

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. on February 09, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Rocky Fund-Excused
Representative Steve Huebert-Excused
Representative Joe Seiwert-Excused
Representative Mike Peterson-excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes
Doug Taylor, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Angela Ferguson, Austin & Ferguson, L.L.C.	
David Smith, Kansas Public Schools	
Sister Therese Bangert, Sisters of Charity of Leavenworth	
Andy Thompkins, Kansas Board of Regents	
Mark Tallman, Kansas Association of School Boards	
Amber Versola, Kansas NOW	
Lalo Munoz	
Alaide Vilchis	
Andrea Pardo	
David Grummon. MORE ²	
Kathy Cook, Kansas Families for Education	Written Only
Laurie Anderson, Immigrant Justice Advisory Movement	Written Only
Gary George, Olathe Schools	Written Only
Joseph F. Naumann, DD, Catholic Conference	Written Only
Melinda Lewis, El Centro	Written Only
Mary Lou Jarimillo, El Centro	Written Only
Mark Desetti, Kansas NEA	Written Only
Boo Tyson, MainStream Coalition	Written Only

Others attending:

See attached list.

Representative Smith introduced a bill about reemployment for Kansas State Legislators, protection similar to the military.

The chairman opened the hearing on **HB 2006 Repeal of K.S.A. 76-731a, which grants residency for tuition purposes to certain aliens who are unlawfully present in the United States**

Angela Ferguson presented testimony as an opponent of **HB 2006 (Attachment 1)**. She said that the alien students in Kansas cannot obtain a temporary, non-immigrant visa because of their past life in Kansas. However they can become Lawful Permanent Residents and contribute to the state. Allowing them in-state-tuition allows them to pursue citizenship while getting their education.

Representative Rubin asked her opinion of the statement that giving in-state-tuition to illegal aliens was against Federal law. Angela said she disagreed with that and that the courts have upheld in-state-tuition.

Representative Patton said that the Federal statute says that aliens who incur a year of unlawful presence in the United States are barred from obtaining a visa for ten years, are you saying the statute does not say that? Angela said no but that it was one of the most unreasonable statutes on the books.

Representative Bowers asked what the rules were for applying for citizenship. Angela said they sign an

CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on February 09, 2011, in Room 346-S of the Capitol.

affidavit saying they intend to apply for American citizenship. Representative Bowers also asked if they could legally work in Kansas after receiving their degree. Angela said they could do that three separate ways. One is that their parents filed for them in the past. Another is to get married or get caught and appeal to the judge about your record here and the harm it would cause to your family.

Representative Knox asked if she thought immigration law was ridiculous. She said no but that the unlawful presence law of 1996 hurts families and creates the ten year bar and keeps families separated. She feels that that bill should be repealed. She also felt that the waiting period for a visa was ridiculously long.

Representative Gregory asked if it was OK for the immigration law to be broken, were there other laws that it was OK to be broken? Angela said that she always discouraged immigrants to bring their family members in because it is not legal but our laws provide a way for them to get legal. She said that some laws were unjust like the slavery laws and some of our immigration laws are unjust and should be reformed but I would not encourage anyone to break the law.

Representative Boman asked since the majority of the illegal immigrants come from Mexico, would a citizen of the United States entering Mexico illegally be allowed to have in-state-tuition. Angela said she did not know the answer to that.

The chairman recognized Representative Goico for testimony and requested 35 copies of his testimony by the end of the day. He agreed to do that. He told his story how he came to the United States from Cuba after the unsuccessful Bay of Pigs invasion in 1961. He was 15 years old at that time. He came on a tourist visa and requested political asylum. A program allowed 40,000 children to come to the United States. He was a refugee and did not have illegal status. He studied engineering in college and paid out-of-state tuition for 7 ½ years to get his degree. Then he became an air force pilot and served in the air force for 32 years. He said that the federal law should be tested in the courts and that Kansas should not do anything with this bill at the present time and the reason is that we are killing their hope for life.

Representative Boman said he respected Representative Goico's position because it was political, but the children coming out of Mexico are not coming for political asylum. Representative Goico said that the life you live in the United States is not comparable to any other country. A life of fear and terror exists everywhere. Many places do not have a stable government or even a fair government. Representative Boman responded that the United States cannot remedy the whole world's problems.

David Smith presented testimony as an opponent of **HB 2006 (Attachment 2)**. His written testimony was signed by Bill Reardon, Lobbyist, but presented by David Smith. He said that the Kansas City, Kansas public schools are required to educate the children of Kansas City, Kansas regardless of where they come from. Passage of this bill would make it more difficult.

Sister Therese Bangert presented testimony as an opponent of **HB 2006 (Attachment 3)**. She said that their order was more than 150 years old and that they have been on the front line of educating immigrants for all those years.

Andy Thompkins presented testimony as an opponent of **HB 2006 (Attachment 4)**. He said that the law does not allow undocumented immigrant students to attend public postsecondary institutions for free. They pay the same tuition that their high school classmates pay. However, they are not eligible for any state or federal student financial aid. The Kansas Board of Regents supports this law because it embodies the concept of expanded educational opportunity for people who live in Kansas and seeks to enhance their ability to contribute to the well-being of the state.

Mark Tallman presented testimony as an opponent of **HB 2006 (Attachment 5)**. He said that the Kansas Association of School boards supported tuition for undocumented immigrant children. Since we are required to provide education from kindergarten through grade 12 it will be harder to keep them in school if they must pay higher fees. We also believe that it is not right to punish the children for the actions of their parents.

Amber Versola presented testimony as an opponent of **HB 2006 (Attachment 6)**. She said that Kansas

CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on February 09, 2011, in Room 346-S of the Capitol.

NOW supports equal opportunity for all and denying them in-state-tuition prevents them from contributing to the state. It also punishes the undocumented children for circumstances over which they had no control. NOW advocates for the fair treatment of all people, and in this case the children deserve an equal opportunity for an affordable education.

Lalo Munoz presented testimony as an opponent of **HB 2006** ([Attachment 7](#)). He spoke as an individual opposed to the repeal of in-state-tuition. He believes that it is in the best interest of Kansas to invest in our best and brightest, whoever they may be. We need to encourage more students to continue their education and do it while staying in Kansas.

Alaide Vilchis presented testimony as an opponent of **HB 2006** ([Attachment 8](#)). She testified that she came to Kansas at 14 years of age. The same year she graduated from high school the in-state-tuition bill was passed. It had a great deal to do with her getting her college degree. She is continuing her education and hopes to get her masters degree. She wants to benefit the society that allowed her to discover her love of learning. Finally she is looking forward to the day, very soon, when she will take the oath as a citizen of the United States.

Andrea Pardo presented testimony as an opponent of **HB 2006** ([Attachment 9](#)). She told her story of coming to the United States at age 15, not knowing English. The family was poor and the passage of in-state-tuition in 2004 plus her hard work writing essays for private scholarships enabled her to get a Masters Degree in Architecture and graduate debt free. Kansas has taught me the meaning of leadership and community service. My heart is rooted in the Land of Opportunity.

David J. Grummon presented testimony as an opponent of **HB 2006** ([Attachment 10](#)). He said that in-state-tuition helps reduce high school dropout rates. Without any hope of further education, many students find no reason to complete high school. The students who are eligible under the in-state-tuition Act were brought here by their parents. They must overcome language barriers and cultural differences. Despite these obstacles, they have chosen to stay in school and work hard. This is what the in-state-tuition rewards.

The following presented testimony as opponents of **HB 2006**,

Kathy Cook ([Attachment 11](#)),

Laurie Anderson ([Attachment 12](#)),

Gary George ([Attachment 13](#)),

Joseph F. Naumann D.D ([Attachment 14](#)),

Melinda Lewis ([Attachment 15](#)),

Mary Lou Jaramillo ([Attachment 16](#)),

Mark Desetti ([Attachment 17](#)),

and Ms Boo Tyson ([Attachment 18](#)).

The next meeting is scheduled for February 10, 2011.

The meeting was adjourned at 3:16 p.m.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

2.9.11

ROOM 346-S

NAME	REPRESENTING
Ivan Moya	None
Brett Hildabrand	None
Dan Klym	KC STAR
Bill Reardon	USD 500 (KCKs)
Jonathan Krueger	KBOR
Kip Peterson	KBOR
Andy Tompkins	KBOR
Andrea L. Pardo-Spalding	
Alaide Vilandis	Testifying - con side
Angela Ferauson	ALA
John Allard	Student
Carmeleyn Zimmerman	Self
TOM ZIMMERMAN	SELF
Lalo Munoz	self
Mark Tallman	KTSB
LuVerne Engelhardt	self
Todd Powell	FHSU
Tom PALACE	Image of KS
Amber Versola	KS NOW.

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

2.9.11

ROOM 346-S

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AUSTIN & FERGUSON, L.L.C.

