

Role of Community Colleges in the Implementation of Postsecondary Education Enrollment Policies for Undocumented Students

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Abstract

This article examines the case of how the City University of New York (CUNY)—its central administrative offices and two of its community colleges—has addressed the issue of college access for undocumented immigrants in its implementation of New York’s college in-state resident tuition (ISRT) policy for this population. It highlights the role of implementers—those individuals who make day-to-day decisions and whose responsibility it is to carry out mandates—and policy ambiguity in the execution of policies. A total of 19 individuals ranging from interest group representatives, local community-based organization officials, CUNY central administrative office officials, and staff from two community colleges were interviewed. This investigation finds that CUNY’s central administrative offices have devoted a fair amount of resources on disseminating the availability of ISRT for undocumented immigrants and attempts to ensure proper institutional implementation of the state’s policy as interpreted by its system-level policy. Day-to-day implementation measures at CUNY and its individual community colleges included two processes: application for admission and residency verification. Furthermore, community colleges, to varying degrees, have developed outreach efforts that have focused on disseminating the availability of this policy and to a certain extent its procedures via one-on-one counseling and written communication. Last, this article concludes with implications for the literature and institutional policies and practices to increase the level of students enrolled in community colleges.

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Approximately 65,000 undocumented students graduate from high school each year in the United States (Passel, 2003)—many of whom may desire postsecondary education—yet may not enroll in college because of the many unique challenges before them. In response, some states have established policies to extend some higher education benefits—mostly in the form of in-state resident tuition (ISRT) rates—to this population. Although these state policies have been in existence since 2001, few studies have analyzed how higher education institutions have implemented these laws for this population.

This study highlights the case of how the City University of New York (CUNY), including its central administrative offices (referred to as CUNY Central) and two of its community colleges, has addressed the issue of college access for undocumented immigrants in its implementation of New York's ISRT policy for this population. It illustrates that as a whole CUNY has devoted a fair amount of resources and made a concerted effort to address the issue of undocumented students' college enrollment, yet some gaps still exist. CUNY's central administrative offices have focused implementation efforts on disseminating the availability of ISRT for this population and ensuring proper interpretation of its system-level policies. At CUNY community colleges, implementation efforts have focused on residency verification and dissemination of the availability of ISRT for undocumented students.

However, the institutions' efforts—especially in the area of dissemination—have been haphazard. After providing background information on the policy landscape concerning educational access for undocumented students, and after reviewing relevant literature, this article will detail the case of CUNY.

States Providing Postsecondary Education Benefits to Undocumented Students

Free K-12 public education is guaranteed for all undocumented immigrants under U.S. federal law (Olivas, 2012). The historic 1982 Supreme Court decision in *Plyler v. Doe* ensures undocumented students free K-12 public education. Almost immediately after this decision was rendered, the question arose about whether these students would be guaranteed any postsecondary education rights under that same decision (Olivas, 2012). The answer to that question is no.

Currently, 17 states (California, Colorado, Connecticut, Hawaii, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, and Washington) have ISRT policies that permit certain undocumented students to pay this reduced tuition (Institute for Higher Education Law and Governance, 2013). In general, undocumented students are eligible for ISRT if they (a)

attended a high school in the state for a specified number of years (between two to four years) and graduated with a high school diploma or (b) completed a GED program in the state and passed the GED examination.

Among the previously mentioned 17 states, the average annual savings for undocumented immigrants who attend a community college and pay in-state versus out-of-state tuition is \$4,026 (Washington Higher Education Coordinating Board, 2010, Tables 9 and 10). Although the difference in New York is lower than this average, it is still significant at \$3,259. Given that many undocumented immigrants have lower incomes (Schluter & Wahba, 2009) and that nearly 40% live below the poverty level (Batalova & McHugh, 2010), securing ISRT is essential in their ability to enroll in postsecondary education (Flores, 2010a, 2010b; Gonzáles, 2010; López, 2010).

Since 2002, New York has permitted certain undocumented students to pay ISRT to attend its State University of New York (SUNY) and CUNY systems. Although New York passed this law, the mere presence of this policy will not guarantee that undocumented students experience greater access to colleges and universities. Indeed, the role of higher education institutional agents charged with implementing the ISRT legislation is an important area to examine, one that is often ignored in the literature (McLendon, Mokher, & Flores, 2011). Furthermore, it is important to examine this issue at community colleges, because it is surmised that the majority of undocumented students enroll at this type of institution (Chávez, Soriano, & Olivérez, 2007) and because the literature has primarily focused on the enrollment of undocumented students at 4-year institutions.

