sets some boundaries, state laws may extend in-state tuition to students regardless of their immigration status based on criteria like attendance at and graduation from a local high school.
- The federal government says that certain in-state tuition laws are preempted by two federal laws, specifically the **Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)**, 8 U.S.C. § 1623, and the **Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)**, 8 U.S.C. § 1621. This position was expressed in an April 28 EO issued by President Trump. However, an EO does not and cannot invalidate state laws.
- Tuition equity policies differ from state to state, and one district court's opinion is not binding on others. Even if one federal court decides that one state's law is invalid, another federal court might reasonably come to a different conclusion.
- These state laws remain valid until overturned. Therefore, unless and until an in-state tuition law is invalidated by a court (or repealed and/or superseded by the state legislature and/or relevant administrative body), it is in effect and operative.

## Federal Statutory Framework

States historically have held broad authority over education policy, including the power to set tuition classifications for their public colleges and universities. While

federal immigration law imposes some restrictions on public benefits for undocumented immigrants, it does not eliminate state discretion in this area. Indeed, these laws explicitly grant states the authority to offer public benefits and in-state tuition rates to undocumented students. Federal statutes, constitutional principles, and the longstanding role of states in higher education governance confirm that states may extend in-state tuition to undocumented students.

Two provisions of federal law are central to understanding how states can structure in-state tuition policies for undocumented students. Together, they define both the limitations and the opportunities available to states.

- **Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), [8 U.S.C. § 1623](#)**

IIRIRA states that an undocumented individual cannot be eligible for a postsecondary education benefit “on the basis of residence within a State” unless the same benefit is available to a U.S. citizen or national “without regard to” whether the U.S. citizen or national “is such a resident.”<sup>3</sup>

- **Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), [8 U.S.C. § 1621\(d\)](#)**

PRWORA purports to limit when states can provide “public benefits” to undocumented immigrants. But the law also creates an explicit pathway for states to extend certain public benefits to undocumented immigrants. Under § 1621(d), a state may provide such benefits if it adopts a law after August 22, 1996 that “affirmatively provides” for undocumented immigrants’ eligibility for those benefits.<sup>4</sup>

<sup>3</sup> 8 U.S.C. § 1623.

<sup>4</sup> In July 2025, federal agencies released five Notices of Policy Interpretation challenging longstanding federal interpretations of what constitutes a “public benefit” as defined under PRWORA. The Department of Education (ED) Notice suggested that certain immigrants should be excluded from a number of programs, including some career and technical education (CTE) programs, language and literacy services, adult/continuing education programs, and dual enrollment programs. The Notices are not legally binding and do not represent an actual legislative change. More information is available in [this resource](#) from the Presidents’ Alliance and [this analysis](#) from the National Immigration Law Center.

After Congress passed these laws, over two dozen states across the country enacted tuition equity policies that were consciously designed to comply with IIRIRA or PRWORA. Contrary to what the federal government now claims, these state laws are entirely consistent with IIRIRA and PRWORA.

Here are some of the reasons:

- First, a state law can extend in-state tuition to undocumented students if the law does not depend on where the student lives. For example, many state laws comply with IIRIRA because they extend in-state tuition based on a student's attendance at, and graduation from, an in-state high school. Such laws do not turn on "residence" under IIRIRA. Under IIRIRA, "residence" has a specific definition: someone's "principal, actual dwelling place in fact."<sup>5</sup>
  - The statute is in the present tense: It allows states to extend benefits to undocumented students, even based on residence, so long as they also extend to a U.S. citizen regardless of whether he "is such a resident."<sup>6</sup> A law that extends in-state tuition to local high school graduates complies with that language because it applies regardless of whether the student "is" still a resident of the state. Such laws properly allow undocumented graduates from local high schools to pay the same tuition rates as their high school classmates, regardless of where they live.
- Second, in-state tuition should not implicate PRWORA. Lower tuition rates are not "public benefits" any more than lower tax rates are. PRWORA uses a specific definition<sup>7</sup> of "public benefit" that contemplates in-kind or "monetary assistance paid to students or their households."<sup>8</sup> A lower tuition rate does not fit that definition.

<sup>5</sup> 8 U.S.C. § 1101(33); see 8 U.S.C. § 1641 (incorporating definition from § 1101(a)).

<sup>6</sup> 8 U.S.C. § 1623 (emphasis added).

<sup>7</sup> PRWORA defines "public benefit" with a list of examples that typically involve payment of funds or other in-kind benefits, such as "retirement, welfare, health, disability, public or assisted housing," "food assistance" and "unemployment benefits," "for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of a State or local government or by appropriated funds of a State or local government" (8 U.S.C. § 1621(d)). In statutory interpretation, "a word is known by the company it keeps," so courts "construe the list of words at issue as invoking their most general quality—the least common denominator, so to speak—relevant to the context" (In re McDaniel, 973 F.3d 1083, 1097 (10th Cir. 2020)). PRWORA's definition is thus best read to cover only postsecondary education benefits that share the same characteristics as the other benefits it lists: "payment[s] or gift[s] such as financial help in time of sickness, old age, or unemployment" (Id. at 1098 (brackets modified)).

- Third, PRWORA expressly allows states to extend public benefits to undocumented immigrants so long as a post-PRWORA state law “affirmatively” so provides. Although some courts have held that such a law must specify it applies to undocumented immigrants, it does not need to use any specific magic words.<sup>9</sup>
- Fourth, even if PRWORA and IIRIRA apply in the manner the government suggests, it would arguably violate the Tenth Amendment of the U.S. Constitution. Under that amendment, Congress may not “issue direct orders” to state legislatures that prohibit them from passing certain laws.<sup>10</sup> If PRWORA directs that a state “may provide” public benefits only through the enactment of a post-PRWORA state law, it could be characterized as an impermissible directive to states requiring them to enact legislation in order to extend such benefits.<sup>11</sup>

**If you have any questions related to the legal framework in your state or would like to review copies of any of the briefings filed in any of the in-state tuition DOJ challenges, please reach out to [legalteam@presidentsalliance.org](mailto:legalteam@presidentsalliance.org).**

<sup>8</sup> Equal Access Educ. v. Merten, 305 F. Supp. 2d 585, 605 (E.D. Va. 2004).

<sup>9</sup> See, e.g., Martinez v. Regents of Univ. of California, 50 Cal. 4th 1277, 1296 (2010).

<sup>10</sup> Murphy v. Nat’l Collegiate Athletic Ass’n, 584 U.S. 453, 471, 474, 480-81 (2018).

<sup>11</sup> 8 U.S.C. § 1621(d).

# Recommended Actions for State Coalitions and Institutions

- Preparing for a Challenge
  - Guidance for State Coalitions and Partners
  - Guidance for Colleges and Universities
- The Role of Attorney General Opinions



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# Guidance for State Coalitions and Partners

Based on the legal framework outlined above and the current national landscape, the sections that follow shift from background to practice. They offer concrete steps to support consistent implementation, clear communication with community stakeholders, and effective coordination across agencies, institutions, and partners.

This section provides guidance for state coalition members and leaders. Coalitions play an important role in ensuring a coordinated, effective response to a tuition equity challenge.

### Key Response Principles:

- **Affirm State Authority:** Publicly reaffirm that your state retains the legal right to set tuition policies and that executive orders do not, on their own, change state laws.
- **Communicate Clearly:** Develop consistent messaging for students, educators, and policymakers emphasizing that tuition equity is lawful, effective, and widely supported (see *Narrative and Communications Strategy*).
- **Document and Share Impacts:** Gather data and stories showing how in-state tuition access benefits students, strengthens institutions, and advances state economies (see *Documenting Local and State Impact*).
- **Coordinate with Partners:** Work with higher education associations, advocacy groups, and legal experts to stay informed about litigation or guidance affecting tuition policies.

## Action Steps for Coalitions

When forming a coalition, identify individuals or organizations to lead on the following areas.

- **Messaging Guidance**

- Develop clear, consistent messaging that highlights your state's legal authority to set tuition policies and uplifts the proven benefits of in-state tuition for undocumented students.
- Create a rapid-response communications kit that includes fact sheets, FAQs, sample op-eds, and template social media content tailored to your state's laws and potential repeal or litigation impacts.
- Coordinate messaging across campuses, community organizations, and advocacy partners to ensure alignment and avoid conflicting public statements when challenges emerge.

- **Student Identification and Storytelling**

- Work with trusted campus and community partners to identify students, alumni, and institutions that may be willing to share their stories publicly or serve as intervenors in potential legal proceedings.
- Before participation, ensure that all individuals understand the legal process, potential risks, and available support.
- Student participation in public communications or legal actions should always be voluntary and informed. Individuals should be provided with clear information about potential risks and available supports prior to participation.
- Collaborate with legal partners to connect local organizations and students with attorneys leading litigation strategies while prioritizing student safety, privacy, and agency in any public engagement.