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Suite 315
4240 Blue Ridge Blvd.
Kansas City, MO 64133

February 1, 2011

House Federal and State Affairs Committee
Chairman Steve Brunk
10th & Jackson
Topeka KS 66612

Re: House Bill 2006

Dear Chairman Brunk and Honorable Committee Members:

My name is Angela Ferguson, and I am a Kansas native and graduate of the University of Kansas School of Law. I have been an Immigration Attorney for the past 22 years and have taught Immigration courses at Washburn School of Law, the University of Kansas and nationally for the American Immigration Lawyers Association. I am the current Chair of the Advocacy Committee for the Missouri/Kansas American Immigration Lawyers Association, and former Chair of the Immigration bar association. We currently have over 150 members of our local immigration chapter. I represent a bar association of Immigration attorneys, who in turn, represent many, many individuals and businesses throughout the State of Kansas. I am here in opposition to HB 2006. Thank you for this opportunity to testify today.

The debate over the Kansas instate tuition law, and the students to whom it pertains, displays a lot of confusion about immigration policy and the reality of the students' lives. On the one hand, some argue that these immigrant students, many of whom remember no home *except* Kansas, should go "back to their home countries" and return on student visas. The reality, of course, is that they are not foreign students; they were educated right here in Kansas, and their futures are here.

A foreign student applies for a temporary, nonimmigrant visa at the U.S. Embassy in their home country. In order to be awarded the student visa, the student must show that he has been accepted into college, can afford to pay the tuition/room/board, and that he intends to return home after completing the studies abroad. The student must also show that he has not violated immigration laws in the past. In the case of our students who benefit from the In-State Tuition bill, they cannot obtain any nonimmigrant visa because of their previous life and future plans in the U.S.

House Fed & State Affairs
Date: 2.9.11

Attachment 1

Letter
Page Two
January 31, 2011

On the other hand, others, while conceding the impossibilities of the student visa system for these particular Kansas students, claim that educating immigrant students in our colleges is a waste of resources, since they will never be able to become U.S. citizens. The students here today, who have earned their Lawful Permanent Residency, obviously testify to the falseness of that assertion. The truth is that, while the road to citizenship for these students is long and difficult, there is a mechanism built into our immigration laws today that allow some to achieve permanent legal status.

For example, many of the undocumented people living in the U.S. are living here, waiting for their number to come up – to be at the front of the visa line. When they are at the front of the line, they will be able to “fix their papers”. Many of these families have children who are attending our Kansas schools. The workers contribute property, sales, and income taxes to Kansas. When they reach the front of the long visa line, they are able to apply for permanent resident status here inside the U.S., obtain that status and begin the next wait for U.S. citizenship.

Allowing the students to attend college is *part* of the wisdom of Kansas' instate tuition policy: during the years while these students are waiting for their opportunity to become U.S. citizens, they are able to pursue their college educations, ensuring that they arrive at that ultimate moment ready to contribute fully to our nation.

Thank you again for the opportunity to voice our opinions on HB 2006. I would certainly be happy to answer any questions.

Sincerely,



Angela J. Ferguson, Esq.
MO/KS AILA



Kansas City, Kansas Public Schools

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February 1, 2011

HB 2006

Chairman Steve Brunk
House Federal and State Affairs Committee

Chairman Brunk and Honorable Members of the Committee,

The Kansas City, Kansas Public Schools are committed to providing all children in our community with a quality education that will prepare them for productive futures. This goal drives our staffing, curriculum development, and legislative priorities. We believe that fulfilling our educational mission improves not only our own community, but indeed across our entire state, as our fates are inextricably tied.

We are proud of the accomplishments of our students and celebrate what our teachers help them to achieve. At the same time, we acknowledge the challenges that many of our students face, including those who are immigrants, a growing population within our district. These students, some of whom are Limited English Proficient, face great obstacles in their quest for academic excellence. We have big dreams for all of our students, dreams that echo their own. It was our pursuit of these shared dreams that caused us to celebrate alongside our students when the Kansas Legislature approved the measure that allowed some immigrant students to pay in-state tuition rates at Kansas colleges and universities. Finally, the doors through which we work so hard to prepare our students to walk were open to them.

We understand why relatively few immigrant students have managed to hurdle the remaining obstacles to avail themselves of the opportunities created through Kansas' in-state tuition policy. We see, firsthand, their families' economic constraints and these students' ineligibility for state and federal financial aid. We know how difficult it is to be the first in your family to go to college, and how much these students have to risk in order to invest so much in their own futures. And, yet, every year since 2004, we've rejoiced with graduates of our school district who, despite the odds, have moved from our halls to classrooms at Kansas City Kansas Community College, the University of Kansas, and other fine Kansas postsecondary institutions. We applaud them when they graduate and move on, and we welcome them enthusiastically when they come back, sharing their successes with the younger students whose hopes hinge on what this Legislature decides to do, this year, with their futures.

It's our job, as a school district, to educate the children of Kansas City, Kansas regardless of where they came from, or when, or how. That's the law. It's our hope that you won't make that job unnecessarily more difficult by sending a message to a sizeable number of our students that their effort, and that of their teachers and administrators, is wasted. Please work with us to oppose HB2006 and let our in-state tuition law continue to work.

Bill Reardon, Lobbyist
Kansas City, Kansas Public Schools

House Fed & State Affairs
Date: 2.9.11

Unified District 500

Attachment

2

**House Federal and State Affairs Committee
Testimony in Opposition to HB 2006
February 1, 2011
Sister Therese Bangert
Sisters of Charity of Leavenworth**

I'm Sister Therese Bangert, here today to speak for the Sisters of Charity of Leavenworth. I would share with you that our Community, the SCLs, is two years older than the State of Kansas. We celebrated our 150th birthday two years ago.

As women of the Church and of the Gospel we've been part of educating Kansas children all of these years. Our Constitution, which sets a framework for our lives, states that the very spirit of our founding Sisters was born within the immigrant and pioneer spirit of the late 1850's. So being concerned for educating immigrants has been part of our service for 152 years.

I will leave to the immigration lawyers to explain the complicated answers about why the children who qualify for instate don't have citizenship when they graduate from high school. I do know that it is through no fault of their own. And I know that their dreams and aspirations mirror those of immigrants who for generations have come to Kansas to better their own lives and, in that process, to enrich our lives.

The powerful/graceful testimony that you hear today from two young women who have benefited from this policy speaks louder than anything I can say.

I ask you to reject this renewed effort to repeal the policy of instate tuition to the schools within the Kansas Board of Regents.

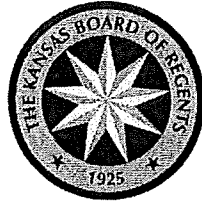
Thank You for listening to me. You have my prayers as you continue the important legislative work that is the task of this 2011 Session.

House Fed & State Affairs

Date: 2.9.11

Attachment

3



KANSAS BOARD OF REGENTS

HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

February 9, 2011

Testimony in Opposition to House Bill 2006

Dr. Andy Tompkins, President & CEO

Chairman Brunk, Ranking Member Loganbill, and Members of the Committee, I am here on behalf of the Kansas Board of Regents to testify in opposition to House Bill 2006, legislation that would repeal K.S.A. 76-731a – the law enacted by the 2004 Legislature that allows certain undocumented immigrants to attend the state's public postsecondary institutions at in-state rates. As you may know, the Board strongly supported the adoption of this law when it was approved in 2004, and the Board has strongly opposed subsequent efforts to repeal it.

Under the provisions of the law, an individual who is enrolled or has been accepted for admission at a postsecondary educational institution shall be deemed to be a resident of Kansas for the purpose of tuition and fees for attendance if the individual: A) has attended an accredited Kansas high school for three or more years; B) has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and C) in the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affidavit stating that the person or the person's parents have filed an application to legalize such person's immigration status, or such person will file such an application as soon as such person is eligible to do so or, in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so.

It is important to clarify what this law is and what it is not. This law does NOT allow undocumented immigrant students to attend public postsecondary institutions for free. These students, who come from our state's high schools, must still pay tuition. They must pay the same tuition that their high school classmates pay as they attend our state's colleges and universities. In fact, these students, due to their immigration status, are NOT eligible for ANY state or federal student financial aid. These students bear the entire burden of the cost of attendance, no matter how evident or significant their financial need.

The Board supports this law because it embodies the concept of expanded educational opportunity for people who live in Kansas, and who seek to enhance their ability to contribute to the well-being of our state and its economy.

★ LEADING HIGHER EDUCATION ★

House Fed & State Affairs

Date: 2.9.11

The Board supports this law because it believes it enhances the likelihood that students who either graduate from Kansas high schools or earn state-issued GED certificates will attend one of the state's institutions of higher education.

The Board supports this law because the students who benefit from this provision are students who, but for the opportunity this law presents, would be unable to pay the out-of-state tuition that would be required of them. Also, considering the small number of students who take advantage of this law, we do not feel that this law is attracting students to Kansas. Information regarding the number of students currently benefiting from the law is attached to my testimony. We believe the increases in enrollment have been largely due to increases in the population of students in K-12 schools and the number of those students who have completed three years of high school and want to seek postsecondary education. The reality is that these students would be unable to bear these additional costs and would lose their opportunity to advance their education, and the state would lose the many benefits from the enhanced contributions these students would make as a result of the education they would obtain.

