



February 23, 2024

The Honorable Senator Brian J. Feldman, Chair
The Honorable Senator Cheryl C. Kagan, Vice Chair
Senate Education, Energy, and the Environment Committee

RE: Support for SB637 (Undocumented Students - Out-of-State Tuition Exemption Eligibility)

Dear Chair Feldman, Vice Chair Kagan, Committee Members, and Bill Sponsors,

The Maryland Alliance for Racial Equity in Education (MAREE), a coalition of education advocacy, civil rights, and community-based organizations committed to eliminating racial disparities in Maryland’s education system, is pleased to submit favorable testimony in support of SB637 as introduced by Senators Brooks and Hettleman.

Maryland students of all racial and socioeconomic backgrounds deserve equitable access to pursuing higher education opportunities, and we value our state’s extension of in-state tuition privileges to undocumented students who meet specific criteria under current law. SB637, as introduced, would amend and improve the law to lower the three-year requirement that an individual or individual’s parent or legal guardian must provide documentation of Maryland income tax return filings to the taxable (one) year immediately before the academic year in which the tuition rate exemption would apply. If successfully passed, reducing the three-year income tax requirement by two years would lessen current barriers to postsecondary opportunities and, by extension, increase educational and professional prospects and improve socioeconomic mobility for Maryland’s undocumented students, including DACA recipients, and their families.

A February 2023 analysis by EdTrust¹ of key college enrollment and access policies for the 15 U.S. states with the largest shares of undocumented students – including 13 (AZ, CA, CO, FL, IL, MD, MA, NV, NJ, NY, TX, VA, and WA) that currently extend in-state resident tuition to those students – found that no other states in this cohort but Maryland and Virginia require undocumented families to show proof of state income tax returns for student eligibility. Even then, Virginia law only requires two years of tax evidence. In contrast, the other 11 states with the largest shares of undocumented students granting in-state resident tuition access to these students do not require such a burden of proof. Thus, while SB637 represents a step in the right direction to easing roadblocks for undocumented students – who are often students of color and from low-income families – to access the promises of higher education, MAREE encourages further legislative consideration (whether by amendment to this bill or future legislation) of removing this burden altogether like leading peer states.

¹ “Higher Education Access and Success for Undocumented Students Start with 9 Key Criteria,” The Education Trust, https://edtrust.org/wp-content/uploads/2014/09/UndocuReport_Combined_FINAL_2.pdf

As your committee considers SB637 next week, we hope you will keep our testimony and the students and families this policy impacts in mind. Removing barriers to higher education for undocumented students in Maryland is not just an act of compassion for a population already facing significant systemic challenges, but represents a step towards building a stronger, more inclusive, and more prosperous state where all can thrive. By strengthening equitable access to postsecondary opportunities, we unlock the potential of these students to further contribute to our economy, enrich our society, and fulfill their educational and professional aspirations. **We urge you to support SB637 and prioritize policies that uphold education equity and access as a fundamental right for all Marylanders, regardless of immigration status, for the betterment of our state and its future.**

Sincerely,

The Maryland Alliance for Racial Equity in Education (MAREE)