



## **Texas Students Should be Protected to Pursue and Continue their College Dreams**

**IDRA Testimony to the Texas Higher Education Coordinating Board on Proposed Rules Changes to Residency Determination (Title 19, Part 1, Ch. 13, Subchapter K, §§13.191–13.203) and Tuition Waivers & Exemptions (§13.465). Submitted by Chloe Latham Sikes, Ph.D., September 22, 2025**

Dear Commissioner Rosser and Honorable Members of the Texas Higher Education Coordinating Board:

My name is Chloe Latham Sikes, Ph.D., and I am the deputy director of policy 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.

I am here to express our deep concern with the proposed rules on Residency Determination (Title 19, Part 1, Ch. 13, Subchapter K, §§13.191–13.203) and Tuition Waivers and Exemptions (§13.465).

As written, these rules threaten educational equity for Texas Dreamers, students who have grown up in Texas and graduated from our high schools and whose future contributions are vital to our state. Instead of clarity, the proposed rules create confusion, financial hardship and barriers to higher education.

### **Texas' Legacy and the Current Crisis**

In 2001, Texas became the first state in the nation to open college doors through the *Texas Dream Act* (HB 1403). It was a recognition that every Texas student deserves the chance to learn, succeed and strengthen our workforce.

But today, the undefined use of “lawful presence” leaves institutions guessing, leading to wrongful denials and uneven treatment of students. Parents and educators alike tell us they feel lost in the maze of new rules. Counselors are unsure of how to advise students. Families are blindsided by unexpected tuition bills. Universities have been unable to offer clear guidance or recourse. This lack of clarity turns the dream of higher education into a nightmare of uncertainty.

### **The Human Impact to Students' Education and Privacy**

We hear directly from families that parents are devastated because their children – who have done everything right – are suddenly told they no longer qualify for in-state tuition. Educators are frustrated because they cannot give students straight answers. And students are discouraged into dropping out, taking one class at a time or delaying their education indefinitely.

To add to this pain, the proposed rules allow institutions of higher education to adopt verification procedures with USCIS, which raises grave privacy concerns for student and family information. Texas higher education institutions should be protecting student information, not putting families at risk.

### **Grandfathering Students: A Matter of Fairness**

Perhaps most urgently, we urge you to **grandfather students who had affidavits on file prior to the June 4 court decision**. These young people acted in good faith, made life choices based on existing law and should not have the rules changed midstream. Revoking their tuition status retroactively is unjust and jeopardizes years of effort. Texas cannot afford to lose these students, not because of their will or ability, but because of bureaucratic shifts outside their control.

### **Recommendations**

IDRA urges the Texas Higher Education Coordinating Board to:

- Establish consistent rules for determining lawful presence using Texas DPS and DHS guidance to ensure uniform application across institutions. Revise or eliminate the Core Residency Questionnaire, which is outdated and burdensome.
- Protect student and family privacy by enforcing FERPA and prohibiting unnecessary collaboration with federal immigration agencies.
- Guarantee equitable access to financial aid and tuition waivers so students can complete their education.
- **Grandfather students' tuition rates at the in-state rate for students who had submitted residency affidavits prior to June 4, 2025, to protect their ability to continue their studies.**

### **Conclusion**

Texas students who have grown up in this state and contributed to their communities should not face uncertainty, financial hardship or administrative barriers due to unclear rules. The proposed regulations, as written, risk deepening inequities and restricting access to higher education. Texas colleges and universities must remain focused on educating students and strengthening our workforce, rather than serving as gatekeepers for federal immigration enforcement or creating obstacles to opportunity.

On behalf of IDRA, I urge you to adopt clear, consistent and fair practices that protect students, honor the commitment of families and educators, and ensure Texas Dreamers can continue to thrive and contribute to the future 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, Chloe Latham Sikes, Ph.D., IDRA deputy director of policy at [chloe.sikes@idra.org](mailto:chloe.sikes@idra.org).

*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.*