The Board supports this law because it believes that given the remarkably competitive and increasingly global economic environment that confronts us, Kansas truly needs a highly educated workforce if it is to remain competitive and reach its full potential.

According to a recent study by Georgetown University's Center on Education and the Workforce:

- Between 2008 and 2018, new jobs in Kansas requiring postsecondary education and training will grow by 99,000 while jobs for high school graduates and dropouts will only grow by 51,000.
- Between 2008 and 2018, Kansas will create 482,000 job vacancies both from new jobs and from job openings due to retirement. 301,000 of these job vacancies will be for those with postsecondary credentials, 136,000 for high school graduates, and 45,000 for high school dropouts.
- By 2018, 64% of all jobs in Kansas (1 million jobs) will require some postsecondary training beyond high school.

Other recent studies indicate:

- Increasing the nation's average level of education by one year could increase economic growth by 6-15%, adding between \$600 billion and \$1.5 trillion to U.S. economic output (U.S. Dept. of Labor). The effect would be similar in Kansas.
- In 1955, "skilled" and "professional" jobs comprised 40% of the Kansas workforce. Today, that number is 88% (ACT, Inc.).
- Kansans with higher levels of education have higher labor participation rates and are better prepared to weather economic downturns. In 2008, 65% of Kansans with a high school or less were employed, compared to 89% employment for those with at least an associate's degree (KS Dept. of Labor).

As Secretary of Commerce Pat George recently noted at the Kansas Workforce Summit, 90% of the students who graduate from a Kansas community or technical college stay in Kansas

4-2

following graduation and are employed in our state's workforce. As you'll see in the attached enrollment document, 85% of the students enrolled under the provisions of this law attend one of the state's community or technical colleges. Legislators who are interested in growing the state's economy should take this compelling data to heart before voting on House Bill 2006.

In summary, this law is not only an opportunity for individuals and for the state as a whole, but it is also an important economic engine. Mr. Chairman, thank you for the opportunity to appear before your Committee today.

Kansas Board of Regents
Student Headcount Enrolled under Provisions of K.S.A. 76-731a
Fall 2005 - 2010 (Based on fall 20th day enrollments)

Institution		2005	2006	2007	2008	2009	2010
Public Universities	Emporia State University	4	4	9	3	3	2
	Fort Hays State University	1	6	7	14	18	25
	University of Kansas and KUMC	4	8	11	10	11	14
	Kansas State University	4	4	7	11	10	15
	Pittsburg State University	1	2	2	4	1	1
	Washburn University Total	0	0	0	1	0	1
	Washburn University	0	0	0	0	0	1
	Washburn Institute of Technology	0	0	0	1	0	0
	Wichita State University	21	5 *	10	17	17	4
Public Universities subtotal		35	29	46	60	60	62
Community Colleges	Allen County	0	1	1	1	0	0
	Barton County	3	2	1	7	8	8
	Butler County	14	28	31	47	48	63
	Cloud County	0	0	0	10	1	0
	Coffeyville	4	0	0	0	0	0
	Colby	0	0	0	0	0	0
	Cowley County	2	2	2	1	0	0
	Dodge City	0	0	0	0	0	17
	Fort Scott	0	0	0	0	0	2
	Garden City	5	7	10	16	19	15
	Highland	0	0	2	2	0	0
	Hutchinson	2	2	6	2	5	8
	Independence	0	0	0	0	0	2
	Johnson County	51	40	69	64	78	84
	Kansas City KS	5	16	34	43	51	55
	Labette	0	0	0	0	0	0
	Neosho County	1	2	1	2	0	0
	Pratt	1	1	2	0	1	1
	Seward County	94	35 *	36	44	42	68
Community College subtotal		182	136	195	239	253	323
Technical Institutions	Flint Hills Technical College	3	0	1	1	1	10
	Manhattan Area Technical College	0	0	0	0	0	0
	North Central KS Technical College	0	0	0	0	0	0
	Northwest KS Technical College	0	0	0	1	0	0
	Salina Area Technical College	0	0	1	1	1	4
	Wichita Area Technical College	1	4	0	0	1	14
Technical Institutions subtotal		4	4	2	3	3	28
Grand Total		221	169	243	302	316	413

* - decrease due to changes in institutional reporting procedure

Data source: KBOR report, institutional fall submissions, fall 2005 - 2010



Testimony before the
House Committee on Federal and State Affairs
on

Testimony on **HB 2006** – Repealing In-state Tuition for Certain Students

by
Mark Tallman, Associate Executive Director for Advocacy
Kansas Association of School Boards

February 1, 2011

Mr. Chairman, Members of the Committee,

Thank you for the opportunity to speak to you today on behalf of the Kansas Association of School Boards. For the benefit of the committee, especially new members, KASB is an organization of the locally-elected school boards which the Kansas Constitution makes responsible for “maintaining, developing and operating” public schools. We also represent the boards of other local education agencies. Each board decides every year whether to belong to our association, use our services and take part in our governance process. Each member board is entitled to vote in our Delegate Assembly.

KASB’s position on this issue dates back to discussion of the federal DREAM Act, supported by, among others, then Senator Sam Brownback. Based on concerns about the responsibility of school districts for the education of alien children at the time the Kansas Legislature was debating and finally adopted the current law, our Delegate Assembly adopted the following policy position:

Tuition for Undocumented Immigrant Children

KASB supports legislation that would allow students who have attended Kansas high schools for a reasonable period of time and successfully completed a high school program and other requirements for college admission to pay resident tuition rates, regardless of whether or not these students are citizens of the United States.

We therefore oppose **HB 2006**, which would repeal this benefit. The reasons our members adopted this position are both practical and ethical.

House Fed & State Affairs

Date: 2.9.11

Attachment

5

Public schools are legally responsible for the educational attainment of all children, regardless of citizenship.

Under U.S. Supreme Court decisions, school districts are required to provide educational services to children who reside in the district, regardless of their citizenship status. These students must be tested in reading and math under No Child Left Behind, and they count for participation and proficiency rates. They also count toward district drop-out and graduation rates. If these undocumented students are not attending, learning and graduating, schools and districts can miss the Adequately Yearly Progress targets required by NCLB and state accreditation requirements and be subject to sanctions.

We have heard elected officials argue both for ending education services for illegal immigrants and cutting Kansas drop-out rate to boost graduation levels. Our members firmly believe you cannot do both. In fact, the Hispanic population is the fastest-growing group of students and the most likely to drop-out. KASB adopted our position on in-state tuition out of the belief that if undocumented students see no benefit to staying in school, such as preparing for college or other postsecondary training, it will be much harder to keep them attending and engaged in school.

Enforcing immigration law should not punish the innocent.

To punish children for the actions of their parents seems unjust. To punish them by diminishing their educational opportunities is to inflict that punishment on even further generations. Many Kansans are legitimately concerned that current U.S. immigration practices undermine the “rule of law.” But this bill would affect young people whose only “crime” was to follow their parents to what may be the only country they have ever known.

Furthermore, passing this bill would do nothing to enforce the “rule of law.” It would not remove these students from our state. They would still be allowed to attend Kansans colleges. It does not say, “You are here illegally so you must leave.” It simply says, “You must pay far more to continue your education here than your classmates, friends and neighbors who walked across the same high school platform and received a Kansas diploma.”

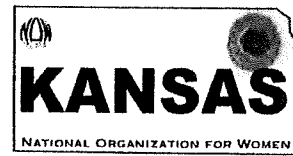
Denying educational benefits is a waste of resources.

Kansas taxpayers have already spent an average of \$12,000 per year educating these children. Kansas needs more, not less, workers with higher skills. The in-state benefit is conditioned upon seeking American citizenship. For all these reasons, KASB believes it makes neither economic nor moral sense to erect higher barriers to postsecondary education for the children who would lose benefits if **HB 2006** is passed. For that reason, we urge you reject this measure.

Thank you for your consideration.