- **Data Collection and Impact Documentation**

- Gather and maintain updated data on undocumented and noncitizen students in your state, including enrollment figures and the educational and economic outcomes associated with in-state tuition access.

- Avoid collecting or maintaining personally identifiable information about students' citizenship or immigration status. Instead, engage in data minimization practices to protect students' privacy while still supporting research and advocacy. Coalitions can work with trusted research partners to analyze aggregate data on enrollment trends and the educational or economic impacts of in-state tuition access for undocumented and noncitizen students. For more information on protecting student privacy, visit the [Rights & Protections Hub](#) on the Higher Ed Immigration Portal.
- Document the history and context of your state's tuition equity law, including previous legislative attempts to repeal or restrict it.
- Collect personal stories, institutional statements, and economic research illustrating the benefits of tuition equity to help strengthen communications and legal defense efforts.
- Collect testimony from institutional stakeholders on the administrative burden of a potential policy change. Coupling insights from higher education personnel with data on state/institutional spending and analyses of the policy implementation plan (or lack thereof) can attest to the burden of changing tuition and aid policies.
- **Coordinated Legal and Policy Strategy**
  - Convene coalition partners and legal experts to discuss potential legal interventions and establish a shared understanding of state-specific laws and precedents.
  - Align on timelines, messaging, and opportunities for collective action, such as filing amicus briefs or issuing joint statements of support.
  - Prepare accessible legal and policy summaries for coalition members, policymakers, and campus leaders to ensure all partners are informed and ready to act quickly if a challenge arises.
- **Rapid Response & Support After Legal Action**
  - Rapid coordination helps maintain consistency, accuracy, and confidence during fast-moving developments. Develop a coordinated response plan that can be activated immediately if a complaint, lawsuit, or executive

action threatens tuition equity in your state. Establish a system for real-time communication, such as email or virtual briefings, to share updates and coordinate next steps.

- Provide campuses and organizations with template communications, FAQs for impacted students, timely fact sheets, checklists, and pre-drafted press statements for different scenarios, including initial filings, state-level responses, or legal interventions. The resource list at the end of this section includes some examples.
- Ensure all communications protocols are designed to preserve attorney-client privilege and attorney work product protections, especially when coordinating around potential or ongoing investigations or litigation.
- Whenever possible, ensure these materials are available in multiple languages to reach broader audiences and support inclusive communication.

## What to Do If a Legal Challenge is Filed (Immediate Aftermath)

- **Alert Key Partners Immediately:** Notify your coalition's legal and communications teams, organizations involved in this work like [MALDEF](#) and [NILC](#), and any retained pro bono counsel.
- **Avoid Public Speculation:** Limit public statements until the legal claims are reviewed. Ensure communications are coordinated through attorneys to maintain privilege. For more on communications, see *Narrative and Communications Strategy*.
- **Assess Intervention Options:** Determine whether direct intervention (joining the case as a defendant or intervenor) is necessary. This often depends on whether your state will defend the law vigorously.
- **Coordinate Amicus Support:** Engage partners to organize amicus briefs highlighting the legal soundness and human impact of tuition equity.
- **Protect Students:** Ensure that any students named in filings or public narratives have legal representation and understand the implications of being involved in litigation.

# Guidance for State Colleges and Universities

Higher education institutions are on the front lines of protecting access to education for undocumented and noncitizen students. When legal or political challenges to in-state tuition arise, colleges and universities play a crucial role in maintaining continuity for students, providing accurate information, and reinforcing the educational and economic value of tuition equity. This section outlines practical steps institutions can take to prepare for, communicate about, and respond to potential challenges. The section also includes information about steps to take to safeguard access for affected students and the role institutions can play in advocating for tuition equity policies.

- **Strengthen Institutional Readiness**
  - **Avoid Preemptive Compliance:** As a general matter, state tuition equity laws remain in effect unless and until they are invalidated by a court or formally repealed or superseded by the state legislature or relevant administrative authority. Executive actions, investigations, or pending litigation alone do not automatically change the legal status of existing policies.
  - **Designate a Response Team:** Establish a small cross-functional group, typically including representatives from legal counsel, government relations, student affairs, and communications, to monitor developments and coordinate responses.
  - **Review Policies and Protocols:** Assess how potential legal or legislative changes could affect tuition classifications and related practices and identify contingency considerations for impacted students in the event of policy changes.

- **Coordinate Across Institutions:** Where possible, connect with peer institutions across the state to promote consistency in communications, processes, and timelines. Coordinated approaches can help minimize confusion for students and families, reinforce public confidence, and support alignment with evolving state guidance and advocacy efforts. Institutions may consider forming a statewide working group with representation from both two-year and four-year colleges and universities.
  - **Align Messaging Guidance:** Once policy or procedural updates are confirmed, ensure that registrar, admissions, and financial aid offices receive timely guidance and training on new protocols. Provide these teams with clear talking points, FAQs, and escalation procedures to ensure consistent, accurate communication with students and campus partners.
  - **Stay Connected to Coalitions:** State and national networks, including those coordinated by advocacy groups or higher education associations, often serve as key sources of information on legal developments, policy trends, and effective institutional practices.
    - If you are interested in connecting with other groups working on these issues in your state, please email [legalteam@presidentsalliance.org](mailto:legalteam@presidentsalliance.org) for more information.
- **Communicate Clearly and Consistently**
    - **Develop Student-Facing Messaging:** Prepare FAQs and outreach materials that reassure students about their current status, clarify what any policy changes would mean, and identify trusted points of contact for additional support. We recommend developing multilingual materials to effectively support the needs of immigrant families.
      - Host a townhall, Q&A, or small group discussion with trusted staff to answer students' questions and concerns.
    - **Coordinate External Communications:** Align messaging with state and national partners to ensure clarity and avoid conflicting statements.
    - **Train Staff and Faculty:** Ensure that admissions officers, financial aid administrators, advisors, and other frontline staff receive clear, up-to-date information so they can respond to student questions accurately, consistently, and with sensitivity.

- **Respond to Emerging Challenges:** When legal or policy developments occur, activate the institution's internal response team to coordinate communications and student support. Share official statements, FAQs, or updates that reflect the current landscape and direct students to appropriate resources.
- **Document and Share Impact**
  - **Highlight Success Stories:** Share stories of student achievement, community engagement, and alumni contributions that demonstrate the value of tuition equity. Work in partnership with students to gather their input on the most effective ways to share their stories.
  - **Contribute to Broader Advocacy:** Collaborate with coalitions and organizations to provide institutional data or testimony that supports the legal and public case for maintaining access to in-state tuition.
  - **Document Questions and Concerns:** Keep track of the questions that arise among students, financial aid administrators, program coordinators, and registrar and admissions offices. These queries will help demonstrate the burden of implementation and the scope of impact.
- **Litigation Support/Amicus Engagement**
  - **Explore Collective Action:** Work with trusted organizations—like the [Presidents' Alliance on Higher Education and Immigration](#)—to join or support amicus briefs that defend tuition equity.
  - **Contribute Evidence:** Share data, student stories, and institutional perspectives that demonstrate the educational, economic, and community benefits of tuition equity. Real-world examples help courts and the public understand what is at stake for students and institutions. Even if you cannot sign on to an amicus brief, submitting stories and data points can help strengthen arguments and attest to the impact of a policy change on students and institutions.

# The Role of Attorney General Opinions

This section builds on the recommendations outlined above for higher education institutions and state and community coalitions by highlighting one specific tool that can support those efforts: Attorney General (AG) opinions.<sup>12</sup> When used strategically, AG opinions can reinforce institutional readiness, support coalition coordination, and provide legal clarity that strengthens the durability and implementation of tuition equity policies.

## Attorney General Opinions Are Critical Tools

Attorney General opinions are important mechanisms for providing legal clarity and assurance in the implementation of tuition equity laws. These opinions interpret existing statutes, guide state agencies and higher education systems, and can serve as persuasive authority and play a critical role in affirming statutory intent and supporting consistent implementation across institutions.

It is important to note, however, that Attorneys General vary in their legal interpretations, priorities, and willingness to issue opinions. Not every AG will be inclined to provide guidance on tuition equity issues, particularly in politically charged environments. Even so, where available, AG opinions can be a powerful tool for institutions and coalitions working to defend and sustain access.

## Proactive Engagement with the Attorney General's Office

Proactive engagement with an Attorney General's office can help states achieve greater legal clarity and policy stability. Updated or reaffirmed opinions can correct

<sup>12</sup> For an overview of the role and function of Attorney General opinions, see [National Association of Attorneys General \(NAAG\), "Attorney General Opinions;"](#) [What Attorneys General Do \(NAAG\)](#).

outdated guidance, clarify ambiguities in statutory interpretation, and ensure consistent application of the law across agencies and institutions. For institutions and coalitions, early coordination around the need for an opinion can align legal strategy with communications, implementation planning, and student support efforts.

