

BOARD OF HIGHER EDUCATION
REQUEST FOR COMMITTEE AND BOARD ACTION

COMMITTEE: Fiscal Affairs and Administrative Policy **NO.:** FAAP 07-25

COMMITTEE DATE: April 12, 2007

BOARD DATE: April 19, 2007

MOVED: The Board of Higher Education receives the document "Questions and Answers."

Authority: Massachusetts General Laws, Chapter 15A, sections 6 and 9.

Contact: Joseph Sullivan, General Counsel

April 2007

Questions and Answers Regarding In-State Tuition for Undocumented Aliens

The issue of whether or not to allow the children of Massachusetts undocumented aliens to attend the Commonwealth's public institutions of higher education at the same costs as the children of documented residents has been a subject of public debate for well over a year.

A bill that would allow in-state tuition rates was defeated in the Legislature in 2006, but similar bills in the Senate and House are currently pending. The debate is likely to continue, and there appears to be some misunderstanding about the issues and potential impact of this bill. Since the matter involves public higher education, it is reasonable for the Massachusetts Board of Higher Education to clarify the major issues, which it has set forth to do through the following questions and answers.

1. What are the basic eligibility requirements for in-state tuition and fees in pending legislation?

Pending legislation provides, in general, that any individual who has attended high school in the Commonwealth for three or more years and has graduated from a high school in the Commonwealth or attained the equivalent thereof shall be eligible for in-state tuition and fees.

2. What would the admission standards be?

The admission standards would be the same as those for the children of documented residents.

3. Would these children be eligible to receive state-funded financial aid? If so, wouldn't they be competing with the children of documented residents for access to limited funds?

No. Massachusetts public financial aid is not and would not be available to the children of undocumented aliens. Thus, there would be no effect on the amount of financial aid available to documented residents.

4. How would the costs to children of undocumented aliens compare with the costs to children of documented residents?

They would pay the same tuition, which is remitted to the state; the same fees, which are retained by the institution; and if they lived in a campus residence hall, they would pay the same rates as any other resident. In short, all costs would be the same for both groups.

5. Approximately how many potential students might be impacted by this bill?

The Massachusetts Taxpayers Foundation¹ has studied this issue and has estimated that between 400 and 600 students might enter Massachusetts' institutions of public higher education per year as a result of this bill.

¹ In January 2006, the Mass Taxpayers Foundation issued a brief report on the potential impact of allowing undocumented immigrants to attend Massachusetts public institutions of higher education at in-state tuition rates.

6. How much capacity do our state public higher education institutions have to accept additional students across the system? Please provide detailed statistics. (i.e., classroom and dormitory space, etc.)

Based on the results of Phase I of the BHE's Utilization Study, some campuses have excess capacity, though this varies greatly throughout the system. (See attached study summary.)

7. Does pending legislation require students to seek citizenship or permanent residency status in order to be eligible for in-state tuition and fees?

House No. 1197 does require students to seek citizenship or permanent residency status, while Senate Bill No. 714 does not.

8. Would admitting undocumented aliens result in an added expense to the institutions or to the Commonwealth?

The incremental costs to accept these students would be minimal and would likely result in extra revenue to the schools and the Commonwealth. The Massachusetts Taxpayers Foundation estimates that as much as \$2.5 million of extra money could result from admitting these students.

9. Based upon this estimate, what would the estimated total cost difference be between in-state and out-of-state tuition and fees over a four-year period?

The difference between in-state and out-of-state tuition, on average, is currently \$6,940; the difference in mandatory fees at U Mass is \$2,500 and there is no difference in mandatory fees at the State and Community Colleges.

This difference would translate to \$30,030, based on four years at a Massachusetts public higher education institution. (See attached spreadsheet for comparison data.)

10. Generally speaking, how many and what kinds of jobs are currently available in Massachusetts for illegal immigrants who have some form of postsecondary education? Even upon graduation, will these students even be able eligible to apply for such jobs?

There are currently no data available to determine how many and what kinds of jobs would be available for illegal immigrants with some form of postsecondary education.

11. How does pending legislation comply with the 1996 law signed by President Clinton "The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Sec. 505)," which states, "Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State for any post-secondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident."?

There is no definitive answer to this question. Proponents of pending legislation contend that since the proposed law does not make undocumented aliens eligible on the basis of residence, Sec. 505 does not apply.



Massachusetts Board of Higher Education

State & Community Colleges

Utilization Study Summary: Phase I

March 2007

Context

The results presented here are based on the Rickes and Associates instructional space utilization study conducted during FY06 -07. The intent of the study was to provide an assessment of the adequacy of general purpose and specialized instructional space at each institution. This information has been reviewed and approved by each college and integrated into their campus master plan.

Analysis

The information analyzed for this study included: instructional space inventory, course schedules and enrollment data. Enrollment data covered the period FY00 to FY05; course schedule and space inventory was as of FY04 or FY05.