Literature Review

This study is anchored in two bodies of literature: (a) the postsecondary enrollment of undocumented students and (b) policy implementation. The former examines factors that influence the enrollment of these students. The latter focuses on the role of policy implementers and on the ambiguity that emerges in the execution of policies.

Postsecondary Enrollment of Undocumented Students

Several factors have affected undocumented students' postsecondary education enrollment: (a) limited availability of outreach efforts and information to assist undocumented students in this process, (b) high out-of-state tuition rates in those states that do not offer ISRT to undocumented students, (c) discretionary application of complex residency requirements, (d) responsiveness of college staff members in assisting this student population, (e) little or no access to financial aid programs, and (f) fears associated with disclosure of immigration status. A brief explanation of each of these influences follows.

Outreach and information. Undocumented immigrants have inadequate access to accurate information related to their college choice processes (Biswas, 2005; Contreras, 2009; Gonzáles, 2010; Nienhusser, 2013; Nienhusser, Vega, & Saavedra, in

press). Biswas (2005) demonstrated this, noting that “there is considerable variation among and within states with regard to admission of undocumented students” and that this “further confuses low-income immigrant students (legal and illegal) who are often already marginalized from opportunities due to inadequate information” (p. 10). In addition, states have ambiguous definitions of eligibility requirements for in-state tuition (Biswas, 2005; Olivas, 1988). These requirements can be difficult to communicate to a population that is likely to be unfamiliar with the differences in tuition structures present in a given state (Chávez et al., 2007; Nienhusser, 2013).

Tuition rates. The differences between in-state and out-of-state tuition rates, as outlined previously, are significant and can be a major barrier when undocumented immigrants are making the decision to enroll or not enroll in postsecondary education (Dougherty, Nienhusser, & Vega, 2010; Flores, 2010a, 2010b). Flores (2010b), for example, found that “the availability of an [ISRT] policy positively and significantly affects the college decisions of students who are likely to be undocumented as measured by an increase in their college enrollment rates” (p. 271).

Discretionary policy application. College personnel are entrusted with the difficult task of interpreting and carrying out intricate residency requirements (Olivas, 1988, 1992; Oseguera, Flores, & Burciaga, 2010; Padilla, 1988). Residency classifications made by college personnel are central in the ability of undocumented immigrants to enroll (or not) in postsecondary education due to staggering differences between in-state and out-of-state tuition rates. Olivas (1988) highlighted how the implementation of ISRT policies for undocumented immigrants is “most in need of fresh insights, as no ethnographic survey or administrative law study has emerged to shed light on the important role administrators have in interpreting the rules and making determinations” (p. 274). To date, little research has been done to fill the important gap that Olivas identified more than two decades ago.

Responsiveness of college staff. Some undocumented students have encountered higher education administrators who are insensitive toward this student population (Contreras, 2009; Nienhusser & Dougherty, 2010; Nienhusser et al., in press). Contreras (2009) examined the experiences of undocumented students in Washington and found that “. . . not all college staff were willing to provide information to undocumented students. In fact, some staff either behaved in a discriminatory manner or discouraged undocumented students from accessing the answers they needed regarding financial aid, programs, or courses” (p. 628). On the other hand, there are postsecondary education administrators who are more responsive to undocumented students’ college enrollment needs (Contreras, 2009; Nienhusser & Dougherty, 2010). A CUNY community college official stated this very issue: “You have people who are closer to the immigrant community themselves . . . so they’re going to be more sensitive to the issue” (Nienhusser & Dougherty, 2010, p. 11).

Access to financial aid. Given limited financial aid opportunities, this population's access to postsecondary education is significantly deterred. Undocumented immigrants do not qualify for any federal financial aid programs (Biswas, 2005; Gonzáles, 2009; Szelenyi & Chang, 2002). In addition, they are not eligible for most state financial aid programs (Flores, 2010b). Furthermore, it is difficult for this population to get funding at private colleges and universities (Hausman & Goldman, 2001).