## A Recent Example: Arizona

A recent example illustrates the value. On August 12, 2025, Arizona Attorney General Kris Mayes issued [Opinion I25-006](#), addressing the consistency of Proposition 308 (2022) with federal immigration and education statutes (specifically, 8 U.S.C. §§ 1621 and 1623). Proposition 308 allows certain students, regardless of immigration status, to qualify for in-state tuition if they meet Arizona high school attendance and graduation requirements. The Attorney General concluded that Proposition 308 is consistent with federal law because it does not confer benefits on the basis of state residence but instead relies on educational criteria. The opinion further affirmed that states have the authority under 8 U.S.C. § 1621(d) to enact laws that affirmatively provide eligibility for public benefits to noncitizens who might otherwise be ineligible, and that Proposition 308 satisfies that requirement.

## Why This Opinion Mattered

This opinion provided essential legal clarity for state agencies and higher education institutions by confirming that Arizona's tuition equity framework is consistent with federal law. It strengthened institutional confidence in implementation, reduced uncertainty for administrators and students, and demonstrated how a well-reasoned AG opinion can proactively reinforce a state's policy framework. For other states, the Arizona example illustrates how legal guidance can bolster the durability of tuition equity laws and clearly communicate that a state's commitment to access is grounded in sound legal reasoning.

## Requesting and Developing Attorney General Opinions: Process and Best Practices

Attorney General opinions are typically issued in response to formal requests from state officials, agencies, or legislators who seek authoritative interpretations of state

law. The specific procedures vary by state, but most Attorneys General have a defined process and criteria for determining whether to issue an opinion. Understanding how to request and shape these opinions is critical for ensuring that higher education agencies and policymakers receive timely, accurate, and useful guidance.

## **Who Can Request an Opinion**

In most states, formal requests for Attorney General opinions may be submitted by designated public officials such as the governor, legislators, heads of state agencies, or boards of regents. In some states, public institutions of higher education may submit requests through their governing board or coordinating agency. Stakeholders such as advocacy organizations and institutional leaders can collaborate with these authorized requestors to identify the need for an opinion and assist in framing the legal question.

## **Limitations on Attorney General Opinions**

Most Attorney General offices will not issue an opinion on matters that are the subject of ongoing litigation, that concern policy rather than legal interpretation, or that are purely hypothetical. In a few states, Attorney General opinions are binding on state agencies. However, in most states, these opinions are advisory, though courts often give them significant weight when interpreting state law or administrative action. Understanding these limits helps requestors frame questions effectively and ensures that the opinion process yields practical and authoritative guidance.

## **How to Request an Opinion**

The process generally begins with a written request that clearly outlines the legal question to be addressed, the relevant statutes, and the context in which clarification is needed. The request should be concise, factually accurate, and focused on the interpretation of existing law rather than hypothetical or political issues. Supporting documentation, including relevant statutes, legislative history, or court decisions, helps ensure that the Attorney General's office has the information needed to evaluate the question.

Once received, the Attorney General's legal staff reviews the request, determines whether it falls within the scope of the office's authority, and assigns attorneys to research and draft a response. Opinions are typically published on the Attorney General's website and serve as persuasive, though not binding, authority within the state.

## Best Practices

To make the most effective use of Attorney General opinions, institutions and coalitions should:

- Coordinate with higher education and legal counsel early to ensure the question aligns with broader policy goals and is framed clearly.
- Collaborate with authorized officials, such as legislators or agency heads, who can formally submit the request.
- Provide factual background that accurately represents how the issue affects students, institutions, or implementation processes.
- Monitor existing opinions to identify when updates or reaffirmations may be necessary, especially following new legislation or court decisions.
- Disseminate issued opinions widely among institutions, policymakers, and community partners to ensure consistent interpretation and compliance.

# Templates and Resources

- **Sample Statements**

- [The California Undocumented Higher Education Coalition Condemns Legal Attacks on College Affordability Policies for Undocumented Students](#)
- [Statement from Immigrants Rising on the Department of Justice’s Complaint Against California’s In-State Tuition and Financial Aid Policies](#)
- [“Harmful and Self-Defeating” – TheDream.US and Presidents’ Alliance Responds to DoJ Lawsuit Against Texas In-State Tuition for Dreamers](#)

- **Amicus Briefs**

- [Amicus Brief Filed by the Presidents’ Alliance in the Fifth Circuit Court of Appeals](#)
- [Amicus Brief Filed by the Presidents’ Alliance in UNT case](#) (Texas)
- [Amicus Brief Filed by Public Justice](#) (Kentucky)

- **Guides**

- [Standing Up for AB 540: A Guide for Institutions & Educators in California, Institutional Solutions](#)
- [In-State Tuition and Scholarships for Undocumented Students: What Institutions Should Know](#)
- [How Governors and Attorneys General Can Use Their Authority to Support and Protect Immigrants](#), National Immigration Law Center

# Documenting and Communicating Impact

- Narrative and Communications Strategy
- Documenting Local and State Impact



3

## Documenting and Communicating Impact

This section expands on the recommendations above by providing detailed guidance on preparing and implementing a communications strategy. It includes narrative framing, key messages, and rapid-response tools to reinforce the legitimacy, fairness, and broad public benefits of in-state tuition access for undocumented and noncitizen students. It also provides an overview of how states, higher education institutions, and coalitions can use data to respond to misinformation or challenges.

# Narrative and Communications Strategy

A coordinated communications and narrative strategy strengthens the legal and public case for tuition equity. By aligning on values, leading with community-centered messages, and responding swiftly to misinformation, states and institutions can maintain public confidence, protect students, and sustain momentum toward inclusive higher education access.

## Goals of a Narrative and Communications Strategy

- Help states and institutions frame tuition equity as both a fairness issue and an economic issue.
- Reinforce state authority and the legality of tuition equity policies.
- Counter misinformation with clear, fact-based responses.
- Protect impacted students while centering dignity, agency, and community benefit.

A swift response to a lawsuit filed in your state or other major policy change will have the most impact. Suggested rapid response protocol includes:

- Establishing a decision chain.
- The 4-Hour rule: Set a goal to have a statement issued within 4 hours of a major event (EO release, lawsuit filing). This statement should be brief and direct inquiries to either a dedicated website or spokesperson.
- Creating a centralized resource hub to direct all parties to a single place that has the most up-to-date information and resources.
- Implementing a plan for communicating to directly impacted community members.

# How to Talk about Tuition Equity

## Overview

- States have the authority to establish tuition rates for their public colleges and universities and to determine who is eligible to receive in-state rates.
- Ensuring equitable access to in-state tuition rates regardless of race, socio-economic status, and immigration status helps students succeed, boosts state economies, and benefits the entire nation.
- Having a highly educated workforce benefits residents across the state. Earning a college degree or even attending some college [increases](#) residents' earning potential, resulting in greater tax contributions to state and local governments.
- Undocumented students who earn a college degree are more likely to fill [critical workforce shortages](#) (especially in healthcare, education, and technology).

## Tuition Equity is Smart Policy

- [Offering in-state tuition](#) to all students in a state, regardless of immigration status, helps ensure states have the workforce they need without reducing access to enrollment or financial aid for U.S. citizen students.
- While expanding access to in-state tuition to undocumented students has positive economic and social impacts, the total number of individual students who are affected by these policies is low. Undocumented students make up [less than 2 percent](#) of the overall college student population.
- Dreamers who are covered by these policies are deeply rooted in American communities. For example, DACA recipients arrived in the U.S. at an average age of six and have lived here for more than 25 years, growing up in our neighborhoods, attending our schools, and contributing to our communities.

## Support for Tuition Equity is Strong

- Tuition is on the rise, and ensuring equity for students of all income levels is more important than ever. Over the past two decades, [a total of 25 states and Washington, D.C.](#) provided policies that extend in-state tuition to undocumented students. Equitable access to in-state tuition fosters inclusion and improves economic outcomes for students and communities.

- Residents, legislators, and [business leaders](#) support in-state tuition rates for undocumented students. Texas was the first state to enact [tuition equity in 2001](#), and its longstanding policy was successfully defended for over two decades. Though legislation attempting to end in-state tuition had been introduced in the Texas Senate, every attempt over the years to repeal the law had either [failed or been blocked by the courts](#). The upset created by the administration’s lawsuit challenging in-state tuition stands in opposition to historical and broad community support of the policy.
- Voters in Arizona passed [Proposition 308](#), allowing noncitizen residents who meet specific criteria to access in-state tuition. The measure passed with strong bipartisan support from voters, despite significant opposition campaigns.

