



**TESTIMONY OF MICAH W. KUBIC  
EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS  
(WRITTEN TESTIMONY ONLY)  
IN OPPOSITION TO HB 2139  
KANSAS HOUSE COMMITTEE ON EDUCATION  
FEBRUARY 24, 2015**

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Although we are not able to testify in person at today's hearing, the American Civil Liberties Union (ACLU) of Kansas is grateful to the committee for affording us this opportunity to provide written testimony in opposition to HB 2139.

The ACLU of Kansas is a membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas.

In 2004, the Legislature passed a law creating in-state tuition for undocumented students. In order to be eligible to pay in-state tuition at a state school, an undocumented student must attend a Kansas high school for at least three years, graduate or obtain a GED, and sign an affidavit declaring that he or she will seek to adjust his or her immigration status as soon as such option becomes available.

Kansas is in good company in providing in-state tuition to all residents. There are at least seventeen states that currently have in-state tuition laws, including Nebraska, Oklahoma, Texas and Utah, and a number of public university systems opt to provide in-state tuition for undocumented students without any legislative requirement to do so. Also, the legality of in-state tuition laws is not in question; the California Supreme Court upheld an in-state law. And in Kansas, a federal court dismissed a challenge to the in-state law, which was affirmed by the 10<sup>th</sup> Circuit.

Kansas is in good company and on solid legal ground when it comes to in-state tuition; our neighboring states provide in-state and our courts have made clear that we are well within legal bounds to do so.

House Bill 2139 would repeal the in-state tuition law in Kansas, limiting access to higher education for Kansas youth solely on the basis of their immigration status and with no regard for their scholastic achievement or merit. Many of the affected students are brought to this country at a young age and grow up going to our public schools just like any other Kansas teen. By the time they are applying to college, they are virtually indistinguishable from their peers. To single out these students for exclusion from in-state tuition would create a disincentive to their working hard to succeed in high school, as it would place yet another barrier to achieving a college education.

Our state already invests in providing primary school education to all of our youth; in-state tuition is simply a good return on our investment. If we were to repeal in-state tuition, most of these students would not be able to pursue their dream of going to college. In today's economy, we need a work force with skilled workers and a college degree is a precursor to working, paying taxes and contributing to our state. Rather than creating barriers to higher education, we ought to create policies that increase access to an affordable education for all Kansas youth who work hard, apply and earn admission to college, and who demonstrate that they want to and can contribute to our state and our economy. In-state is not merely good for these students and their futures, but it is good for our state and our collective future.

For these reasons, we oppose the repeal of our state's successful in-state tuition law and respectfully urge you to vote no on HB 2139.