Kansas NOW
Amber Versola, Lobbyist
Phone (785) 979-1733
lobbyist@ksnow.org

PO BOX 1860
Wichita, KS 67201



2/2/2011

TO: Kansas House Committee on Federal and State Affairs

FR: Amber Versola, Kansas NOW Lobbyist

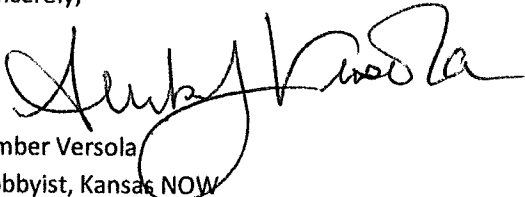
RE: Opposition to HB 2006 - Written Testimony

I respectfully request that the committee vote against HB 2006. Many negative consequences could be potentially realized if we deny children in our state access to an affordable education. NOW believes in equal opportunities for all people, and this bill prevents a segment of our current population from opportunities that are granted to others. Among the factors that I ask the committee to consider:

- The US Dept of Labor states that "The higher a person's educational attainment, the more likely they will be a labor force participant (working or looking for work) and less likely to be unemployed." HB 2006 repeals instate tuition for children who call Kansas home, based solely on a decision their parents made to bring them here. If we deny them equal access to higher education (and that includes in cost), we also risk denying them opportunities to contribute to our state's workforce on that higher level.
- According to the Institute for Women's Policy Research, women earn about 77 cents for every dollar that a man makes (nationally). To break this figure down by race, they assert that white women make about 75%, Black and African American women make approximately 61.9%, Asian women earn 82.3%, and Hispanic or Latino women earn 52.9% when compared to white males in our country. **According to a 2008 US Census Survey, Kansas women earn 74 % compared to men.** Women of all races deserve equal pay with men. Education is one of the most prevalent routes to such equality.
- Denial of in state tuition to undocumented children punishes them for circumstances which are often out of their control. These children are brought to Kansas by their parents with hopes of living the "American Dream." Generally, they do not have a choice regarding their immigration status and at times they are not even told that they are here illegally until it becomes necessary (applying for a job, applying to college, etc). It is not easy for these kids to "just become legal."
- Young immigrants, especially women immigrants face many hardships. The Southern Poverty Law Center estimates that there are 4.1 undocumented women immigrants in our community. These women contribute to our economy while facing great difficulties. Often they lack access to health care, are at risk of being paid substandard wages, and are subject to an array of abuses in the workforce. Their immigration status is at times used to assert control over their person. This situation affects their families in many ways.

NOW advocates for the fair treatment of all people, and in this case children deserve an equal opportunity to an affordable education. In what I believe to be the best interest of Kansas women, I again ask the committee to please vote against the passage of HB 2006.

Sincerely,



Amber Versola
Lobbyist, Kansas NOW

House Fed & State Affairs

Date: 2.9.11

Attachment 6

Median Earnings in the Past 12 Months of Full-Time, Year-Round Workers Aged 16 and Older by Sex and Women's Earnings as a Percentage of Men's Earnings by State and Puerto Rico: 2008

(In 2008 inflation-adjusted dollars. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see www.census.gov/acs/www)

Area	Median earnings (dollars)				Women's earnings as a percentage of men's earnings	
	Men		Women		Estimate	Margin of error ¹ (±)
	Estimate	Margin of error ¹ (±)	Estimate	Margin of error ¹ (±)		
United States	45,556	73	35,471	58	77.9	0.2
Alabama	41,411	378	30,681	359	74.1	1.1
Alaska	51,500	1,091	37,861	1,836	73.5	3.9
Arizona	41,524	414	34,556	558	83.2	1.6
Arkansas	36,839	522	27,487	611	74.6	2.0
California	47,758	415	40,521	181	84.9	0.8
Colorado	47,270	549	36,618	360	77.5	1.2
Connecticut	58,838	1,630	44,625	620	75.9	2.4
Delaware	46,898	1,107	37,049	1,072	79.0	2.9
District of Columbia	57,393	4,725	50,519	1,325	88.0	7.6
Florida	40,672	195	32,506	310	79.9	0.9
Georgia	42,391	344	34,513	531	81.4	1.4
Hawaii	45,577	956	36,709	662	80.5	2.2
Idaho	41,461	621	29,730	863	71.7	2.3
Illinois	50,022	365	36,968	257	73.9	0.8
Indiana	44,906	597	31,935	297	71.1	1.2
Iowa	41,677	317	31,903	303	76.5	0.9
Kansas	43,346	1,000	32,066	409	74.0	1.9
Kentucky	40,977	312	31,089	333	75.9	1.0
Louisiana	43,326	1,071	29,147	661	67.3	2.3
Maine	40,908	503	32,613	721	79.7	2.0
Maryland	53,189	943	44,188	644	83.0	1.9
Massachusetts	55,555	675	43,452	593	78.2	1.4
Michigan	48,720	660	35,260	303	72.4	1.2
Minnesota	48,637	618	37,281	276	76.7	1.1
Mississippi	37,436	963	27,697	676	74.0	2.6
Missouri	42,106	305	31,820	246	75.6	0.8
Montana	38,440	1,823	29,634	1,001	77.1	4.5
Nebraska	40,860	474	30,885	312	75.6	1.2
Nevada	45,178	928	34,724	759	76.9	2.3
New Hampshire	51,655	699	36,946	755	71.5	1.8
New Jersey	55,980	631	44,343	666	79.2	1.5
New Mexico	40,359	605	30,623	674	75.9	2.0
New York	48,882	567	40,490	241	82.8	1.1
North Carolina	40,875	297	32,397	254	79.3	0.8
North Dakota	41,249	716	29,589	834	71.7	2.4
Ohio	45,214	334	33,628	334	74.4	0.9
Oklahoma	39,860	664	30,123	341	75.6	1.5
Oregon	43,226	935	33,959	646	78.6	2.3
Pennsylvania	46,455	250	35,265	227	75.9	0.6
Rhode Island	49,265	1,740	36,536	1,075	74.2	3.4
South Carolina	40,998	321	31,063	349	75.8	1.0
South Dakota	37,493	1,384	28,431	899	75.8	3.7
Tennessee	40,458	347	31,091	228	76.8	0.9
Texas	41,539	174	32,530	314	78.3	0.8
Utah	45,028	718	31,183	448	69.3	1.5
Vermont	41,778	544	34,424	1,509	82.4	3.8
Virginia	50,203	250	37,859	560	75.4	1.2
Washington	51,272	285	37,932	635	74.0	1.3
West Virginia	40,941	671	27,472	754	67.1	2.1
Wisconsin	45,266	361	33,640	445	74.3	1.1
Wyoming	48,555	1,831	31,204	839	64.3	3.0
Puerto Rico	19,942	357	20,165	429	101.1	2.8

¹ Data are based on a sample and are subject to sampling variability. A margin of error is a measure of an estimate's variability. The larger the margin of error in relation to the size of the estimate, the less reliable the estimate. When added to and subtracted from the estimate, the margin of error forms the 90 percent confidence interval.

Sources: U.S. Census Bureau, American Community Survey, 2008; and Puerto Rico Community Survey, 2008.

6-2

Progress in closing the gender earnings gap has slowed considerably since the early 1990s, as measured by both data series. While the gender earnings ratio for full-time employees increased by 12.9 percentage points from 1980 to 1993, it grew by only 3.1 percentage points over the next 16 years. For full-time, full-year workers, the figure increased by 11.3 percentage points during the first period and by only 5.5 percentage points in the second period.

Information about gender wage ratios by race and ethnicity is available in IWPR's *Economic Status of Women of Color in the United States* web page, <http://www.iwpr.org/femstats/wocdata.htm> (Table 1), and in U.S. Census Bureau, *Historical Income Tables*, Table P-40 (<http://www.census.gov/hhes/www/income/histinc/p40.html>).

As illustrated by Table 1, Black and Hispanic workers of both sexes earn considerably less than white males, and the wage gap is particularly marked for women of color (except for Asian American women). African American women earned on average only 61.9 cents for every dollar earned by white men, and Hispanic women earned only 52.9 cents for each dollar earned by white men. The relatively high earnings of Asian Americans are related to historically high rates of educational attainment within this group, although even here a gender gap remains (82.3 cents).

Table 1: Annual Earnings, 2009, for Year-Round Full-time Workers aged 15 and Older by Race and Ethnic Background

Race and Ethnicity	Male	Female	Women's Earnings as % of White Male Earnings*
All Races	47,127	36,278	77.0%
White Alone, not Hispanic	51,405	38,533	75.0%
Black or African American only	37,496	31,824	61.9%
Asian only	51,760	42,331	82.3%
Hispanic or Latino (any race)	31,393	27,181	52.9%

Source: Institute for Women's Policy Research Compilation of Current Population Survey Labor Force Statistics, 2009

http://www.census.gov/hhes/www/cpstables/032010/perinc/new05_001.htm

(retrieved September 16 2010)

*The ratio for All Races is for Male and Females of All Races

Closing the gender wage gap is not a zero-sum game – gains for one gender do not require losses for the other. For the gender wage gap to close, women's real wages must rise faster than men's but, as the economy begins to grow, real wages should rise for both men and women. Yet, as can be seen from Table 2, since 1980 real wages for men have remained virtually unchanged, while women's real earnings increased across the same time period. Women's earnings have become increasingly important to family incomes, and further progress is possible.

February 6th, 2011

House Federal and State Affairs Committee
Chairman Steve Brunk
10th and Jackson
Topeka, Kansas 66612

RE: House Bill 2006

Chairman Brunk and Honorable Members of the Committee,

My name is Lalo Munoz. I am native Kansan, a graduate of our public school system and most importantly a product of a higher education. I am here as a private citizen opposed to House Bill 2006.

I oppose the repeal of Instate Tuition because I believe it is in our state's best interest to invest in our best and brightest whoever they may be, and to keep them right here in Kansas. Too many of our young people either do not continue with education after high school or leave our state entirely. We need to encourage more students to continue their education and to encourage them to do it while staying in Kansas. Instate Tuition, does both.