## Audience Segmentation and Tailored Messaging

Audience	Communication Goal	Key Message	Preferred Channels
Higher Education Administrators & Staff	Prevent preemptive or unnecessary compliance actions	Clarity on current law, institutional obligations, and student protections	Internal memos, legal counsel briefings, campus leadership meetings
Policymakers & Government Officials	Maintain support for current law and affirm state authority	Tuition equity is lawful, economically sound, and aligned with state interests	Policy briefs, legislative meetings, testimony, one-pagers
General Public & Media	Build widespread support and counter misinformation	Tuition equity promotes fairness, economic growth, and community well-being	Press releases, social media, op-eds, earned media interviews
Impacted students and their families	Provide reassurance, clarity, and support	Current eligibility remains in place; students’ safety and privacy are priorities	Campus communications, trusted community organizations, multilingual resources

## Sample Message Frames

Theme	Core Message	Supporting Point
Economic Growth	Investing in students pays off for our state economy.	Graduates who benefit from in-state tuition earn higher wages and contribute more in taxes.
Legal Authority	Federal law does not prohibit states from creating in-state tuition policies.	Executive actions cannot override duly enacted state laws/federal statute explicitly affirms state authority.
Community Benefit	When all students have access to education, everyone wins.	Our communities are stronger and more prosperous when every student can reach their potential.  Declining enrollment harms institutions, constrains opportunities for all students, and jeopardizes local economic activity.
Institutional & Local Impact	Enrollment stability is essential to institutions and surrounding communities.	Restricting access to in-state tuition can lead to enrollment declines, resulting in lost tuition revenue for institutions and reduced economic activity for local communities that rely on student spending.
Fairness & Opportunity	Students who have grown up in and graduated from our schools deserve the same opportunity to pursue their dreams.	In-state tuition recognizes students' long-term ties to their communities and educational investment on the part of the state.

## Debunking Common Myths and Responses

Myth	Response
In-state tuition for undocumented students is unlawful.	Focus on state’s explicit authority: States have full legal authority to set tuition policy. Federal law (8 U.S.C. § 1621(d)) explicitly allows states to affirm eligibility.
This policy is “unfair” to U.S. citizens.	Eligibility is based on meeting state educational requirements. Citizens who meet the same criteria also benefit, including students who are not residents of the state. Higher education access is not a zero-sum game. When more people are able to access higher education, it creates more value, opportunities, and innovation that we all benefit from.
Undocumented students don’t contribute to the economy.	Most undocumented students and their families have lived, worked, and contributed to their state’s economy for years. When they are able to access higher education, their contributions grow exponentially, strengthening the workforce, increasing tax contributions, and supporting long-term economic growth.
In-state tuition is a handout that burdens the average taxpayer.	The long-term economic return outweighs any short-term costs. The cost of exclusion is higher than the cost of inclusion.

## Visual and Digital Strategy

- **Infographics:** Develop simple/visually compelling infographics highlighting data points on economic impact.
- **Alumni or Student Video Testimonials:** 30-60s videos of students or alumni discussing how in-state tuition enabled their careers and contributions.
- **Know Your Rights Materials:** Plain-language, multilingual resources explaining student protections, privacy considerations, and available support.

## Templates and Resources

- **Templates**
  - [Template Press Statement for Coalitions](#)
  - [Florida Dreamers Fact 2025 Sheet \(Tuition Fairness Campaign\), TheDream.US](#)
  - [Massachusetts Tuition Equity for Dreamers: What You Need to Know](#)
- **Statements**
  - [Statement From Immigrants Rising on the Department of Justice’s Complaint Against California’s In-State Tuition and Financial Aid Policies](#)
  - [TheDream.US and Presidents’ Alliance React to “Self Defeating” Harms of Florida Rescission of In-State Tuition Waiver for Dreamers](#)
- **Tools**
  - [Stories that Move Us](#) on the Higher Ed Immigration Portal
  - [Future Over Fear: Tools to Build a Different Story](#), Opportunity Agenda Toolkit
  - [Rights and Protection Hub on the Higher Ed Immigration Portal](#)
- **Reports**
  - [Texas Dream Act Report](#), Every Texan
  - [The Economic Benefits of Proposition 308: Expanding In-State Tuition to Arizona Dreamers](#), American Immigration Council

- **Opinions**

- [Tuition Equity for Undocumented Students is Good for Everyone](#), Corinne Kentor
- [Why Florida Dreamers' higher education opportunities strengthen our state](#), Gaby Pacheco
- [California must preserve in-state tuition policy for immigrant students](#), Iliana Perez

# Documenting Local and State Impact

Communicating the importance of a tuition equity policy starts with understanding the impact the policy has on the postsecondary education sector and the state economy. Below, you can find some top-level data points on undocumented students enrolled in higher education and the economic contributions of undocumented individuals in each state.

The figures below only reflect enrollment, spending power, and tax contributions from undocumented immigrants. After graduating college, some individuals are able to adjust their status, potentially expanding their employment opportunities and their economic impact. The [“Map the Impact”](#) tool from the American Immigration Council provides additional information about the economic contributions of all immigrant populations.

Sample size constraints preclude us from reporting the number of undocumented students enrolled in higher education in some states. If information about your state is not available, you can look for historical data on financial aid applications. Depending on how your state tracks and analyzes financial aid applications, you may be able to estimate the impact of rescinding a tuition equity policy. For an overview of national research and data attesting to the impact of tuition equity policies, see *Appendix A*.

**If you would like to discuss questions specific to your state, please email [research@presidentsalliance.org](mailto:research@presidentsalliance.org).**

## State Data

State	Undocumented students enrolled in higher ed	Undocumented immigrant spending power	Taxes paid by undocumented immigrants
Alabama	-	\$1.6B	\$423.8M
Alaska	-	\$197.1M	\$64.0M
Arizona	10,968	\$7.5B	\$2.1B
Arkansas	-	\$1.6B	\$441.2M
California	102,938	\$65.9B	\$21B
Colorado	6,779	\$5.8B	\$1.7B
Connecticut	6205	\$3.0B	\$1.0B
Delaware	-	\$660.3M	\$160.7M
District of Columbia	-	\$523.1M	\$194.5M
Florida	49,356	\$22.6B	\$6.4B
Georgia	17303	\$9.5B	\$2.7B
Hawaii	-	\$635.7M	\$213.5M
Idaho	-	\$824.1M	\$203.2M
Illinois	27,672	\$15.6B	\$4.9B

<b>State</b>	<b>Undocumented students enrolled in higher ed</b>	<b>Undocumented immigrant spending power</b>	<b>Taxes paid by undocumented immigrants</b>
Indiana	7106	\$3.0B	\$800.5M
Iowa	-	\$1.4B	\$418.6M
Kansas	-	\$2.1B	\$614.4M
Kentucky	-	\$883.1M	\$233.1M
Louisiana	-	\$1.5B	\$420.7M
Maine	-	-	-
Maryland	11,675	\$4.9B	\$1.4B
Massachusetts	12,519	\$4.5B	\$1.4B
Michigan	8769	\$3.1B	\$887.3M
Minnesota	-	\$2.1B	\$597.3M
Mississippi	-	\$434.6M	\$114.8M
Missouri	-	\$1.5B	\$384.8M
Montana	-	-	-
Nebraska	-	\$1.5B	\$457.1M
Nevada	-	\$4.9B	\$1.3B

<b>State</b>	<b>Undocumented students enrolled in higher ed</b>	<b>Undocumented immigrant spending power</b>	<b>Taxes paid by undocumented immigrants</b>
New Hampshire	-	-	-
New Jersey	19,420	\$14.6B	\$4.7B
New Mexico	31452	\$1.6B	\$467.3M
New York	12,024	\$18.4B	\$6.7B
North Carolina	-	\$7.2B	\$1.9B
North Dakota	-	-	-
Ohio	5,263	\$2.6B	\$739.8M
Oklahoma	-	\$2.1B	\$561.8M
Oregon	-	\$2.5B	\$695.6M
Pennsylvania	8,853	\$4.1B	\$1.2B
Rhode Island	-	\$889.5M	\$272.3M
South Carolina	-	\$2.4B	\$633.9M
South Dakota	-	-	-
Tennessee	4,184	\$3.5B	\$915.6M
Texas	73,379	\$48.8B	\$13.8B

State	Undocumented students enrolled in higher ed	Undocumented immigrant spending power	Taxes paid by undocumented immigrants
Utah	-	\$3.1B	\$859.1M
Vermont	-	-	-
Virginia	13,122	\$5.9B	\$1.7B
Washington	12,866	\$9.8B	\$3.1B
West Virginia	-	-	-
Wisconsin	-	\$2.4B	\$685.4M
Wyoming	-	-	-

## Collecting Data

Telling a compelling local story may require additional data that attests to the impact of tuition equity on your state and community. As you work to collect this information, here are a few key points to consider:

- **Figure out the scale of the impact.** Understanding the effect of a policy change starts with identifying who will be impacted. Visit the state pages on [the Higher Ed Immigration Portal](#) to learn about the undocumented population in your state. Then, connect with local institutions to understand who else will be impacted by the policy change.
- **Identify the most important data points.** Depending on your context, you may want to highlight information about workforce needs, college enrollment and graduation rates, economic contributions, etc.
  - What are the workforce needs in your state? How do these relate to popular majors and pre-professional programs? What roles could undocumented students fill, given the opportunity and access to work authorization?

