

**BENJAMIN BROOKS**  
*Legislative District 10*  
Baltimore County

Education, Energy, and the  
Environment Committee  
Energy Subcommittee

Chair, Joint Electric Universal  
Service Program Workgroup



**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

*Annapolis Office*  
James Senate Office Building  
11 Bladen Street, Room 303  
Annapolis, Maryland 21401  
410-841-3606 · 301-858-3606  
800-492-7122 Ext. 3606  
Benjamin.Brooks@senate.state.md.us

*District Office*  
Windsor Mill Office  
8419 Liberty Road, Suite B  
Windsor Mill, Maryland 21244  
410-496-4037

**TESTIMONY IN SUPPORT OF SB637**  
**Higher Education – Undocumented Students – Out-of-State Tuition**  
**Exemption Eligibility**

Education, Energy and the Environment Committee  
February 28, 2024

Chair Feldman, Vice-Chair Kagan and Members of the Committee,

Thank you for the opportunity to testify before you on SB637, Higher Education - Undocumented Students - Out-of-State Tuition Exemption Eligibility. The purpose of this bill is to expand access to higher education for undocumented students by adjusting the tax return requirements for in-state tuition eligibility from three years of returns to just one.

In 2011, the General Assembly passed the Maryland Dream Act, which allows undocumented students graduating from our state's high schools and community colleges to qualify for in-state tuition rates. In 2018, this legislature reaffirmed that decision by extending considerations to undocumented students allowing them to apply and receive certain state-based aid, by passing the Jill Wrigley Memorial Scholarship Expansion Act. Yet undocumented students are not enrolling in higher education institutions at the rates lawmakers envisioned. Every year, Maryland graduates about 2,000 undocumented students, but in 2022, only 575 undocumented students enrolled in community college or four-year institutions. That is roughly 7% of undocumented students eligible for out-of-state tuition exemptions.

Current law requires undocumented families to be tax-paying Marylanders for at least three years. This requirement presents a substantial barrier to students who are otherwise eligible for the tuition rate exemption but cannot provide the previous three years of Maryland tax returns. Lowering this requirement to one year places undocumented students on an equal playing field with documented students who are only required to show one year of taxes.

Most states base in-state tuition eligibility on where a student went to high school, not immigration status. 24 states and the District of Columbia provide in-state tuition to the states' undocumented students. 18 states and DC also provide access to state financial aid. Of the 24 states, only Maryland and Virginia have a tax requirement impeding undocumented students to receive both state aid and in-state tuition.

Undocumented students work equally as hard, if not harder than any other student. Twelve years ago, the legislature took measures to provide them with an equal pathway to higher education by passing the Dream Act. The data we have now makes it clear this pathway is

incomplete. We must make adjustments to secure this step so that undocumented students do not continue to slip through the cracks. Our state's undocumented students deserve a truly equal opportunity to contribute to our nation's progress. This bill levels the playing field, setting the same requirements for all students eligible for in-state tuition.

For these reasons, I am requesting a favorable report on SB637.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin T. Brooks".

Benjamin Brooks