These young women who came here to share their stories are not the first who have achieved success as a result of Instate Tuition and hopefully they won't be the last. They were given nothing but an opportunity. Their success was a result of their hard work and determination and our state is better off for it.

But it isn't just these students who are better off as a result of Instate Tuition. It is our communities as well. Every student a university or college brings to their community has an added economic impact. Because these students don't qualify for financial aid, these students spend their personal income on room and board, living expenses such as groceries, leisure activities among other items. Our colleges and universities are better off as a result and our communities across Kansas are as well.

It isn't just supporters of Instate Tuition for undocumented students that understand the positive economic impact this has on communities. Others do too. Recently Washburn University announced that it would begin to offer of instate tuition to all Missouri freshman next year. Currently they offer instate tuition to Missouri students from 8 counties. And Washburn University isn't the only school to offer this deal, Fort Hays State University, Emporia State University, Pittsburg State University all offer instate tuition as a means to lure students to their campus but also residents to their local communities.

These students here in this room, represent some of the best and the brightest our state has to offer. They are part of the solution to the problems we face in our state today, not part of the problem.

Lalo Munoz
304 SE Hancock
Topeka, Kansas 66607

House Fed & State Affairs

Date: 2.9.11

Attachment

7

February 1, 2011

Chairman Steve Brunk
House Federal and State Affairs Committee

Chairman Brunk and Honorable Members of the Committee,

For ten years of my life I was an undocumented immigrant but, thanks to my education, I seldom felt like someone who did not belong in the United States. I moved to the state of Kansas when I was 14 years old with an English proficiency that placed me at an intermediate level of English as a Second Language classes. When I graduated high school I was taking Advanced Placement English classes without the college credit because I did not think I would be able to attend a university in the United States. The same year I graduated, the in-state tuition law passed in Kansas. At the time, I had no idea that this law would become such a big part of my life that, years after getting my undergraduate degree, I would still remember the bill number: House Bill 2145. Every semester, as I signed an affidavit promising to become a legal resident when eligible, I felt grateful that someone saw value in my education. It reminded me that studying at the University of Kansas was a privilege.

I graduated from KU in four years with a major in journalism, one in international studies, and a minor in philosophy. Yet one of the greatest opportunities that the in-state tuition law gave me was the possibility to grow into the person that I am today. It made me question my own views and, most importantly, empowered me to stand up for what I believe. Aside from learning how to write research papers in 2 days or less, I figured out the adult I wanted to become. My college experience, I know, does not seem much different from that of most college students. Maybe that's the point. When Kansas legislators passed the in-state tuition law, they opened a door for undocumented immigrants to get a higher education, but they also gave the state the opportunity to create active and productive members of this society. In the classrooms and dorm rooms, I felt no different than my peers. In the stands of Allen Field House, I saw no difference in the student next to me as we swayed together signing the Alma Mater. Effortlessly, education made me part of a community.

As I continue my education and get my masters degree, I want it to benefit the society that allowed me discover my love of learning. As I work and pay taxes in Kansas, I recognize that I'm an important part of a state that is my home. As I look forward to the day, very soon, when I will take the oath to become a U.S. citizen, I think about how many other immigrant youth share my dreams and, I hope, may walk a similar path. Today, I am proud of my hard work and all of my accomplishments. I am indebted to the teachers and professors who have taught me so much. I am also grateful that Kansas elected officials believed that education is always an asset to a community. They saw beyond my past and gave me an opportunity for a future. A majority of Kansas legislators has stood behind this policy for the past seven years, and I am thankful that elected officials believe that giving bright and hard-working young people a chance to contribute is good policy. I live every day making sure that I prove them right.

Ms. Alaide Vilchis
Lawrence, Kansas
University of Kansas Alumnus, Class of 2008

House Fed & State Affairs

Date: 2.9.11

Attachment 8

February 1, 2011

Chairman Steve Brunk
House Federal and State Affairs Committee

Chairman Brunk and Honorable Members of the Committee,

It has been seven years since, as a high school senior, I stepped into the Kansas Capitol for the first time to share with an audience my dream of becoming an architect and my desire to contribute to my community.

It's been seven years, and now I have a Master of Architecture and am a proud Kansas homeowner and taxpayer. I share the importance of education everywhere I can, including the local high schools in my community, where I speak to kids who anxiously hear hope for their own futures.

I come before you with my heart full of gratitude for helping me and other immigrant students achieve our dreams. The Kansas Legislature changed my life when they passed the instate tuition policy in 2004. The past seven years have brought hope to immigrant students whose desire is to become the doctors, teachers, veterinarians, businessmen and architects that Kansas needs.

My parents brought me to the United States at age 15. I didn't know English. My family lived in a one room apartment with no furniture, no phone, no fridge, and no bed, but we did have a nice pink carpet.

My parents always told me that college was the only way to better my life. I was fascinated with my History, English and Math classes. I translated every word with an old English/Spanish dictionary that I still keep. I graduated third in a class of 240 students in 2004. However, I didn't know until the last minute that I would have an opportunity to go to college. To me, the passage of the instate tuition law in May 2004 seemed like a miracle.

I was able to enroll at Kansas State University in Fall 2004, and the University welcomed me from the first time I stepped on campus to the moment that I crossed the stage in 2009 to receive my Master of Architecture degree and a big hug from the Dean of my College.

As immigrant students, under the instate tuition law, we do not get any financial help. In my case, my parents had low-paid jobs and could only afford my groceries and some school materials during college. Beginning in my senior year of high school and continuing throughout college, I applied for private scholarships. I graduated debt-free, thanks to so many nights writing essays and generous Kansans who invested in my future as an investment in our state.

For me, it was a miracle that the In-State Tuition law passed in May 2004, but it took another miracle to get me to my graduation day. It wasn't easy. Tears and sacrifices were

House Fed & State Affairs

Date: 2.9.11

Attachment 9

shed from me and my parents. On behalf of those talented immigrant students who are still in college and for those whose hearts yearn for a higher education, I ask you to please keep the instate tuition law.

This nation, and this great state, taught me the meaning of leadership and community service. They made me who I am today. My heart is rooted in the Land of Opportunity, and I look forward to the day when, soon, I will take the oath to become a citizen of the country that I have long called my own.

I work with an architect drawing commercial and residential plans and volunteer in my community every chance I get. I help to spread the word that saving energy is saving money and work to make our communities more sustainable. In my spare time, I'm renovating the home that my husband and I recently purchased in Kansas City, Kansas. Like many people our age, we have big plans for our future, and we are working hard to make them reality.

The instate tuition law worked in my life, and it's working in the lives of immigrant students around this state. Ask our college deans, our professors, our high school counselors and teachers, and you will see we take care of the place we call home. Please don't close the door to opportunity through which brave, dedicated, talented immigrant students have walked over the past seven years in pursuit of success. Please don't kill their dreams, dreams which echo my own. Thank you.

Andrea Pardo
Kansas City, Kansas

MORE²

Metro Organization for Racial and Economic Equity

Position Statement

January 31, 2011

Why the Kansas In-State Tuition Act is Good for Kansas

The Kansas In-State Tuition Act (KSA 76-731a) helps reduce high school dropout rates, creates an opportunity for students who have worked hard in school, and, like all public higher education, it is an investment in the economy of our state. Opponents of the Act claim it's a public benefit and a reward for illegal immigration. Here's why it's not, and why the pending Kansas House bill to repeal the Act, HB 2006, should be defeated:

The Kansas In-State Tuition Act can help reduce high school dropout rates and promote academic success.

Without any hope of further education or opportunity, many students find no reason to complete high school, much less excel in their studies. The results are costly for all of us: High school dropouts generally earn less, are less likely to become part of the workforce, are more likely to be unemployed when they are part of the workforce,¹ and are far more represented in our prison population.² Each dropout leaves a negative example for other classmates or family members still in school. But every at-risk student who succeeds in making it to college, whether undocumented or a citizen, sets a positive example to other students. This encourages lower dropout rates for all of our students. Moreover, the success of students attending college under the In-State Tuition Act defies common stereotypes of young Latinos and undocumented youth, i.e. refusal to learn English, refusal to assimilate, a propensity to commit crime, and that they are a drain on society.

The Kansas In-State Tuition Act rewards academic achievement and hard work, not undocumented immigration.

The students who are eligible under the In-State Tuition Act were generally brought by their parents to the U.S. when they were children. Because they had no choice of whether or not to come to the U.S., they have committed no voluntary act to punish or reward. Often, Kansas is where these students have grown up and is the only home they have known. Unlike adults, who can weigh the risks and benefits of their actions, these students had no more choice in the matter than in where they were born or to which parents. And yet, through no fault of their own, these students already suffer many obstacles: Overcoming language barriers, cultural differences, not being able to get a license, not being able to get a checking account, and living in constant fear of losing one or both parents. Despite these obstacles, eligible students have chosen to stay in school, work hard and excel against remarkable odds. This choice—not the decision made years before by their parents—is what is rewarded by the In-State Tuition Act.