There are four metrics used in this report:

scheduling window –span of daytime hours during which a course may be scheduled. The benchmark is 30 hours per week for community colleges and 40 hours for state colleges.

room utilization rate - percent of the scheduling window for which a space is scheduled. The benchmark is 67% for general purpose space and 50% specialized instructional space.

seat occupancy rate - percent of room capacity that is occupied when the room is scheduled. The benchmark is 67% for general purpose space and 80% for specialized instructional space¹.

square feet per station – the benchmark is consistent with industry norms.

Recommendations

The individual college report includes both capital and non-capital recommendations. Capital recommendations address the addition or modification of space. Non-capital recommendations include scheduling opportunities, identifying specific rooms that may underutilized and the changes to the configuration of classrooms (adding or removing desks and chairs).

Other Notes

Other considerations in reviewing the analysis for each institution:

- projections assume no change in the scheduling window, course sizes, or enrollment levels
- space used by other institutions and non-credit courses were not analyzed

¹ The higher benchmark for specialized space reflects the higher capital investment needed to create and maintain such spaces and the greater predictability of their class sizes.

- classes held at off-site locations were not used to determine on-campus demand for classroom space².
- specialized instructional space needs are aggregated. A surplus of available space in a specific type of specialized space (auto shop) could mask a shortage in another type of specialized space. The number of specialized instructional spaces needed was set equal to the number available for this analysis; square footage for these spaces does represent aggregate surpluses and shortages.

² These programs typically serve constituents in a particular geographic location or address training for employers that would not normally be offered on the main campus.

Community Colleges

Bristol

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	48	34,206	63	48,378	(15)	(14,172)

Cape Cod

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	29	19,412	36	31,108	(7)	(11,969)

Greenfield

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	28	22,041	27	20,416	1	1,625

Holyoke

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	62	41,043	70	59,158	(8)	(18,115)

Massasoit Brockton

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	65	40,534	70	52,492	(5)	(11,958)

Massasoit Canton

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	15	10,891	14	9,922	1	969

Mt. Wachusett

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	47	26,016	40	33,948	7	(7,932)

Quinsigamond

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	47	28,488	61	44,594	(14)	(16,106)

STCC

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	84	72,095	63	49,676	21	22,419

State Colleges

Bridgewater

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	87	60,867	90	89,606	(3)	(28,739)

Fitchburg

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	67	56,649	46	45,958	21	14,712

Westfield

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	56	43,412	54	52,118	2	(8,706)

Worcester

Capacity	Available		Required		Surplus/(Deficit)	
	Rooms	Sq Ft	Rooms	Sq Ft	Rooms	Sq Ft
General purpose	84	60,670	54	46,200	30	14,470

Tuition and Mandatory Fees at Massachusetts Public Colleges and University, 2006/2007
(Based on Fall Full-Time Undergraduate State-Supported Rates)

	Resident		Non-Resident		Difference	
	Tuition	Fees	Tuition	Fees	Tuition	Fees
UMass Amherst	1,714	7,886	9,937	9,384	8,223	1,498
UMass Boston	1,714	6,834	9,758	10,222	8,044	3,388
UMass Dartmouth	1,417	6,894	8,099	9,712	6,682	2,818
UMass Lowell	1,454	6,990	8,567	11,148	7,113	4,158
Bridgewater	910	4,956	7,050	4,956	6,140	0
Fitchburg	970	4,572	7,050	4,572	6,080	0
Framingham	970	4,484	7,050	4,484	6,080	0
MassArt	1,030	6,170	14,430	6,170	13,400	0
MCLA	1,030	4,896	9,976	4,896	8,946	0
Mass Maritime	1,094	4,580	12,224	4,580	11,130	0
Salem	910	5,120	7,050	5,120	6,140	0
Westfield	970	4,980	7,050	4,980	6,080	0
Worcester	970	4,570	7,050	4,570	6,080	0
Berkshire	780	2,894	7,800	2,894	7,020	0
Bristol	720	3,030	6,900	3,030	6,180	0
Bunker Hill	720	2,280	6,900	2,280	6,180	0
Cape Cod	720	2,940	6,900	2,940	6,180	0
Greenfield	780	3,318	8,430	3,318	7,650	0
Holyoke	720	2,558	6,900	2,558	6,180	0
Massachusetts Bay	720	2,930	6,900	2,930	6,180	0
Massasoit	720	2,610	6,900	2,610	6,180	0
Middlesex	720	3,020	6,900	3,020	6,180	0
Mount Wachusett	750	3,370	6,900	3,370	6,150	0
North Shore	750	2,730	7,710	2,730	6,960	0
Northern Essex	750	2,400	7,980	2,400	7,230	0
Quinsigamond	720	3,030	6,900	3,030	6,180	0
Roxbury	780	2,680	7,410	2,680	6,630	0
STCC	750	2,706	7,260	2,706	6,510	0
Weighted Avg UMass*	1,618	7,382	9,354	9,882	7,736	2,500
Weighted Avg State Colleges*	955	4,900	7,717	4,900	6,762	0
Weighted Avg Community Colleges*	734	2,792	7,288	2,799	6,555	6
Weighted Avg All Colleges & University*	1,080	4,836	8,019	5,653	6,940	818

Source: Massachusetts Board of Higher Education Tuition & Fee Survey (Aug 2006)

*Weighted data calculated based on % Undergraduate FTE of total by segment and overall.