Fear of disclosure. The postsecondary education journey of undocumented students is very different than that of residents and citizens due to fear of deportation (Contreras, 2009; Dozier, 2001; Gonzáles, 2010; López, 2010; Nienhusser et al., in press; Szelenyi & Chang, 2002). Undocumented immigrants are hesitant to share their immigration status with education officials (Nienhusser, 2013), which makes it more challenging for this population to receive the information and support they may need to explore or enroll in postsecondary education (Nienhusser, 2013; Rangel, 2001). Rangel detailed how

[Undocumented immigrants are] living on a day-by-day basis, with constant fears that come with their undocumented status.... The frequent intimidation these immigrant students experience on a daily basis, such as the risk of being unmasked by [the government] or deported, partly explain why many of these students take a non-aggressive role in seeking resources for accessing college. (p. 8)

In recent years, the literature on undocumented students' college access has grown significantly. While this literature has described those barriers that preclude this population's greater postsecondary education access, it has largely ignored the role of community colleges (Abrego & Gonzales, 2010) and the role of postsecondary education institutional agents in the implementation of enrollment policies for this student population.

Policy Implementation

Broadly speaking, policy implementation "encompasses whatever is done to carry a law into effect, to apply it to the target population, and to achieve its goals" (Anderson, 2003, p. 193). More precisely, it is "the carrying out of a basic policy decision.... The decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and, in a variety of ways, 'structures' the implementation process" (Sabatier & Mazmanian, 1980, p. 20). This process is multifaceted, complex, and involves an extensive array of individuals. Within the policy implementation literature, there are two areas that are of particular importance to this investigation: the role of implementers, those individuals who make day-to-day decisions and whose responsibility it is to carry out policies, and ambiguity in the execution of policies.

Role of implementers in policy implementation. The policy implementation literature has focused on the role of public and private actors involved in implementing programs

and systematically examining their engagement in and influence on the policymaking process (Hill & Hupe, 2002; Howlett & Ramesh, 2003; Schofield, 2001). These implementers do not always do as they are told nor do they always act to maximize policy objectives (McLaughlin, 1987). In some instances, “those responsible for implementation at various levels of the policy system respond in ... idiosyncratic, frustratingly unpredictable, if not downright resistant ways” (McLaughlin, 1987, p. 172). Elmore (1979-1980), for example, described how a heavy overload of demands and expectations during implementation may result in implementers developing their own “coping devices” (p. 609) for simplifying but inadvertently distorting the intent of policymakers. Last, the professional and personal motivations of implementers may influence the manner in which a policy is carried out (McLaughlin, 1987; Weible, Heikkila, deLeon, & Sabatier, 2012).

Role of ambiguity in policy implementation. Administrative agencies and the implementers who run these organizations are often able to issue rules and directives that will fill in the details of the policy and make it more specific (Anderson, 2003). Alongside, ambiguity, in the form of “vague mandates and weak guidelines provide opportunity for dominant coalitions or competing issues to shape program [direction]” (McLaughlin, 1987, p. 173). However, when large implementation responsibilities are left to local governments, policy outputs may vary based on environmental factors (Percival, 2004). Mills (1998), for example, conducted a study of three postsecondary institutions in Oklahoma that implemented the same remediation policy enacted by the state. The investigation found that the policy contained enough ambiguity that each of the three institutions implemented a unique strategy.

In the end, “ambiguity should be viewed neither as an evil nor as a good. It should be seen as a characteristic of a policy, without imbuing it with any normative value” (Matland, 1995, p. 171). Indeed, a tightly controlled implementation environment has been found to result in a smaller probability of a policy’s success (Elmore, 1979-1980). On the other hand, “administrators who perceive themselves as having greater discretion to act” in the execution of a policy “tend to produce policy outcomes that are more broadly representative of minority interests” (Sowa & Selden, 2003, p. 707). Altogether, ambiguity is supposed to allow implementers to use their expertise to better meet perceived legislative mandates and organizational goals.

Research Questions

The central questions that guided this study were as follows: How has CUNY implemented postsecondary education enrollment policies for undocumented students? What factors have influenced implementation? The analytic questions associated with these research questions were as follows:

Analytic Question 1: What role have policy implementers from CUNY Central had in the implementation of support structure?

Analytic Question 2: What implementation measures have policy implementers from CUNY Central and community colleges developed?

Analytic Question 3: How has ambiguity in policy implementation been evidenced across community colleges?

Research Methods and Selection of Research Sites

This investigation followed a single case-study research design (Yin, 2003). Creswell (2003) defines case-study analysis as research that “explores in depth a program, an event, an activity, a process, or one or more individuals” (p. 15).

Because a central focus of this investigation was to explore the implementation of a postsecondary education benefit for the undocumented immigrant population, it was bound by the selection of a state that has such a law. New York, since 2002, permits certain undocumented students to pay ISRT. New York was also selected in large part because of the limited focus that the literature on undocumented immigrant postsecondary education has devoted to states in the northeastern region of the United States.