- What are the enrollment trends in your colleges and universities? How are undocumented students sustaining or contributing to important programs that benefit all students?
- What would be the cost to your state if tuition equity were rescinded? Consider [this analysis from AIC](#) on the economic impact of eliminating the Texas Dream Act.
- **Find partners.** To answer your questions, you may need to work with your local college and university systems or access state data. Are there existing policy shops you can tap into to support with this work? What partnerships do you need to establish to collect and analyze data about your state? How can you partner with businesses to communicate the importance of this policy?
- **Document impact.** Gather testimony from alumni who benefited from your state's tuition equity policy. Consider working with the alumni engagement office at flagship institutions to tell stories about their postgraduate pathways and contributions to different sectors. Solicit testimony from faculty and staff at local institutions regarding the contributions of undocumented students and the implementation burden of changing your state's tuition and aid policies.

**A note on economic and workforce impact:** Undocumented students' postgraduate prospects are constrained by their access to work authorization (or lack thereof). In assessing the implications of a policy rescission when it comes to the state workforce, focus on students with work authorization and clarify that contributions would be amplified if more students had access to the protections afforded DACA recipients and other populations.

## Templates & Resources

- [Map the Impact](#), American Immigration Council
- [Breakdown of the Undocumented Student Population in U.S. Colleges and Universities, 2023](#)
- [Portal to the States](#) on the Higher Ed Immigration Portal

# Supporting Students After Loss of Access

- Lessons from Texas

4

# Lessons from Texas

When states restrict or eliminate in-state tuition eligibility, undocumented students face immediate and often devastating barriers to continuing their education. Rapid policy shifts can also create uncertainty among institutions, administrators, and counselors regarding “lawful presence” and tuition standards.

This section draws on lessons learned from the Texas litigation challenge that resulted in the repeal of in-state tuition for individuals who did not meet the “lawfully present” criteria outlined in the district court’s order. It responds to the confusion that followed during the implementation of the policy change, provides insights for other states and higher education systems, and outlines practical strategies to support students and institutions navigating similar transitions.

Higher education leaders, coalitions, and community partners play a critical role in reducing harm, clarifying information, and advocating for equitable solutions. The strategies outlined below are designed to promote consistency, transparency, and student-centered practices in the wake of policy changes or litigation outcomes that affect tuition access.

## **Clarify New Standards and Educate Administrators**

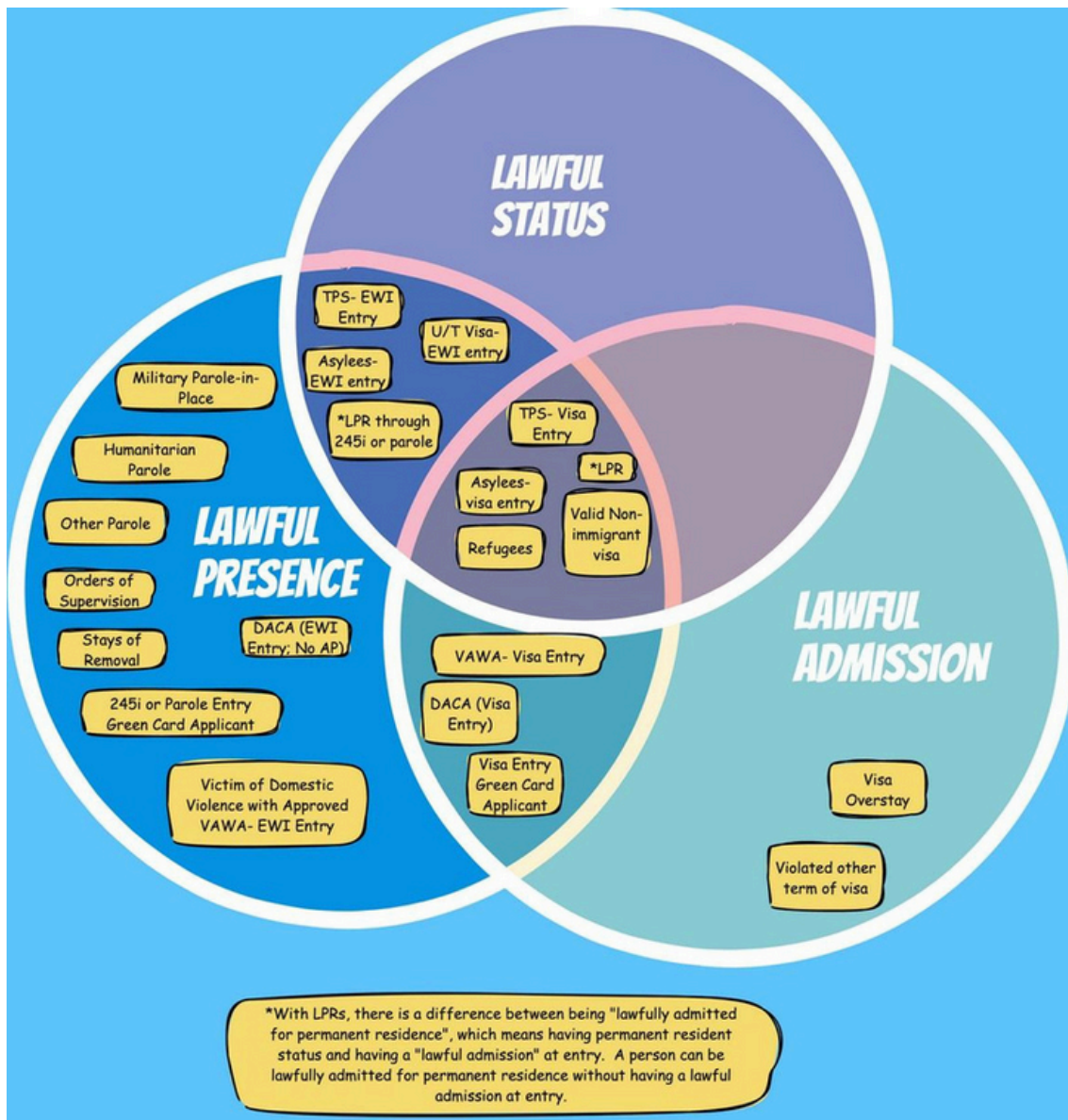
- Ensure institutional leaders, admissions officers, and financial aid staff receive clear and consistent guidance when a tuition equity law is repealed through litigation or legislative action, particularly when implementation begins while related legal proceedings are still ongoing.
- Begin by confirming compliance with any applicable court orders and clearly communicating what those orders do and do not require. Emphasize the importance of applying the precise legal standard governing tuition eligibility during transition periods to avoid inconsistent or premature implementation.

- Provide context on why new standards may create uncertainty. In Texas, the consent decree limited in-state tuition eligibility to students who met the definition of “lawful presence,” meaning some students could still qualify. However, this required institutions to apply an immigration standard that is complex, creating uncertainty and confusion about how eligibility should be assessed in practice.
- Support administrators in understanding key immigration law concepts that may be implicated by court orders or guidance, and that are sometimes mistakenly used interchangeably, including lawful admission, lawful status, lawful presence, and periods of authorized stay. Emphasize that these terms have distinct legal meanings and should not be applied interchangeably.
- Offer training sessions, legal briefings, and written guidance for key campus personnel that explain applicable state and federal regulations, eligibility criteria, and when additional legal review is appropriate.
- Encourage consultation with legal counsel or referral to qualified immigration legal service providers when questions arise to help prevent misclassification and ensure students are not denied access based on misunderstandings of complex legal standards.

## Audit and Update Institutional Information

- Work directly with colleges and universities to review and correct all publicly available information, including websites, admissions materials, financial aid pages, and policy documents, to ensure that content reflects the current legal framework and institutional policies. Encourage institutions to adopt consistent, legally accurate language and to develop best practices for maintaining updated content.
- Partner with higher education associations to standardize messaging statewide and prevent confusion among students and counselors. Universities should also publish and maintain a clear student-facing FAQ document that addresses tuition classification and lawful presence in plain, accessible language. This resource should be readily available on admissions and other public webpages, be regularly updated, and include guidance on how students can verify eligibility or seek assistance.<sup>13</sup>

<sup>13</sup> For example, Texas A&M University–Prairie View developed an [FAQ](#) that provides straightforward, student-centered explanations and emphasizes the institution’s commitment to helping students navigate tuition classification changes. The resource uses plain, non-legal language to ensure accessibility and understanding for all students.



