



## Access to Higher Education Promotes a Just and Prosperous Texas

**IDRA Testimony against SB 1798, submitted by Paige Duggins-Clay, J.D., to the Texas Senate Committee on Education K-16, April 22, 2025**

Dear Chair Creighton and Honorable Members of the Committee:

My name is Paige Duggins-Clay, J.D. I am the chief legal analyst at IDRA, an independent, non-partisan non-profit committed to achieving equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.

IDRA opposes Senate Bill 1798 because it would exclude Texas Dreamers from accessing in-state tuition or receiving state financial aid. The bill unwisely reneges on the promise of access to higher education made by our state's founders in our 1876 Constitution; shortchanges Texas families and taxpayers who invest in our higher education system; and undoes decades of progress Texas has made in giving all hard-working Texas students a fair opportunity to improve their lives and contribute to the social and economic welfare of our state.

### **Texas' Leaders Have Long Recognized the Importance of Access to Higher Education for All Residents**

For nearly 150 years, the State of Texas has committed to providing free public education to Texas students (see Tex. Const. art. VII § 1). Recognizing that a “general diffusion of knowledge” at the elementary and secondary level was not enough to secure the future of Texas, the 1876 constitutional framers also required the legislature to establish a state university “of the first class... for the promotion of literature, and the arts and sciences” (Tex. Const. art. VII § 10). The framers also made significant investments for higher education's financial support and maintenance (see Tex. Const. art. VII §§ 11, 11a, and 11b), and directed the legislature to build on and expand that investment (see *generally* Tex. Const. art. VII §§ 12-20).

Acting on this mandate, the Texas Legislature has found and declared that “the state can achieve its full economic and social potential only if *every individual* has the opportunity to contribute to the full extent of the individual's capabilities and only when financial barriers to the individual's economic, social, and educational goals are removed” (Tex. Educ. Code § 61.002(c) (emphasis added)).

Ensuring access for Texas high school graduates has long been a critical component of the state's plans and success (American Immigration Council, 2023). Beginning in 2000, the state developed and implemented three comprehensive strategic plans aimed at “closing the gaps in higher education participation and success” (THECB, 2000).

However, our state has not offered the promise of higher education access to all students equally. For example, Latino and Black students comprise more than 60% of the K-12 pipeline for higher

education in Texas, but those students face persistent barriers to graduating high school and accessing college (IDRA, 2025).

To help address this opportunity gap, the state has asked “government, institutions, community organizations and business leaders to rally around the common cause of ensuring Texans of all backgrounds have access to higher education and the means to pursue it” (THECB, 2015; Tex. Gov’t Code § 2308A.002(1)).

## **Repealing the High School Graduation Pathway to In-State Tuition Will Hurt All Texas Graduates**

In 2001, the Texas Legislature led by then-Governor Rick Perry passed House Bill 1403, revising the state’s higher education residency laws to allow a student to be classified as a Texas resident if the student graduated from a Texas high school and resided continuously in Texas for three years leading up to high school graduation (Tex. Educ. Code § 54.052(a)(3)). Notably, Texas was the first state in the nation to adopt this visionary framework, which recognized both the opportunity and responsibility of capitalizing on the potential of every Texan who completed high school in our state (Every Texan, 2023).

The residency law was amended by SB 1528 in 2005 to broaden access to the in-state tuition rate with the explicit goal of including many categories of students who were legally domiciled outside of the state but inadvertently not covered by the 2001 law (see H. Research Org., Bill Analysis, SB 1528, 79 Leg., Reg. Sess., at 3 (Tex. 2005)). SB 1528 amended the provisions of HB 1403 so that they applied to all individuals who had lived in Texas a significant part of their lives, including “citizens, permanent residents and certain non-immigrant students” (IDRA, 2022).

Accordingly, the high school graduation pathway to access in-state tuition was designed not only to cover undocumented students, but also to benefit many other Texas students who had a legal barrier due to a unique circumstance.

For example, students born and raised in Texas but whose parents moved out of state before the students had enrolled in college were previously classified as nonresidents. Likewise, students raised by grandparents or other family members who had never gone to court to acquire legal custody were considered residents of the state in which their biological parents lived. The revised Section 54.052(a)(3) “enabled these students, and all other students who graduate from high school in Texas under the prescribed conditions, to be classified as residents and allow them to enroll while paying the resident tuition rate” (IDRA, 2022).

Striking the high-school graduation pathway completely from Texas law will therefore impact not only undocumented students, but also a variety of other hardworking, taxpaying Texas students and families (IDRA, 2022).

## **Recommendations**

The committee should reject SB 1798 and instead prioritize policies and practices that enhance equal educational opportunity for all Texans and promote the economic welfare of our state.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact me at [paige.duggins-clay@idra.org](mailto:paige.duggins-clay@idra.org).

## Resources

- American Immigration Council. (March 20, 2023). The Economic Cost of Repealing In-State Tuition in Texas. <https://www.americanimmigrationcouncil.org/research/economic-cost-repealing-state-tuition-texas>
- Every Texan. (May 2023). Texas Dream Act Report. <https://everytexan.org/wp-content/uploads/2023/05/Texas-Dream-Act-fact-sheet-May2023.pdf>
- House Research Organization. (2005). Bill Analysis, S.B. 1528, 79 Leg., Reg. Sess.
- IDRA. (2022). Brief of Amicus Curiae Texas Business Leadership Council et al. <https://idra.news/Amicus-w-UNT>
- IDRA. (2025). Texas Must Prepare All Students to Succeed in College. IDRA Policy Digest. [https://www.idra.org/education\\_policy/texas-must-prepare-all-students-to-succeed-in-college/](https://www.idra.org/education_policy/texas-must-prepare-all-students-to-succeed-in-college/)
- THECB. (2000). Closing the Gaps: The Texas Higher Education Plan. Texas Higher Education Coordinating Board. <https://reportcenter.highered.texas.gov/agency-publication/miscellaneous/closing-the-gaps-by-2015/>
- Texas Higher Education Coordinating Board (July 23, 2015). 60x30 Texas: Texas Higher Education Strategic Plan 2015-2030. <https://reportcenter.highered.texas.gov/agency-publication/miscellaneous/thecb-60x30-strategic-plan/>

*IDRA is an independent, non-profit organization led by Celina Moreno, J.D. 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.*