House Fed & State Affairs

Date: 2.9.11

Attachment 10

The Kansas In-State Tuition Act does not encourage more undocumented immigration.

In 2005, only 221 students in Kansas enrolled under the Act in state universities or community colleges out of an estimated undocumented population of 55,000 to 85,000. In California, three years after a similar law took effect, only 357 illegal immigrant students enrolled in the University of California system in 2004-2005. The undocumented population of California at the time was estimated to be 2.4 million.³ If in-state tuition were indeed the incentive for undocumented immigration which opponents claim it is, far more would be taking advantage of it. One explanation is that most new immigrants are single males who come to work without their families. The prospect of their children getting to go to college and pay in-state tuition, which is still expensive, is far too distant to be a real incentive for their decision to come here.

The Kansas In-State Tuition Act is fair to out-of-state citizen students.

The question of whether the Kansas In-State Tuition Act harmed out-of-state citizen students was answered definitively by *Day v. Sebelius*, a lawsuit against the State filed by failed congressional candidate and newly elected Secretary of State Kris Kobach and the Federation for American Immigration Reform, purportedly on behalf of a few dozen out-of-state students. The district court dismissed the case for lack of standing⁴ and the U.S. 10th Circuit Court of Appeals upheld this dismissal, finding that the plaintiffs couldn't show that they had suffered any injury specific to them, and that even if the Act were struck down, the plaintiffs would still have to pay out-of-state tuition anyway.⁵

Under the Kansas Act, eligible students must have attended a Kansas high school for three years and maintained a B average. They must also sign an agreement that they will try to legalize their immigration status. Citizens can usually get in-state residency just from living one year in Kansas prior to college enrollment,⁶ so if a citizen met the criteria set out in the Act, they'd be eligible for in-state tuition too. Moreover, undocumented students are not eligible for any federal financial aid, so they really only get the opportunity to pay 100% of in-state tuition. No tax money is allocated to these students.

The Kansas In-State Tuition Act is fair to other resident students and families.

Most undocumented families are paying taxes of some kind—sales tax, gas taxes, vehicle registration and sometimes property taxes as well. Many also obtain taxpayer identification numbers so they can pay income tax.⁷ Just as the taxes paid by families of other resident students help pay for public higher education, so do any taxes paid by many of the families of eligible undocumented students.

The Kansas In-State Tuition Act is an investment in the Kansas economy, not a public benefit or subsidy of undocumented students.

In Kansas, state funding of Regents universities and community colleges are based on fixed line-item allocations in the state budget.⁸ In other words, state funding does not increase with increased student enrollment. So, for Kansas, a few hundred more undocumented students paying full in-state tuition will not necessarily cost taxpayers

more, and it will cost universities no more than if the same number of new citizen students from Kansas enrolled.

This relates to a larger debate about state funding of public higher education. Those who consider public higher education as a kind of entitlement that only benefits the student will argue that the Kansas In-State Tuition Act is an entitlement benefiting undocumented students as well. However, most Kansans and policymakers believe that public higher education is an investment in our people and in our economy. The more highly educated a population is, the more likely it will create businesses and jobs and tax revenues, and this benefits all of us. The reverse is also true. The economic transformation of Ireland at the turn of the century is an example. By investing in college access and success over the last 15 years, it moved from being one of Europe's poorest nations to a modern economy, with unemployment dropping from 20 percent in the 1980s to 5 percent in 2007.⁹ By expanding access to higher education to an underserved population, the entire state benefits.

HB 2006, which would in part repeal the Kansas In-State Tuition Act, does nothing to benefit the state economy, public higher education, or any students in Kansas. HB 2006 purports to defend citizen students and the public higher education system against an imagined harm by repealing the Kansas In-State Tuition Act. In reality, it does not add any funding to public higher education, it does not improve access to public higher education for any students, and it does nothing to improve high school dropout rates. Nor would the repeal of the Kansas In-State Tuition Act do anything to improve the state economy. The repeal of KSA 76-731a will neither reduce undocumented immigration nor do anything to fix our broken immigration laws. HB 2006 would succeed in harming the Latino community, both legal and undocumented, by cutting off opportunities for some of its brightest and most dedicated young students. HB 2006 will create many losers if it is passed—students, universities, and the whole of Kansas—but no winners.

Note: Research compiled by David J. Grummon, MORE² Corporate Secretary.

¹ National Center for Education Statistics. See

http://nces.ed.gov/ssbr/pages/dropoutrates07024.asp?IndID=37#notes_001_foot

² Bureau of Justice Statistics Special Report: Education and Prison Statistics, U.S. Department of Justice (2003). See <http://www.ojp.usdoj.gov/bjs/pub/pdf/ecp.pdf>

³ "In-state tuition not a draw for many immigrants." Lewis, Ralph. *The Boston Globe*, Nov. 9, 2005.

Available at

http://www.boston.com/news/education/higher/articles/2005/11/09/in_state_tuition_not_a_draw_for_many_immigrants/

⁴ *Day v. Sebelius* 376 F. Supp. 2d. 1022 (D. Kan. 2005).

⁵ *Day v. Bond*, 500 F.3d 1127 (10th Cir. 2007) "The record before us is devoid of evidence of any causal relationship between the tuition cost imposed on Kansas' public universities by §76-731a and nonresident tuition rates imposed on the Plaintiffs. Accordingly, the Plaintiffs have failed to carry their burden of demonstrating this claimed injury is not conjectural or hypothetical."

⁶ *Frequently Asked Questions: Kansas Residency for Tuition and Fee Purposes at State Universities*, Kansas Board of Regents (July 18, 2007). Available at

<http://www.kansasregents.org/download/institutions/070718%20Frequently%20Asked%20Questions%20for%20SUs.pdf>

See also Kansas Board Of Regents Policy And Procedures Manual, Appendix D (July 1995)

⁷ Understanding Your IRS Individual Taxpayer Identification Number (ITIN), Internal Revenue Service

Publication 1915 (Rev. 9-2007) Available at <http://www.irs.gov/pub/irs-pdf/p1915.pdf>

⁸ <http://www.kansasregents.org/finance/budget.html>

⁹ "Should States Invest in Higher Education As an Economic Development Strategy?" Reindl, Travis.

Trusteeship, Jan./Feb. 2008, p. 34 (Publication of Association of Governing Boards of Universities and Colleges)

Kansas Families for Education

Demanding Excellent Public Schools for All

Testimony HB2006

Committee on Federal and State Affairs – February 2, 2010

Kathy Cook, Executive Director -Kansas Families for Education

Mr. Chairman and members of the committee, thank you for the opportunity to address you this afternoon. I am Kathy Cook, Executive Director for Kansas Families for Education and I appear today to oppose this legislation. We are a statewide organization made up of educators, parents, taxpayers, students, and other Kansans committed to equity and excellence in our public schools.

We are talking about young people who are residents of this state, whose parents pay taxes, and who pay taxes themselves. These are young people who have achieved the graduation requirements of a Kansas high school, which is no small feat, given our state's high educational standards and the poverty in which many of these young people live. And these young people are PAYING tuition at our universities.

We contend that to deny students access to higher learning is not only detrimental to them as individuals, but detrimental to our state and our economy. Our business community is faced with many challenges and our businesses must be equipped with a well educated workforce prepared to meet those challenges. Our best strategy for ensuring that we will have the human capital we need in the future is to grow it ourselves, and we negate the importance of a well educated workforce when we attempt to deny Kansas students, any Kansas student, an opportunity for a college education.

If these students are denied in-state tuition it would take dollars away from our already under funded higher educational institutions. Many of the students are only able to afford higher education at the in-state cost, and could not attend or spend their money at Kansas universities if charged the out of state tuition rates.

The Kansas instate tuition law has been challenged in court on numerous occasions and upheld every time. We see no logical, rational, or legal reason to repeal in-state tuition. In fact, we maintain that education is a basic human right and the bedrock of our success as a state. We believe that the majority of Kansans embrace our immigrant population and want the students that are sitting side by side with our children in our K-12 classrooms to have the same opportunities to live the American dream by attending post secondary institutions.

I urge you to oppose House Bill 2006 and show your support for the love of freedom and the American Dream, a dream in which these immigrant children fervently share. Thank you.

House Fed & State Affairs

Date: 2.9.11

Attachment 11

Just one individual clapping is a very hallow sound indeed. Every student we clap for while they are on stage at May high school graduations should have the same chance to go to college. It is not in our best interest to single individuals out and separate them from the group. We have children in Kansas who have been here since they were 1, 2 or 5, 6 years old; attending our elementary schools, playing violin at school concerts, participating in school plays/musicals, bringing Valentines to classmates at classroom parties, playing on sports teams; engaged in everyway in our state schools.