New York City (NYC) was the locality selected, given its large and diverse undocumented immigrant population. The approximate number of undocumented immigrants in NYC is 535,000 (Fiscal Policy Institute, 2007). In terms of its diversity, it is estimated that of the undocumented immigrants in NYC, 27% are from Central America, 23% are from South and East Asia, 22% are from the Caribbean, 13% are from South America, 8% are from Europe, 5% are from Africa, and 2% are from the Middle East (Fiscal Policy Institute, 2007).

CUNY and the Selected Community Colleges

CUNY is composed of six two-year, 11 four-year, and four schools located within NYC’s five boroughs. Its total enrollment for the Fall 2011 term was 272,128 (CUNY, 2012), making it one of the largest public higher education systems in the United States. CUNY’s 2-year institutions (community colleges) are largely responsible for providing postsecondary educational opportunities to underserved populations (Bailey & Weininger, 2002). Similar to other higher education systems, community colleges are more attractive to underserved populations due to their lower tuition rates. CUNY’s community college tuition rate is lower than the tuition rate for its 4-year institutions. In addition, CUNY’s community colleges are more accessible, where remediation is available for students with weaker academic preparation (Bailey & Weininger, 2002).

CUNY is an institution that embraces its role in educating immigrant students (Bailey & Weininger, 2002), including those who are undocumented (Erisman & Looney, 2007; Nienhusser & Dougherty, 2010). Its system-wide undocumented student enrollment is between 4,000 and 4,500 (Fiscal Policy Institute, 2012). A Chancellor and the system’s administrative offices (typically referred to as CUNY Central) govern CUNY’s individual institutions, including its community colleges. CUNY Central refers to those officials who work in one of the CUNY-wide

Table 1. Document or Archival Data.

Category	Category includes	Count
Research reports	Studies that have examined the issue of undocumented immigrants in NYC	3
Procedural manual	University-wide documents that assist college staff with the interpretation and implementation of policies that affect undocumented students' enrollment	1
Student handbooks, catalogs, bulletins	Informational resources that colleges provide students to inform them of campus resources available to them, assist them with registration, notify them of important dates, and other pertinent information	4
Websites	CUNY Central and institutional websites that disseminate information on or are involved in processes associated with the enrollment of undocumented students	4

administrative offices that are responsible for developing policies and for providing oversight to its individual institutions and schools.

CUNY's six community colleges are located in four boroughs. In the Fall 2011 term, these institutions enrolled 97,712 students (CUNY, 2012). Purposeful sampling (Patton, 1990) guided the selection of community colleges. The primary criterion for the selection of institutions was that they be located in two different boroughs. As a result, two community colleges took part in the study: CC1 and CC2, located in Borough C and Borough B, respectively. Although their total enrollment levels were similar, there was some variation in the percentages of minority and foreign-born students enrolled at each college.

Data Collection and Analysis

Two types of data were collected in this study. First, document or archival data from sources such as research reports, procedural manuals, student handbooks, catalogs, bulletins, and websites were reviewed (see Table 1). Second, interview data—the principal data in this study—were collected. A total of 19 individuals were interviewed (see Table 2). These interviewees included 5 interest group representatives, 3 local community-based organization officials, and 11 community college officials who worked at CUNY Central, CC1, or CC2. Interviews took place between April 2009 and October 2010.

A coding scheme was developed to analyze interview data as well as the document or archival data. This tool was created using deductive and inductive reasoning. Initially, the conceptual framework and literature that guided this study were used to produce a “start list” of codes (Miles & Huberman, 1994). Next, representative interview and document or archival data were analyzed, and adjustments to the coding scheme were made in response to the key concepts being raised by participants. In an attempt to examine and ensure that the coding of data was being done in a consistent

Table 2. Interview Participants.

Category	Category includes	Count
Interest groups	Organizations that represent racial/ethnic and undocumented immigrant community interests	5
Local community-based organizations	Organizations that work directly with immigrant and undocumented immigrant populations on issues of college access	3
Community colleges	CUNY Central officials and community college staff (president, admissions officer, registrar, financial aid officer) that work at institutions that participated in study	11

manner, I asked a colleague to help with intercoder reliability. I shared the coding scheme, two interview transcripts, and two documents with this colleague. We both coded these items independently using the same coding scheme. I subsequently reviewed my colleague's coding and compared it with my own. Overall, the coding was consistent.