Students may fall into multiple categories at the same time. For example, individuals with DACA, parole, or pending humanitarian relief applications may be lawfully present or in a period of authorized stay even if they do not have lawful status. Similarly, the loss of lawful status does not automatically result in unlawful presence, and some individuals, including minors, may not accrue unlawful presence at all. The accompanying diagram is adapted from a resource prepared by the Texas Immigration Law Council.<sup>14</sup>

<sup>14</sup> The categories of individuals who may qualify as lawfully present are subject to change based on developments in federal immigration law, regulation, or litigation. This diagram is intended as a general reference and should be applied in consultation with current guidance and legal counsel.

## Engage Sympathetic Legislators and Policy Allies

- Engage legislators who have expressed support for undocumented and immigrant students—particularly those who serve on Higher Education Committees or represent areas where students or institutions have identified challenges in understanding or implementing tuition eligibility standards. This approach is also helpful when other avenues of clarification or coordination prove ineffective; legislators can play a valuable role in reinforcing accountability and promoting consistency. These lawmakers can help facilitate communication between campuses, higher education agencies, and state leaders to ensure consistent understanding and application of policy.
- Legislators often serve as trusted messengers who can help facilitate communication between campuses, higher education agencies, and state leaders. Their engagement can encourage timely clarification, ensure accurate information is shared, and reinforce the importance of equitable implementation.

## Administrative Advocacy and Rulemaking Participation

- When states plan to implement court decisions or legislative changes through administrative rulemaking, as in the case of Texas, engage early and strategically.
- Submit public comments advocating for clarity, equity, and student protection, emphasizing the importance of accurate interpretation of eligibility standards.<sup>15</sup>
- Encourage institutions, coalitions, and community partners to participate jointly in comment periods to present consistent, informed perspectives.
- Monitor agency actions and interpretations throughout the rulemaking process to identify and respond to any guidance or statements that may expand restrictions beyond what the court or legislature intended.
- Frame advocacy and feedback around compliance, institutional consistency, and the broader educational mission.

<sup>15</sup> In Texas, advocates urged the Higher Education Coordinating Board to clarify rules on “lawful presence” after reports of DACA recipients being denied in-state tuition. The Board responded that DACA recipients are currently not eligible, incorrectly interpreting the current status of DACA students, despite ongoing DACA litigation and current DHS interpretations referencing lawful presence considerations. This interpretation contrasted with prior positions taken in litigation, including the Texas Attorney General’s position in *U.S. v. Students* (the tuition challenge) regarding the lawful presence of DACA recipients, and occurred amid ongoing legal uncertainty surrounding the DACA program.

- Proactive administrative advocacy helps ensure that the implementing regulations and agency guidance remain legally sound, transparent, and equitable, preventing confusion or unnecessary harm during periods of policy change.

## Identify and Support Impacted Students

- Develop a coordinated approach to identify and support students who have lost access to in-state tuition. Use webinars, outreach sessions, and community partnerships to reach affected students and raise awareness about available resources.
- Prioritize engagement with teachers, counselors, and other trusted educators, who are often the first adults students confide in when their tuition status changes. These individuals play a critical role in recognizing impacted students early and connecting them to support.
- Strengthen partnerships with organizations that represent and equip educators—such as the [National Education Association](#) (NEA), the [American Federation of Teachers](#) (AFT), the [National Association for Bilingual Education](#) (NABE), the [American Association of University Professors](#) (AAUP), and local [Texas Association for Bilingual Education](#) (TABE) chapters (or state equivalent)—to expand outreach networks and ensure timely, accurate information reaches students, families, and school communities.
- Work collaboratively with allied faculty, staff, and community organizations to connect students to alternative supports, including:
  - Scholarships and tuition waivers that remain available regardless of immigration status.
  - Transfer pathways to more affordable community colleges, states with friendlier tuition policies, or local private colleges.
  - Emergency aid funds established by philanthropic or campus partners.
  - Mental health providers to help students navigate complex emotions.
- Help develop virtual or in-person support groups for students who have lost access to in-state tuition. Ensure that all outreach efforts are culturally responsive and linguistically accessible and maintain student confidentiality.

## Engage K-12 College Counselors

To effectively identify and support students after the loss of in-state tuition access, it is also critical to equip K-12 college counselors, who are often the first trusted adults students and families turn to for guidance. During periods of policy change or uncertainty, counselors frequently field questions about eligibility and postsecondary options, often without clear or timely information. Strengthening the capacity of K-12 counselors is therefore a key strategy for reducing confusion, mitigating harm, and ensuring students receive accurate guidance.

As part of this broader effort to strengthen educator capacity, the Presidents' Alliance, along with [Breakthrough Central Texas](#), and [FirstGenEmpower](#), launched College Corner in 2025, a new initiative designed specifically for K-12 educators and college counselors supporting undocumented students and their families. College Corner provides timely policy updates, targeted resources, and a professional network for educators and counselors to collaborate and develop strategies to help undocumented students access college pathways.

To complement these meetings, the [College Corner Hub](#) on the [Higher Ed Immigration Portal](#) offers policy guidance, scholarship information, and additional tools for K-12 educators and counselors.

### What College Corner Offers:

- **Monthly Policy Updates:** Stay informed with the latest developments in immigration as it relates to K-12 college counseling.
- **Resources to Support Students and Families:** Access practical tools and materials tailored to college counselors working with undocumented students.
- **Community Building:** Connect with other K-12 college counselors across the country to share experiences, insights, and solutions in a collaborative environment.

**To join or for any questions related to College Corner, please reach out to Felecia Russell at [felecia@presidentsalliance.org](mailto:felecia@presidentsalliance.org).**

## Provide Legal Referrals and Ongoing Support/ Screening Clinics

- Refer students who have been misclassified or denied in-state tuition to qualified immigration attorneys or legal clinics. These professionals can assess potential lawful presence options, review misclassification cases, and guide students in appealing erroneous determinations.
- Where possible, establish partnerships between institutions and trusted nonprofit legal service providers to facilitate referrals and information sharing, ensuring students receive timely and accurate advice.

## Compliance with Court Orders and Protecting Student Privacy Under FERPA

- The Family Educational Rights and Privacy Act (FERPA) prohibits schools from disclosing personally identifiable information from student education records without the student's written consent, except under limited, legally defined circumstances.
- As institutions and coalitions work to implement or respond to changes in tuition classification standards, it is essential to prioritize compliance with FERPA and protect the privacy of students' sensitive information. For more information, visit the [Rights & Protections Hub](#) on the Higher Ed Immigration Portal.

## Address Policy Impact on Private Institutions

While the repeal of in-state tuition policies directly affects public colleges and universities, private institutions may also be significantly affected, particularly in states where tuition equity laws were paired with access to state-based financial aid. In many states, undocumented students are eligible for certain state financial aid programs regardless of whether they enroll in a public or private institution. When a tuition equity policy or related eligibility framework is challenged or rescinded, these financial aid classifications may change, resulting in the loss of state aid dollars for students attending private colleges. This can reduce affordability, disrupt enrollment decisions, and create financial strain for both students and institutions.

As a result, private colleges may experience secondary effects of tuition equity challenges, including lower enrollment among undocumented and other immigrant-origin students and reduced tuition revenue. These impacts underscore that tuition equity policies are not limited in effect to public institutions alone. Changes to state financial aid eligibility can reverberate across the higher education ecosystem, affecting private institutions that serve undocumented students. Private institutions should consider joining coordinated advocacy efforts (e.g., amicus briefs, messaging campaigns) to ensure their perspective is represented in discussions about the impact of repealing tuition equity policies.

Undocumented students often perceive private institutions as inaccessible due to cost. However, because private colleges are not subject to the same residency-based restrictions as public institutions, they have a timely opportunity to expand access for undocumented students.

Policy changes that limit access to in-state tuition and state-based financial aid increase the cost of attendance and narrow pathways to enrollment and persistence for undocumented and other immigrant-origin students. For private colleges, this moment presents both a responsibility and an opportunity to mitigate harm. Private institutions can support affected students by:

- Expanding institution-funded financial aid;
- Adopting need-based and residency-neutral aid policies;
- Providing transparent and early financial counseling; and
- Ensuring access to emergency and retention grants.

Additionally, private colleges can leverage philanthropic resources, partnerships, and flexible payment options to help offset sudden cost increases, signaling a clear institutional commitment to access, equity, and student success amid shifting policy landscapes.