Young people are victims of immigration laws that are out of step with the manner in which we usually address such issues; for example "in the best interest of the child." We must not have a policy that dismisses the harm to the child as unavoidable, collateral damage. But just as important as the moral imperative is the calling of our faith; so I also come to you today as a person of faith and a Presbyterian Elder. How can we possibly reconcile what are scriptures tell us-

"there shall be one law for the native and for the alien who resides among you." Exodus 12:49 and Leviticus 24:22

"When the "alien" resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you, you shall love the "alien" as yourself, for you were "aliens" in the land of Egypt: I am the Lord your God." Leviticus 19:33-34 and 24:22

"...you shall have one statue for both the resident alien and the native." Numbers 9:14 and 15:15-16

"...I was a stranger and you welcomed me." Matthew 5:10-11

"...Let us love, not in word or speech, but in truth and action." 1John3:18

The biblical alien is the stranger in our midst, the undocumented immigrant. Our scriptures speak frequently and clearly on how we are to welcome and treat the immigrant. Let us be bold in our love; keep instate tuition, have one law for both the undocumented and the native born. Dare to have your action speak the truth.

The reality is we are talking about a need of a very small population: currently, only about 5-10 percent of undocumented young people who graduate from high school go on to college; compared with about 75 percent of their classmates. Three-quarters of these students enroll in community colleges; only 62 students are in Kansas public universities. The cost difference between resident (in-state) and non-resident fees is approximately \$12,000. Without the instate option undocumented students cannot afford these tuition rates. The shortage of education dollars is real, but it is absolutely unfair and immoral to burden motivated and high-achieving immigrant youth with this responsibility.

The dreams of young people start early in their education path; my son is a freshman in high school and already has his 4 year education plan mapped out--the end goal is college and higher education. Students at 14years old are encouraged to plan their high school education and beyond.

House Fed & State Affairs

Date: 2.9.11

Attachment 12

Across the country high school counselors have testified about the horrible task of breaking the news to students that the dream for which they have worked so hard cannot come true. Parents become concerned that if their hard- working, goal oriented sons and daughters are unable to go forward, that their discouragement might lead to greater problems. The costs of attending college for the undocumented student is absolutely prohibitive if we do not allow for instate tuition.

Keeping the in-state tuition makes good economic sense. Keeping the in-state tuition promotes responsible behavior. Keeping the in-state tuition also provides an incentive for high-school graduation. Keeping instate tuition raises the percentage of high school graduates who pursue a college degree.

Keeping in-state tuition is the right thing to do: Because we want a better world, for you and me and for my children and for all our children. As long as we hold education hostage in the immigration debate we will be bound up in fear and ignorance. And I wonder what you are really afraid of when considering the repeal of in-state tuition? I want Kansas to live up to its best values, not its worst instincts and fears. The repeal of Kansas In-State Tuition for undocumented immigrant students is a fear based tactic.

Our young people are watching and waiting for us to do the right thing; they are waiting for you to do the right thing. Our communities and your constituents are waiting....my neighbors in the heart of Johnson County, and my colleagues in Wyandotte county are waiting....And I truly believe they are not alone, for I know our God is waiting and watching us as well.

Laurie Anderson

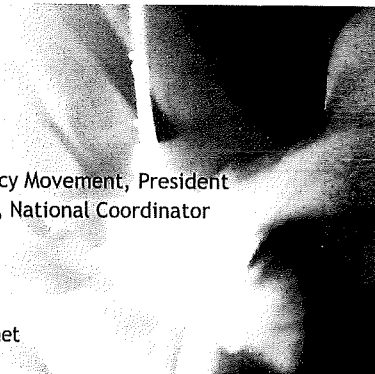
PCUSA Elder

Immigrant Justice Advocacy Movement, President

New Sanctuary Movement, National Coordinator

816-560-4616 cell

laurieanderson@earthlink.net





February 1, 2011

TO: Representative Steve Brunk, Chair, and Members of the House Standing Committee
on Federal and State Affairs

FROM: Gary George, Ed.D., Assistant Superintendent of Schools
Olathe Public Schools

SUBJECT: House Bill 2006: Repeal of K.S.A. 76-731a

I am submitting written testimony in opposition to House Bill 2006. This bill would eliminate in-state tuition for undocumented student immigrants who have graduated from Kansas high schools and meet the other requirements outlined in K.S.A. 76-731A. This provision has existed in state law for several years.

As you are well aware, these students were in almost all cases brought to this country as young children. They had no say in the decision their parents made to move to the United States. They have lived here almost all their lives. This is their country for all practical purposes. They pledge allegiance to the flag each day at school. They have participated in school activities, and represented their schools in interscholastic contests. We are required by law to provide an education for all students regardless of their citizenship status. This bill penalizes the innocent child or young person for our broken and confusing immigration system.

We oppose House Bill 2006 because it destroys hope for a college education and a productive future for many of these students. It will destroy the motivation of undocumented high school students to excel academically by making a college education unaffordable to them. According to the financial aid people I have spoken with, no federally supported aid can be provided to undocumented students. If these students drop out of school, the social costs for our society will far exceed the cost of allowing these students to have in-state tuition.

Finally, this bill penalizes high school students who enrolled in dual enrollment programs. Such programs allow a student to take classes in high school and receive both high school and college credit. This would adversely impact such students in the high school setting.

I believe we as a state can do better than to destroy the hope and opportunity that Governor Brownback spoke about in his Inaugural Address. We urge the committee to reject this bill.

House Fed & State Affairs

Date: 2.9.11

Attachment 13



204 SW 8TH AVE • TOPEKA, KANSAS 66603 • PHONE 785-227-9247 • FAX 785-861-7438 • WWW.KSCATHCONF.ORG

February 8, 2011

Dear Members of the House Federal and State Affairs Committee:

The Catholic Bishops of Kansas are concerned that passage of HB 2006 would fall heavily on the backs of young adults who, in many cases through no fault of their own, are in our state without legal status, but nonetheless know Kansas as home. For some of these young people, it is the only home they have ever known.

We fully recognize the magnitude of the illegal immigration situation in this country, which is why the Catholic Church has for years implored Congress to reform our immigration system across the board. Immigration is a federal responsibility that simply cannot be addressed coherently by fifty different state policies. Congress has failed to uphold its constitutional responsibilities, and has thus left state policymakers to feel as if they must attempt to manage the situation to whatever extent they can.

However, in attempting to compensate for congressional inaction, states should take care not to pursue remedies that fail to bring us closer to a solution to our immigration challenges, or even exacerbate them. We fear that this legislation will have little effect except to make certain young people's lives more difficult.

We ask you to give special consideration to the fact that this bill directly targets the children of illegal immigrants. Is this really the best way to approach immigration reform? In many cases, these young people had no say in the decision to migrate to Kansas. Some have lived here since a very young age, in some instances so long as to not have any memory of the short time they spent anywhere else. Would our state somehow be better served if these individuals are not educated?

Please extend your compassion to these young people. They already live without peace of mind. They were brought here by their parents, and are ever fearful of the moment when they might be taken away from the only place they think of as home. Surely there are better solutions

House Fed & State Affairs

Date: 2.9.11

Attachment 14

T.L., D.D.

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND JOSEPH F. NAUMANN, O.C.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND MICHAEL O. JACKELS, S.T.D.
DIOCESE OF WICHITA

MICHAEL M. SCHUTTLOFFEL
EXECUTIVE DIRECTOR

MOST REVEREND JAMES P. KELEHER, S.T.D.
ARCHBISHOP EMERITUS - ARCHDIOCESE OF K.C. IN KS

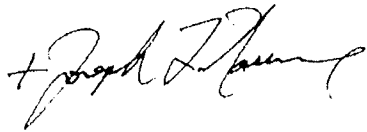
MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
BISHOP EMERITUS - DIOCESE OF WICHITA

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
BISHOP EMERITUS - DIOCESE OF SALINA

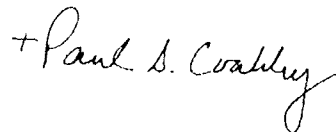
available to us for reform of our dysfunctional immigration system. Because the problem has been left to fester so long, none will be easy or painless. But we can do better than to make young people pay for circumstances beyond their control.

Thank you for your consideration.

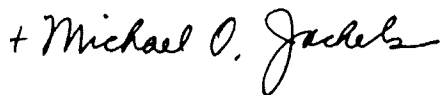
Yours in Christ,

A handwritten signature in black ink, reading "Joseph F. Naumann". The signature is written in a cursive style with a cross at the beginning.

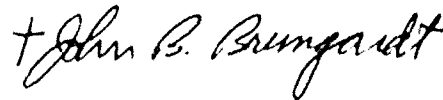
Most Reverend Joseph F. Naumann
Archbishop of Kansas City in Kansas

A handwritten signature in black ink, reading "Paul S. Coakley". The signature is written in a cursive style with a cross at the beginning.

Most Reverend Paul S. Coakley
Bishop of Salina

A handwritten signature in black ink, reading "Michael O. Jackels". The signature is written in a cursive style with a cross at the beginning.

Most Reverend Michael O. Jackels
Bishop of Wichita

A handwritten signature in black ink, reading "John B. Brungardt". The signature is written in a cursive style with a cross at the beginning.