Findings

This section will first detail the influence of CUNY Central in the development of a support structure for implementing New York's legislation concerning ISRT for undocumented students. Then implementation measures established by CUNY Central and by the two participating community colleges will be described. It is important to note that the implementation support structure and measures that will be described correspond to the period when data were collected and analyzed.

Influence of CUNY Central in Implementation Support Structure

CUNY Central has committed considerable resources to the implementation of enrollment policies that affect undocumented students. These efforts have centered primarily on information dissemination—making sure that its staff members are aware of undocumented students' eligibility for ISRT and how to implement its policy. These initiatives have included (a) workshops and training sessions that have informed staff members about undocumented students' eligibility for ISRT and associated institutional policies, (b) written resources in the form of a manuals and websites that detailed this population's eligibility and associated implementation procedures, and (c) offices that have assisted college staff members with the interpretation of enrollment policies for undocumented students. Each of these areas will be detailed in the following paragraphs.

Workshops, meetings, and trainings. There have been offices within CUNY that have provided occasional workshops or training sessions for local-level staff members on

issues related to undocumented students, including their eligibility for ISRT. For example, CUNY's Citizenship Now office has coordinated regular workshops on this topic. These workshops have been geared toward the enrollment services staff—those individuals who work in areas such as admissions, financial aid, and registrar. In addition, there have been monthly meetings—coordinated and attended by CUNY Central's Division of Enrollment Management—that enrollment services leaders from individual campuses sit in on. At these meetings, participants have brought up and discussed issues that relate to interpretation and implementation of institutional policies that affect the enrollment of undocumented students at CUNY. Furthermore, occasional conferences or special training sessions have occurred throughout CUNY. For example, a special training held in November 2008 informed participants (about 100 CUNY staff members) about how to assist undocumented students with their college enrollment. In addition to discussing barriers that undocumented students face in enrolling in college, issues concerning the institutional implementation of the state's ISRT policy were also discussed.

Written resources. CUNY Central has developed a *Tuition and Fee Manual* (CUNY, 2009b) to assist implementers with the execution of tuition and fee policies as interpreted and established by the institution. The Office of General Counsel and Senior Vice Chancellor for Legal Affairs have been responsible for updating and disseminating this manual. It is available online for staff members to access. An admissions staff member at CC2 described the *Tuition and Fee Manual* as the “bible on tuition and fees at the university.... That is how changes in policies are actually communicated through additions or a whole new manual.”

Chapter 2 of this manual—“Residency”—details the parameters under which certain undocumented immigrants qualify for ISRT. In addition, the CUNY Residency Form—a document that institutions are encouraged to use to help administer the ISRT policy for undocumented students—is appended to this manual. Interestingly, this manual does not detail how the policy should be carried out at the institutional level. For example, the manual neglects to detail what offices on individual campuses have the responsibility for executing this policy.

The *Tuition and Fee Manual* is updated taking into account new policies and addressing nuances that center on tuition and fees that arise during the implementation of these policies. The existence of this manual was seen by several respondents as CUNY Central's effort to have individual campuses administer a uniform residency verification process for its students. Indeed, this manual states,

The Residency Form and any other forms referred to in this section are the only forms that have been approved for the purpose of documenting a student's residency status. No other forms may be used by the colleges without the prior approval of the Vice Chancellor for Budget and Finance. (CUNY, 2009b, p. 5)

In addition to the *Manual*, the CUNY Citizenship Now website (<http://www.cuny.edu/about/resources/citizenship.html>) has provided information in both English and

Spanish on undocumented students' eligibility for ISRT. This information has been available in the page content area and as a downloadable brochure. Furthermore, this site has provided a wealth of other resources for undocumented immigrants, including information on President Obama's Deferred Action Program (policy that grants certain undocumented immigrants a reprieve from deportation).

Interpretation of policy. The Office of General Counsel (OGC) and The CUNY Citizenship Now office have been instrumental in helping institutional staff members understand CUNY's interpretation of New York State's ISRT legislation. For instance, these offices have received calls from CUNY staff members who seek assistance with the interpretation of the ISRT policy, mainly to see whether a student should receive that benefit. A community college admissions officer at CC2, for example, described the assistance provided by OGC in interpreting this policy:

You will consult with [OGC in the event you feel] you are interpreting [the policy] incorrectly. You will contact [OGC] for clear instructions . . . They are there as a resource. That is where the policy is actually formulated so . . . that is where to go if we should have any questions.