**To learn more about private institutions that are undocu-friendly, see the [Private Institutions Tool](#) on the Higher Ed Immigration Portal.**

## Templates and Resources

- [TXdreamact Hub](#): A compilation of resources for Texas students in wake of Texas Dream Act litigation
- [Toolkit for Undocumented Students in Higher Education](#)
- [Texas College Guide for Parents of College Student](#), Intercultural Development Research Association
- [Navigating In-State Tuition in Texas: A Quick Guide for Parents of Graduating High School Seniors](#), Intercultural Development Research Association
- [Supporting Mental Health Amid Uncertain Immigration Status: A Higher Education Guide](#)
- [College Corner](#) on the Higher Ed Immigration Portal
- [K-12 Advising Guide: Supporting Undocumented Students with the College Process](#)
- [Guidance for Higher Education on Immigration Student Privacy and FERPA](#)
- [Legal Pathways Learning Tool and Legal Consultations](#)

# Conclusion

- Appendix A: National and Historical Data
- Appendix B: List of Tools and Resources

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# Conclusion

Protecting tuition equity requires sustained coordination, clear communication, and readiness to respond as legal and political conditions shift. This playbook is intended to support state coalitions and higher education institutions in taking practical action before a challenge arises, during fast-moving developments, and in the months that follow.

Amid these broader changes, the Higher Ed Coordinating Group on Tuition Equity and Program Criteria remains active and committed to supporting partners across states. For questions, technical assistance, or to connect with others engaged in this work, please reach out at [legalteam@presidentsalliance.org](mailto:legalteam@presidentsalliance.org).

# National and Historical Data

This appendix provides an overview of what we know about the impact of tuition equity policies. You are welcome to use the research cited in this section to bolster arguments about the positive effects of tuition equity policies and to counter common myths about how these policies impact U.S. citizens. While some of these examples are state-specific, they can help you demonstrate that these policies are time-tested and have had broad positive effects.

**For additional questions regarding the information cited here, please email [research@presidentsalliance.org](mailto:research@presidentsalliance.org).**

## Reducing High School Attrition Rates

### Toplines:

- Tuition equity policies reduce high school dropout rates by 8 percentage points.
- Undocumented students living in states with tuition equity policies are 65% more likely to be enrolled in high school.
- Each high school dropout costs the U.S. \$272,000.

**The effect:** Tuition equity policies help reduce high school dropout rates among foreign-born noncitizens (FBNC), a common proxy for undocumented status, by upwards of eight percentage points ([Potochick, 2014](#)). Undocumented students living in states with tuition equity policies are 65% more likely to be enrolled in high school when compared with their peers in states that lack such policies ([Bozick & Miller, 2013](#)).

Tuition equity policies can also affect academic performance in high school. One study found that the implementation of the CA DREAM Act, which made undocumented students eligible for state financial aid, increased 11th and 12th grade academic achievement, narrowing the performance gap between undocumented students and U.S. citizens to 0.09 GPA points, as compared with a 0.23 GPA gap before the implementation of the policy ([Ngo & Astudillo, 2018](#)).

**The explanation:** Tuition equity policies help keep higher education affordable, motivating high school students to persist to graduation. While myriad factors contribute to high school dropout rates, policies that encourage students to see college as an attainable postsecondary option can help increase academic outcomes and reduce attrition. Conversely, students who do not see college as a viable choice are more likely to experience “economic despair” and drop out earlier in their educational careers, compounding the wage and employment disparities between college attendees and their peers ([Kearney & Levine, 2016](#)).

**Why it matters:** Since a significant amount of K-12 funding is predicated on student attendance, increasing engagement and reducing chronic absenteeism and dropout rates has an impact on the entire school community ([Lieberman, 2024](#)).

Reducing high school attrition also has broader economic impacts. Researchers estimate that each high school dropout costs the United States economy approximately \$272,000 in lost tax revenue and increased reliance on public services ([National Center for Education Statistics, 2020](#)).

## Impact on Undocumented Student Enrollment, Persistence, and Graduation

### Toplines:

- Undocumented students are 1.54 times more likely to enroll in postsecondary education in states that have a tuition equity policy.
- Tuition equity policies increase female graduation rates by 5 percentage points.

**The effect:** Research resoundingly concludes that tuition equity policies increase college enrollment and graduation rates for undocumented students. While results vary depending on the timing, location, and methodology used in each study, results consistently affirm that access to in-state tuition rates has a positive and statistically significant effect on enrollment behavior ([Kaushal, 2008](#); [Amuedo-Durantes & Sparber, 2014](#); [Villaraga-Orjuela & Kerr, 2017](#); Hubbard et al., 2025).

Overall, undocumented students are 1.54 times more likely to enroll in postsecondary education in states that have a tuition equity policy when compared to states without such policies ([Flores, 2010](#)). Research that disaggregates effects by

demographic criteria lends additional nuance: access to lower tuition rates increases graduation rates for women by nearly 5 percentage points, with especially notable effects for single women, who also experience a significant bump in post-graduate employment ([Averett, Bansak & Dziadula, 2025](#)). Other studies have found that tuition equity policies increase college enrollment among lower-performing high school students, helping address degree disparities ([Ngo & Astudillo, 2019](#)).

Importantly, tuition equity policies positively affect seamless enrollment, reducing the time between high school completion and postsecondary matriculation ([Darolia & Potochnick, 2015](#)). This is significant because students who enroll directly into college after graduating high school are more likely to persist through to graduation and, relatedly, to obtain higher-wage positions earlier in their lives.

Tuition equity policies can also increase early academic performance and increase the chances that students re-enroll for subsequent terms. An implementation study of the CA DREAM Act found that the policy increased the probability that students enrolled in a second quarter by 16% and led students to attempt 2 more units per term ([Ngo & Astudillo, 2018](#)).

**The explanation:** Undocumented students face myriad stressors throughout their time in higher education, including financial stress ([Enriquez et al., 2020](#); [Nienhusser & Romandia, 2022](#)). They are barred from federal financial aid and a variety of loan types, severely restricting their options when it comes to financing higher education. Providing access to in-state tuition reduces the cost burden on undocumented students, making it more likely they will enroll in, persist through, and graduate from college. These policies can reduce financial stress, supporting more positive mental health and improving academic outcomes ([Raza, et al., 2019](#)).

While tuition equity policies can increase enrollment on their own, they are most effective when they also provide access to state financial aid ([Serna, Cohen & Nguyen, 2017](#); [Conger & Chellman, 2013](#)). Even at the in-state rate, college tuition is often too expensive for undocumented students. The Migration Policy Institute finds that **47%** of the U.S. undocumented population qualifies as “low income” (reporting a family income of less than 200 percent of the federal policy level) ([Migration Policy Institute, 2025](#)). In-state tuition rates can exceed families’ discretionary finances. Students may need to take on additional work to afford the cost of attendance,

which can affect their enrollment behavior (full time versus part time) and prolong their time to graduation. Access to state aid helps address these concerns, allowing students to focus on their studies and make timely progress toward their degrees ([Ngo & Astudillo, 2019](#); [Raza et al., 2019](#)).

Finally, tuition equity policies—including those offering in-state tuition and state financial aid—provide positive signals to undocumented students, affirming that they are welcomed and valued by their state and their higher education institution ([Briceno-Mosquera, 2023](#)). While not fully protective, such signals can help students develop a sense of belonging that positively impacts their enrollment and academic performance ([Rodriguez, 2011](#); [Sarabia et al., 2021](#)).

**Why it matters:** College graduates consistently out-earn peers with a high school diploma. The American Immigration Council (AIC) estimates that undocumented college graduates increase their earnings by 57% when compared with peers who do not obtain a postsecondary degree ([American Immigration Council, 2023](#)). These earnings translate into tax revenue, spending power, and job creation (see below). In addition, providing access to higher education increases the chances that states recoup the resources they invest in immigrant students throughout their K-12 education and provides a needed talent pipeline for business and industry.

## Impact on U.S. Citizens

### Topline:

- Tuition equity policies have neutral to positive effects on enrollment among U.S. citizens.

**The effect:** Critics of tuition equity argue that these policies reduce access to higher education for U.S. citizens. However, expanding access to in-state tuition does not appear to have any crowd-out effects. Researchers found that U.S. citizens enroll at consistent or even slightly higher rates when tuition equity policies are in place ([Kaushal, 2008](#); [Amuedo-Durantes & Sparber, 2014](#); [Villaraga-Orjuela & Kerr, 2017](#)). In particular, tuition equity policies may positively impact enrollment among citizen students in mixed-status immigrant families, who may experience “spillover” effects of policies that reduce the cost of higher education for their undocumented siblings ([Kaushal, 2008](#)).