Most Reverend John B. Brungardt
Bishop of Dodge City

February 1, 2011

Chairman Steve Brunk
House Federal and State Affairs Committee

Chairman Brunk and Honorable Members of the Committee,

My name is Melinda Lewis, and, while I worked on the passage of Kansas' instate tuition policy in 2004 in my capacity as the Director of Policy Advocacy and Research at El Centro, Inc., my testimony today is as a Kansan, advocate of educational opportunities, and mother.

I understand that the debate over immigration reform is controversial. But HB2006 is not about immigration. Not really.

The reality is that repealing Kansas' instate tuition policy won't make immigrants leave the United States, or even Kansas. Job opportunities and flight from economic desperation motivate migration, not the seemingly impossible dream of having one's children attend higher education.

No, the effect of HB2006 would be, instead, to roll back the gains achieved in the past seven years, to tell hard-working immigrant students that their sacrifices have been in vain, and to slam shut the doors to institutions that have repeatedly stated their desire to be open to these very scholars.

Repealing Kansas' instate tuition policy would mean giving up our chance to witness success stories like Andrea, now a Lawful Permanent Resident, small business owner, homeowner, Kansas taxpayer, and mentor to other immigrant youth, who just seven years ago stood before committees in the Kansas Legislature asking for the chance that she then made so much of. It would mean telling our colleges and universities, in these difficult times, that they are not allowed to accept these students who have so ably demonstrated their academic prowess. It would mean telling teachers that their classrooms, in Garden City and Hutchinson and Olathe and Wichita and Pittsburg, are dead ends for many of their students. It would mean breaking what's working, in a year when so much needs to be fixed.

This Legislature, as you know even better than I, faces tremendous challenges. Dealing with Kansas' instate tuition policy, thankfully, isn't one of them. Colleges and universities are pleased with its impact on higher education in the state. School districts and teachers are unified in their support for the status quo. And the scattered legal challenges to the statute, and similar ones in other states, have been dismissed from both state and federal courts, leaving its legal future solid.

Certainly, there is a lot of anti-immigrant rhetoric in the political atmosphere today. Those of you who were here will remember that 2004 wasn't really all that different. The Kansas Legislature decided then, and should affirm today, that these relatively few students, of exceptional intellect, admirable work ethic, and laudable commitment to contributing positively to our state, should be removed from the battleground over immigration policy. They are part of the solution, not part of any problem. And, in 2011, we need solutions more than ever.

Melinda Lewis
4630 W. 70th Street
Prairie Village, KS 66208

House Fed & State Affairs
Date: 2.9.11

Attachment 15



February 1, 2011

Chairman Steve Brunk
House Federal and State Affairs Committee

Chairman Brunk and Honorable Members of the Committee,

I am the President/CEO of El Centro, Inc., an organization serving families in Wyandotte and Johnson counties. El Centro, Inc. is committed to strengthening communities and empowering families through educational, social, and economic opportunities. Towards this end, we are especially proud of the role that our staff and, especially, the communities with whom we work played in the passage of Kansas' instate tuition policy for qualified immigrant students in 2004.

During that initial debate, and in the subsequent years, we have heard many of the same arguments and much of the same misinformation—about these kids, about their families, and about the extent and the limits of this policy. It is our honor, today, to address these arguments and to share what we have learned throughout the past nine years that this issue has been a critical one for our organization.

It is said that investing in these students' education is a waste, because they will never become citizens. And yet, we celebrate alongside these young people when they obtain their Lawful Permanent Residency—because their family-based petitions are finally approved, or they marry their college sweethearts. And, when they take the oath of citizenship, they do so as well-educated Kansans, ready to contribute fully to our state.

It is said that immigrant students are a burden to our state institutions, yet the Kansas Board of Regents—who knows our higher education system better than anyone—is just as supportive of the policy today as seven years ago, having seen firsthand the successes of these bright and talented young people.

It is said that these students should return to their countries, yet, if we're honest with ourselves, we'll recognize that this is, indeed, their country—almost all of their conscious past and certainly the site of their future.

A significant part of my job requires talking with diverse groups, across the political spectrum, about immigration policy and the realities of our broken system. I hear the frustrations and, indeed, our staff confronts them every day. And, yet, what most Kansans want and, indeed, demand, are workable solutions that make sense for our state—not rhetoric that divides and confuses. Our instate tuition policy was carefully crafted by legislators committed to finding a way to turn a difficult situation—visited upon us by lack of federal action—into an investment in Kansas' prosperity and an affirmation of our fairness. Aided by the daily witness of immigrant students determined to prove the wisdom of this policy, it is an experiment that works.

Sincerely,

Mary Lou Jaramillo
President/CEO, El Centro, Inc.

House Fed & State Affairs

Date: 2.9.11

Attachment 1b



Making public schools great for every child

KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

**Mark Desetti, Testimony
Kansas NEA
House Federal and State Affairs Committee
House Bill 2006
February 1, 2011**

Mr. Chairman, members of the committee, thank you for the opportunity to present testimony to you in opposition to **House Bill 2006**.

Kansas NEA opposes this bill because it represents the wrong thing to do to high-achieving young people.

Despite what some may say, current law regarding resident tuition does not reward illegal activity; it does not let the children of undocumented immigrants attend our universities for free or at a reduced rate; and it is not a handout.

Children stay with their parents and that fact is no different for the children of undocumented workers than it is for your children or mine. I've moved several times since becoming a parent and it never occurred to me that my children could or would not move with me.

Under legislation passed by the Legislature, those children of undocumented workers who have attended one of our Kansas high schools for three years and graduated from a Kansas high school or received a GED in Kansas, are eligible to pay in-state tuition rates provided they sign an affidavit stating that they are pursuing or are planning to seek legal status in the United States.

Their families have been here for at least three years. They have shopped in our stores and paid our sales taxes. They have paid property taxes either directly or indirectly through their rent. Other taxes have been withheld from their paychecks. And some of these children are even United States citizens having been born in this country.

These children did not come here consciously violating our immigration laws. They came with their parents. They attended our schools. They struggled and succeeded in learning English. They worked hard to get the kind of grades needed to enter our universities. They deserve a chance to get a post secondary education. These young people are committed to life in this great nation.

Governor Brownback, in his inaugural speech said this, "I want Kansas to be known as the state of Hope. Whoever has the most hope has the biggest dreams. Whoever has the most Hope has the most influence, for mankind moves forward on Hope."

What does HB 2006 do but crush hope for a generation of hard-working children who long to be part of the American dream and came here, not illegally, but simply by staying with their parents?

Governor Brownback also told us that "Kansas is Opportunity." What does HB 2006 do but strip from these children the opportunity to find a better future in the nation that they view as their country?

Passage of House Bill 2006 will deny these young people the chance to pursue their dreams and to live life well. We urge you to continue to reward these high achieving, hard working students for a job well done. It's not about how their parents came here; it's about what those kids did once they got here.

We urge you to reject House Bill 2006.



MainStream Coalition
5960 Dearborn Street, #213
Mission, Kansas 66202-9905

★ MODERATE ALLIANCE OF INFORMED NEIGHBORS ★

913-649-3326 • www.mainstreamcoalition.org

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MainStream Coalition

boo@mainvoice.org

The MainStream Coalition is made up of moderate voters, who do not agree on every issue, but who do agree on the importance of public education, as well as the principle of the separation of Church & State.

As such, the MainStream Coalition has not made a position statement on immigration as a broad area of public policy. There is not a consensus among our Boards and our members about what remedies and approaches the state of Kansas should employ in regard to immigration status. In fact, some among our group believe that this is a federal issue that will not be solved by piecemeal solutions by various states.

However, there is an organizational consensus that HB 2006 is an education bill, not a bill about immigration status. We see this bill as promoting a lack of fairness regarding access to higher education for Kansas residents, and, therefore, we oppose HB 2006 and the repeal of "in-state tuition" for the children who are targeted by this bill. Regardless of how these youth came to live here, these Kansas high school graduates are in a position to improve our state's workforce and future if we grant them the same access to our public universities as their fellow graduates.

MainStream sent its executive director to meet and listen to some of the stories of high school students who will be negatively impacted by HB 2006. We found these young people to be eager to stay in Kansas, proud to be Kansans, and smart, articulate representatives of our public school systems. When stories abound from employers who cannot find educated workers for their jobs, especially in western Kansas, it seems shortsighted to turn away eager, smart Kansas high school graduates by removing affordable access to our public universities from their post high school options.

This bill is an assault on the spirit of the 1982 Supreme Court ruling in *Plyler v. Doe*, which states that undocumented children have the same right to a public education as U.S. citizens and permanent residents. By denying undocumented children this opportunity to affordable in-state higher education, the bill violates the Equal Protections clause of the Fourteenth Amendment.

Therefore, the MainStream Coalition urges all moderate legislators, regardless of party affiliation, to oppose this mean-spirited bill that hurts Kansas more than it protects Kansas.

House Fed & State Affairs

Date: 2.9.11

Attachment

18