

Dear HHE Friends:

I am forwarding you the text of President Milliken's testimony regarding LB 1001 presented to the Education Committee last Monday. As indicated in the earlier e:mail, your letters in opposition to LB 1001 written to the Education Committee are welcomed and encouraged. The Committee is expected to make a decision soon regarding whether or not the bill will be advanced to the full Legislature for debate.

Thank you for your continued interest in our state's public policy decisions that impact the University!

Testimony on LB 1001
President James B. Milliken
University of Nebraska
February 1, 2010

Senator Adams and members of the Education Committee, my name is James B. Milliken and I am President of the University of Nebraska. I am here to express the University's opposition to LB 1001 and our continued support for all Nebraska high school graduates who want to pursue the dream of an affordable college education in our state.

Since 2006, Nebraska law has provided the opportunity for some students who are not citizens or legal residents of the state to attend a public college or the University of Nebraska and pay resident tuition rates. Last fall, 35 of these students attended one of our four campuses (17 at UNO, 15 at UNK, 3 at UNL and none at UNMC). We think it is in the best interest of these and future students—and perhaps more importantly, in the best interest of the State of Nebraska—that this law remains intact.

The main purpose of offering resident tuition to undocumented students is to encourage them to stay in high school and be successful, prepare for further education, and go to college. Since many of these students drop out of high school when they realize that they will not be able to attend college, offering them the opportunity to attain a more affordable college education may also encourage more of them to perform well and graduate from high school. (The current drop-out rate nationally for undocumented immigrant high school students is around 50 percent.)

Last fall, I joined with Governor Heineman and the co-sponsors of the Nebraska P-16 Initiative to announce a new set of education goals for Nebraska. They include improving our high school graduation rate to 90 percent (currently at 82.2 percent), our college-going rate to the top-10 tier nationally (currently 19th), and providing affordable access for Nebraska students to attend Nebraska's postsecondary institutions. At a time when our state and our country are aggressively working to raise the level of educational attainment, repealing a state law that promotes these goals is counterproductive at best.

For generations, the U.S. led the world in the proportion of young adults (age 25-34) with a college degree. But today, we have fallen to ninth place. In Japan, Korea and Canada, more than 50 percent of young adults hold college degrees, compared to only 41 percent in the U.S. The Bureau of Labor Statistics says more than 60 percent of the fastest growing jobs in our country now require more than a high school diploma, and the Lumina Foundation estimates there will be a shortage of 16 million college-educated adults in the U.S. workforce by 2025.

At a time when demand for college-educated workers is increasing, the high school population in Nebraska is declining. In 2007-08 we had nearly 21,000 high school graduates in the state. That number

continues to decline, is expected to reach a low in 2014 and not to return to the 21,000 level again until 2020. By 2020, the ethnic makeup of the high school graduating class also will have changed dramatically, from about 83 percent white non-Hispanic this year to just 70 percent in 2020. This demographic shift will create new challenges for Nebraska, as well as new opportunities. The workplace of tomorrow will be more culturally diverse than we can imagine—and we must recognize the importance of increasing minority enrollments to our state’s economic future.

Nebraska’s Latino population was the nation’s 10th-fastest-growing last decade, adding an average of 6,000 Latinos a year according to the Pew Hispanic Center. The Immigration Policy Center reports that immigrants made up 5.6 percent of the state’s population and 6.5 percent of its workforce in 2007, with about 30,000 of these workers “unauthorized.” These New Americans are integral to the state’s economy and account for tens of millions of dollars in tax revenue and consumer purchasing power. Nebraska led the nation in the percentage increase in revenue generated by Latino business owners from 1997 to 2002 according to the U.S. Census Bureau. And immigrant spending accounted for \$1.6 billion of total production in Nebraska’s economy and generated roughly 12,000 jobs according to a study by UNO.

Approximately 65,000 undocumented immigrants graduate from American high schools every year—often unable to afford college without access to resident tuition or government-backed federal or state financial aid. The ability of these young people to contribute to the economic growth of our state and our country, and to their own self-sufficiency, depends in large measure on their ability to further their education.

These students are guaranteed access to public elementary and secondary schools by a 1982 Supreme Court ruling which held that a state cannot deny undocumented children a free public K-12 education. Restricting the opportunity for these same children to have access to an affordable higher education denies them economic, social and intellectual benefits that will serve both them and our state well in the future.

Educational attainment is one of the most important predictors of an individual’s economic success and quality of life. There is a million-dollar difference, over a lifetime, between the earning capacity of a high school graduate and a college graduate. Research also shows that people who go to college are healthier, are more likely to volunteer and to participate in their community, and are less likely to be incarcerated and rely on public assistance.

Currently, there are no federal or state laws prohibiting undocumented immigrant students from attending public or private colleges, nor are there laws requiring proof of U.S. citizenship or legal permanent residence with a college application.

Opponents of in-state tuition policies argue that a provision in a 1996 immigration reform act prohibits states from granting postsecondary education benefits to undocumented immigrants on the basis of state residence unless equal benefits are made available to all U.S. citizens. Ten states (California, Illinois, Kansas, Nebraska, New Mexico, New York, Texas, Utah, Washington and Wisconsin) have passed laws that base in-state tuition eligibility not on state residence but rather on attendance at or graduation from an in-state high school. Several of these laws, including Nebraska’s, are being challenged, while other suits—including one in Kansas filed by the same attorney who filed in Nebraska—have been dismissed.

The current Development, Relief and Education for Alien Minors Act (The “DREAM Act”) under

consideration in Congress likely would put an end to the current legal debate by repealing the federal immigration act provision and leaving the issue of resident tuition to the states. It would also open up federal education aid to students brought into the U.S. illegally before age 16 and create a path to citizenship for students who graduate from an American high school and complete two years of college, military service or employment.

The University of Nebraska supports the extension of postsecondary educational opportunity to undocumented immigrant children in Nebraska who meet the conditions established in current state law. The Board of Regents adopted a policy in 2005 which says:

Education is the key to improving economic opportunity for individuals, and increasing the level of educational attainment in the state is critical to the economy and quality of life in Nebraska. Therefore, it is the policy of the Board of Regents to support affordable access to higher education for all Nebraskans who are prepared for admission to the University. The Board has special concern for providing increased educational opportunities for underrepresented minorities, so that all people of Nebraska may enjoy the demonstrable benefits of a quality college education. While the Board of Regents in no way condones illegal immigration, it does support the extension of educational opportunity, at resident tuition rates, to undocumented immigrants who have attended and graduated from Nebraska high schools and have officially initiated action to become permanent residents of Nebraska.

Prior to the passage of LB 239 in 2006, undocumented students likely would have been classified as international students and required to pay nonresident tuition, which is two to three times the rate paid by resident students. But the more likely scenario is that many of them would not have been in a position to attend college at all since undocumented students are ineligible for most federal and state financial aid. It is important to remember that these students are not receiving a free college education, but one at the same cost any other Nebraskan would pay.

Public policies such as the one adopted by this body open the doors of higher education to those who need it most. I believe it is in the best interests of the State of Nebraska that students who meet the test established by the Legislature continue to be treated as residents for purposes of postsecondary education.

Please ensure that every Nebraska student has a clear pathway to college by rejecting LB 1001. Thank you. I would be pleased to answer any questions.

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