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May 9, 2013

The Honorable Mike Folmer  
Senate Box 203048  
170 Main Capitol Building  
Harrisburg, PA 17120-3048

The Honorable Andrew Dinniman  
Senate Box 203019  
182 Main Capitol Building  
Harrisburg, PA 17120-3019

**RE: TESTIMONY IN SUPPORT OF SENATE BILL 713**

Dear Senator Folmer and Senator Dinniman,

Thank you for the opportunity to submit written testimony for the Senate Education Committee's hearing on Senate Bill 713, the Pennsylvania DREAM Act. Founded in 1920, the American Civil Liberties Union is one of the nation's oldest civil rights organizations and currently boasts 600,000 members nationwide. I am submitting this testimony on behalf of the 20,000 members of the ACLU of Pennsylvania.

SB 713 provides tuition equity at Pennsylvania's state-system and state-related universities for students who have attended secondary school in the commonwealth for at least two years and who have graduated or who obtained an equivalent diploma, regardless of their federal immigration status. This legislation recognizes the reality that these students are Pennsylvania residents who deserve the same access to higher education that their fellow graduates in the commonwealth have. The ACLU of Pennsylvania supports SB 713, and I respectfully urge you to support this bill.

At its core, this legislation is about fairness. If SB 713 becomes law, eligible students who are admitted to state universities would have less financial hurdles than they currently face. The difference between in-state tuition rates and out-of-state rates can be the difference between entering higher education or entering the work force immediately after high school. For example, a first-year, in-state student at Penn State's University Park campus tallied a tuition bill of approximately \$8200 for the fall 2012 semester.<sup>1</sup> A student charged the out-of-state tuition rate would face a tuition bill of more than \$14,000. The gap in tuition is real and significant for these students. A life outside of higher education increases the likelihood that they will work low-paying jobs that do not maximize their potential.

For many of these students, Pennsylvania is the only home they know. Students newly eligible for in-state tuition rates under this bill emigrated here as children, and their families have been

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<sup>1</sup> Penn State Tuition Cost Calculator available at <http://collegecostestimate.ais.psu.edu/cgi-bin/CollegeCostEstimate.exe/launch/CollegeCC/shortcalc>.

unable to resolve their immigration status. As you know, there is a great deal of debate before the federal government about immigration and how to offer an opportunity for residency and citizenship to immigrants who do not currently have authorization.

That debate includes discussion about students like those who would be affected by SB 713. Last year, President Obama signed an executive order that created Deferred Action for Childhood Arrivals, or DACA.<sup>2</sup> Under this program, immigrant young people who do not have immigration status can be granted a deferred order and will not be deported for a period of two years, with the opportunity to apply for work authorization and to renew the order after two years.

Clearly, the federal government is moving in the direction of addressing this issue. Meanwhile, Pennsylvania is one of the slowest growing states in the country. Recent data from the Census Bureau found that Pennsylvania grew at a rate of 0.5 percent from 2010 to 2012. In that same time period, the nation as a whole grew by 1.7 percent.<sup>3</sup> For the sake of economic vitality and competitiveness, it is imperative that the commonwealth find ways to encourage all young people to stay in Pennsylvania. SB 713 is one part of that broader initiative to revitalize the commonwealth.

Because these students attended secondary school in Pennsylvania, we have already invested in their educations. As you know, United States Supreme Court case law established that students without immigration status have a constitutional right to a public K-12 education.<sup>4</sup> The commonwealth and its political subdivisions have dedicated resources to furthering the education of these students. It would be foolish for policymakers to allow these particular Pennsylvanians to languish in low-paying, low-skill jobs when they have the potential to do so much more.

A symbiotic relationship exists between the commonwealth and students. Undocumented students- and all students, for that matter- count on the commonwealth to support a robust educational system, and the commonwealth must do everything it can to encourage young people to live and work in Pennsylvania.

Without greater access to higher education, students without immigration status see a dim future and can easily lose the motivation to perform well and even to attend school, at all.

Families headed by immigrants who do not have federal status are also contributing members of our state and are contributing to the system that supports higher education. In 2010 alone, these families contributed \$135 million in tax revenue in Pennsylvania<sup>5</sup> while accounting for just one percent of the commonwealth's population. This tax revenue included:

- \$93.1 million in sales tax revenue
- \$34.8 million in personal income tax revenue
- \$7 million in property tax revenue

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<sup>2</sup> Frequently Asked Questions: The Obama Administration's Deferred Action for Childhood Arrivals. Available at <http://www.nilc.org/FAQdeferredactionyouth.html>.

<sup>3</sup> Pennsylvania Quick Facts from the U.S. Census Bureau. Available at <http://quickfacts.census.gov/qfd/states/42000.html>.

<sup>4</sup> *Plyler v. Doe*, 457 U.S. 202.

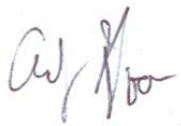
<sup>5</sup> Immigration Policy Center. *Unauthorized immigrants pay taxes, too*. April 2011.

Far from a new idea, tuition equity programs for students without immigration status already exist in some form in 16 states, including neighboring New York and Maryland. Other states with tuition equity include Texas, Oklahoma, and Kansas.<sup>6</sup> This is an idea that has been well-tested in a wide variety of states.

Senate Bill 713 provides students without immigration status the same access to higher education that their fellow Pennsylvania graduates already enjoy. This legislation is about treating these particular students with fairness and dignity and recognizing that they are Pennsylvanians, not foreigners. By lowering the financial hurdles to higher education, these students would have a brighter future than they have today, and they are more likely to be part of a growing, thriving Pennsylvania. I urge you to please support Senate Bill 713.

As always, you are welcome to contact me at any time on this or any other civil liberties issue that comes before the Senate.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andy Hoover", is positioned above the typed name.

Andy Hoover  
Legislative Director

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<sup>6</sup> National Immigration Law Center. *Access to postsecondary education*. Available at <http://www.nilc.org/eduaccess toolkit2.html#maps>.