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IDRA Files Amicus Brief in Fifth Circuit on Behalf of Student, Business and Higher Education Organizations in a Reckless Case Challenging Texas Tuition Laws

Injunction Could Cost Universities Millions, Reduce Funds for Academics and Supports for Texas Students

(August 5, 2022) IDRA filed an **amicus brief** in the Fifth Circuit Court of Appeals this week on behalf of 12 student, business and higher education organizations in a case that began as a reckless anti-immigrant attack but that has far-reaching consequences for all Texans. The coalition urges reversal of an injunction issued in *Young Conservatives of Texas Foundation v. Neal Smatresk, et al.* barring the University of North Texas (UNT) from collecting any out-of-state tuition from out-of-state U.S. citizens, as long as the *Texas Dream Act* remains in effect.



“This ruling will cost UNT millions in lost revenue, impeding its ability to offer quality academics, research, financial aid, and student services for Texans, especially low-income students of color,” said Paige Duggins-Clay, IDRA’s Chief Legal Analyst. “By allowing out-of-state students who have not grown up or paid taxes in Texas to avoid the standard one-year residency requirement of nearly every college in the nation, the injunction compromises the integrity of our higher education funding system and could cost Texas universities millions.”

Under the injunction, UNT stands to lose \$9 million over the next year. The injunction could potentially be applied to every public college and university in Texas, and the impact is exacerbated for Texas’ top-tier schools with higher tuition and greater populations of out-of-state students. For example, if unable to collect out-of-state tuition, the University of Texas at Austin and Texas A&M University would face potential shortfalls of \$30 million and \$21 million, respectively. (See [Appendix A](#) in amicus brief for more details.)

Universities Stand to Lose Millions of Dollars	
University	Potential Loss Next Year
University of North Texas	\$8,938,639
Texas A&M University	\$20,952,054
University of Texas at Austin	\$30,202,923
UT-EI Paso	\$2,944,392
University of Houston	\$5,900,260
UT-Rio Grande Valley	\$883,745

The *Texas Dream Act*, passed in 2001 by a bipartisan legislature, provides a **limited pathway for Texas Dreamers to access in-state tuition rates**.

“The [Texas Business Leadership Council] believes – as did Governor Perry and 10 Republican-led legislatures over the Texas Dream Act’s 21-year history – it is beneficial to the health of our economy to increase postsecondary success by providing opportunities for all individuals who live in Texas and have graduated from Texas high schools,” said Justin Yancy, president of TBLC, a signatory on the coalition brief.

IDRA filed the brief on behalf of IDRA, TBLC and the following organizations:

- UNT Student Government Association’s Executive Branch

- Texas Business Immigration Coalition
- Texas Association of Mexican American Chambers of Commerce
- North Texas Commission
- Texas Association of Chicanos in Higher Education
- Texas Association of Diversity Officers in Higher Education
- National Association of Graduate and Professional Students
- Young Invincibles
- The Education Trust in Texas
- Every Texan

The Fifth Circuit will likely hear oral arguments this fall. A decision is expected in spring 2023.

[See Amicus Brief](#)

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IDRA is an independent, non-profit organization. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

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