

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 SB268
Higher Education – Undocumented Students – Out-of-State Tuition
Exemption Eligibility

Education, Energy and the Environment Committee
January 22, 2024

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

Thank you for the opportunity to testify before you on SB0268, 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 two years.

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 and it is estimated that 10,395 undocumented students are enrolled in Maryland higher education institutions. However, at the 15 Maryland community colleges at which the nonresident tuition exemption was used, the largest number of students to benefit from the nonresident tuition exemption were enrolled during the Fall 2023 semester; 511 students. Further, at the 9 Maryland public four-year institutions at which the nonresident tuition exemption was used, the largest number of students to benefit from the nonresident tuition exemption were enrolled during the Fall 2023 semester; 262 students.

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. 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. However, Virginia only requires two years of state income tax returns while Maryland requires three.

Undocumented students work equally as hard, if not harder than any other student. Thirteen 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.

For these reasons, I am requesting a favorable report on SB268.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin F. Brooks". The signature is written in black ink and is positioned below the closing of the letter.

Benjamin Brooks