**The explanation:** Students often depend on advice from peers and near-peers when navigating the college planning process ([Borovičková et al., 2023](#); [Marciano, 2016](#)). Increasing awareness of college affordability is generally good for all students: they can share information with one another, support with application tasks, and increase the social importance of college attendance ([Tierney & Venegas, 2006](#)). Peers can also reduce misinformation about college affordability and help ensure that friends and relatives utilize the aid sources available to them ([Tierney & Venegas, 2016](#); [Scott-Clayton, 2013](#); [Perna, 2006](#)).

Access to financial aid has increased in recent decades. However, researchers and analysts consistently find that qualified students “leave money on the table” ([Tierney & Venegas, 2009](#)). The National College Attainment Network (NCAN) found that students graduating high school in 2023 left more than \$4 billion in Pell grants unused ([National College Attainment Network, 2024](#)). Increasing access to financial aid for undocumented students can help address the broader issue of aid uptake, increasing postsecondary outcomes for all students, including U.S. citizens.

**Why it matters:** This shows that supporting access for undocumented students does not take spots away from other applicants. Instead, tuition equity policies recapture tuition dollars and help sustain institutions and programs in under-enrolled areas. Facilitating postsecondary enrollment for undocumented students through equitable tuition and aid policies increases college-going, improves the college experience for all students, and helps ensure the future of a state’s educated workforce.

## Impact on Institutions and Local Economies

### Toplines:

- Undocumented students help sustain institutions in remote or under-enrolled areas, ensuring postsecondary opportunities remain available to all Americans.
- Increasing enrollment boosts proximate economic activity and preserves local talent.

**The effect:** Tuition equity policies have broad benefits for institutions and surrounding communities ([Steinacker, 2005](#); [Harris & Holley, 2016](#)). Students, faculty, and staff contribute to the local economy, volunteer with community-based

organizations, and work in local businesses ([Enriquez et al., 2020](#)). The impact of tuition equity policies thus extends beyond the boundaries of the campus, helping establish knowledge centers and boosting local economic activity.

**The explanation:** Undocumented students help sustain enrollment in higher education, ensuring that all students retain access to a robust local postsecondary option. They also boost rural economies and make important contributions to the local workforce ([Orces, 2019](#)). When states implement policies that restrict undocumented students' access to higher education, they drive talent to other states, losing tuition dollars, local spending, and the economic benefits that accompany graduates' future wage earnings ([American Immigration Council, 2023](#)).

**Why it matters:** Colleges and universities already face significant enrollment pressures, particularly in rural areas ([THE FEED, 2024](#)). Without sufficient enrollment, colleges are forced to cut majors and programs or to close altogether ([Marcus et al., 2024](#)), further reducing options for students living in “education deserts” ([The Institute for College Access and Success, 2023](#)).

## Impact of Rescinding Tuition Equity Policies

### Toplines:

- Rescinding a tuition equity policy can decrease degree completion.
- Rescinding tuition equity policies has significant consequences for state economies.
  - Example: Rescinding its tuition equity policy stands to cost Texas \$461 million annually.

**The effect:** Repealing or reversing policies that provide access to in-state tuition and/or financial aid to undocumented students introduces a “price shock” that affects students' postsecondary enrollment, retention, and time to graduation. These effects are likely most impactful for students in their first year of higher education. Even temporary price shocks can impact enrollment trends. The City University of New York (CUNY) provides an illustrative example: in 2002, CUNY briefly reversed its tuition equity policy. While the reversal only lasted one semester, the effects were pronounced, especially among students earlier in their college careers. Evaluators estimate that the reversal of the policy decreased degree completion by 22 percent among such students ([Conger & Turner, 2015](#)).

There are significant economic implications to these rescissions. As of 2022, 44% of Deferred Action for Childhood Arrivals (DACA) beneficiaries had at least some college education. With their advanced training and access to work authorization, DACA recipients have contributed billions to the U.S. economy over the program's lifespan ([FWD.us, 2024](#)). Restricting access to higher education for DACA recipients and undocumented students with the potential for future status adjustment puts such contributions at risk.

The American Immigration Council (AIC) found that rescinding Texas' tuition equity policy could cost the state \$461 million annually. It's reasonable to assume that other states—especially those with large immigrant populations—would see similar impacts should they revoke their tuition equity policies.

**The explanation:** Students who face higher tuition costs may decide to study out-of-state. While not the only deciding factor, access to favorable tuition rates is a key driver of local enrollment among all student populations ([Aydin, 2015](#)). Without this driver, students may seek educational opportunities elsewhere, or, more likely, forgo higher education altogether.

Students who do enroll in local institutions may need to take on additional employment in order to meet the increased cost of attendance. This can reduce the time they have available to engage in on-campus activities, undermine their ability to focus on their academics, and delay their time to graduation ([Huie, Winsler & Kitsantas, 2012](#); [Letkiewicz et al., 2014](#)). Meeting a higher sticker price could also reduce the discretionary finances students have available for recreational spending, affecting their engagement in the local economy.

**Why it matters:** Attending college in-state is positively correlated with later life decisions to remain in that state ([Winters, 2020](#)). Tuition equity policies can encourage students to remain in their home state, increasing the chances that they will pursue careers, establish families, and contribute financially through taxes and spending to the state where they obtained their degrees. The cost of rescinding tuition equity policies will reverberate and compound over the years, as states lose needed talent and the associated tax and spending power college graduates bring to local economies.

# Tools and Resources

## Sample Statements

- [Template Press Statement for Coalitions](#)
- [The California Undocumented Higher Education Coalition Condemns Legal Attacks on College Affordability Policies for Undocumented Students](#)
- [Statement from Immigrants Rising on the Department of Justice’s Complaint Against California’s In-State Tuition and Financial Aid Policies](#)
- [“Harmful and Self-Defeating” – TheDream.US and Presidents’ Alliance Responds to DoJ Lawsuit Against Texas In-State Tuition for Dreamers](#)
- [Statement From Immigrants Rising on the Department of Justice’s Complaint Against California’s In-State Tuition and Financial Aid Policies](#)
- [TheDream.US and Presidents’ Alliance React to “Self Defeating” Harms of Florida Rescission of In-State Tuition Waiver for Dreamers](#)

## Amicus Briefs

- [Amicus Brief Filed by the Presidents’ Alliance in the Fifth Circuit Court of Appeals](#)
- [Amicus Brief Filed by the Presidents’ Alliance in UNT case](#) (Texas)
- [Amicus Brief Filed by Public Justice](#) (Kentucky)

## Guides

- [Standing Up for AB 540: A Guide for Institutions & Educators in California, Institutional Solutions](#)
- [In-State Tuition and Scholarships for Undocumented Students: What Institutions Should Know](#)
- [How Governors and Attorneys General Can Use Their Authority to Support and Protect Immigrants](#), National Immigration Law Center
- [Texas College Guide for Parents of College Student](#), Intercultural Development Research Association

- [Navigating In-State Tuition in Texas: A Quick Guide for Parents of Graduating High School Seniors](#), Intercultural Development Research Association
- [Supporting Mental Health Amid Uncertain Immigration Status: A Higher Education Guide](#)
- [K-12 Advising Guide: Supporting Undocumented Students with the College Process](#)
- [Guidance for Higher Education on Immigration Student Privacy and FERPA](#)

## Templates

- [Florida Dreamers Fact 2025 Sheet \(Tuition Fairness Campaign\)](#), TheDream.US
- [Massachusetts Tuition Equity for Dreamers: What You Need to Know](#)

## Tools

- [Stories that Move Us](#) on the Higher Ed Immigration Portal
- [Future Over Fear: Tools to Build a Different Story](#), Opportunity Agenda
- [Rights and Protection Hub](#) on the Higher Ed Immigration Portal
- [Portal to the States](#) on the Higher Ed Immigration Portal
- [TXdreamact hub](#): A compilation of resources for Texas students in wake of Texas Dream Act litigation
- [Map the Impact](#), American Immigration Council
- [Portal to the States](#) on the Higher Ed Immigration Portal
- [College Corner](#) on the Higher Ed Immigration Portal
- [Legal Pathways Learning Tool and Legal Consultations](#)

## Reports

- [Texas Dream Act Report](#), Every Texan
- [The Economic Benefits of Proposition 308: Expanding In-State Tuition to Arizona Dreamers](#), American Immigration Council
- [Breakdown of the Undocumented Student Population in U.S. Colleges and Universities, 2023](#)

## Opinions

- [Tuition Equity for Undocumented Students is Good for Everyone](#), Corinne Kentor
- [Why Florida Dreamers' higher education opportunities strengthen our state](#), Gaby Pacheco
- [California must preserve in-state tuition policy for immigrant students](#), Iliana Perez