Implementation Measures

Implementation measures associated with the state's policy for undocumented students have been established by CUNY Central or by individual community colleges. These implementation measures entailed (a) application for admission, (b) residency verification, (c) one-on-one counseling, and (d) written resources. CUNY Central's involvement with the day-to-day implementation of in-state tuition has been limited to the application for admission, whereas the institutions' efforts centered on confirming residency, determining in-state tuition eligibility, and providing information on ISRT eligibility to this student population.

Application for admission. CUNY has a centralized admissions application process for all its undergraduate colleges—including its community colleges—that is managed by the CUNY Welcome Center. The vast majority of students submit their applications for admission using CUNY's centralized online application system. It allows students to submit their application to as many as six CUNY colleges.

Under the student information section of this undergraduate application, applicants have had to indicate whether they are United States citizens. If they desire, they have had the opportunity to enter their country of citizenship and country of birth. Furthermore, they have had the option to enter their Alien Registration Card Number or, if they are in the country with a visa, they could enter visa-related information. Beyond this and other demographic information, applicants have submitted academic-related information including the colleges to which they seek admission. Once completed, applicants' data are transmitted to the colleges, where admission decisions are made.

Residency verification. Those applicants who indicated that they were not United States citizens are coded by the individual college information systems, for tuition purposes, as non-residents (i.e., not eligible for ISRT). It has then been the responsibility of undocumented students to submit necessary documentation so they may be changed in the individual college's information system as eligible for ISRT. Generally, the only documentation that undocumented applicants seeking ISRT have provided is the CUNY Residency Form. This two-part document (Part A and Part B) requests information that helps college officials determine students' ISRT eligibility. Part A requests general student information, including a Social Security number, citizenship status, immigration and visa status, and details related to high school attendance in New York State. Based on the responses to those questions, the form indicates what additional steps may need to be pursued by the individual. The form instructs undocumented students who are eligible for ISRT to complete Part B, an affidavit. As the legislation requires, students must pledge that they will "file an application to legalize [their] immigration status or will file such an application as soon as [they are] eligible to do so" (CUNY, 2009a, p. 54). This affidavit has been used throughout all CUNY institutions.

Generally, the admissions offices at individual CUNY institutions have been responsible for administering the residency verification process for new students. This is the case at CC1 and CC2, where offices of admission handled the residency verification process for new students. This typically entailed collecting the Residency Forms, verifying students' eligibility for ISRT, and then changing their classification in the College's information system. These documents then became a part of the students' records and are stored at individual colleges. An admissions office representative from CC1 described this process as follows:

The Office of Admissions is responsible for actually reviewing the application, soliciting appropriate documents to support [students'] application process, and they are responsible... to determine [students'] residency status based upon the law, and based upon CUNY policy and directives.

In the event a student is incorrectly charged out-of-state tuition and pays it, he or she had the opportunity to follow procedures in place at individual institutions to appeal the college's decision and secure a refund, if warranted, that equals the differential between out-of-state and in-state tuition. However, the period to appeal was generally confined to the same semester in which the student was overcharged.

One-on-one counseling. College officials noted that it was necessary for them to meet individually with undocumented students in an attempt to best address their needs. An admission officer at CC1 described a common scenario that staff members encounter:

Staff is trained to say [to undocumented students]: "By the way, do not worry if you do not have a Social Security number, you do not need one. That is only for purposes of identification so we know whom you are because there may be somebody else named Jimmy Jones. . . . We are going to identify a[n alternate] number for you." And then you can . . . deescalate the situation a little bit.

The importance of staff sensitivity to the undocumented student population was also evident in the residency verification process. In explaining the affidavit process that undocumented students must undergo, an admissions office official at CC1 said,

We explain why they are [required to complete the affidavit] and in some cases they are afraid to sign off on the affidavit. They feel that they may be pursued. We assure them that [the government does] not pursue anybody on this, that this is state law.

In addition, there was evidence that CC2 staff members from different student service offices advised undocumented students who were flagged with the higher non-resident tuition rate to visit the Office of Admissions to explore whether they are eligible for ISRT.

Written resources. Institutions have developed two types of written resources to communicate the availability of ISRT and associated procedures for undocumented students. These included letters to undocumented students who might be eligible for ISRT and information on institutional websites regarding in-state tuition.

Letters have been used by CC2, which, prior to the start of each semester, sends a hardcopy communication to all students who are classified in their student information system as being required to pay out-of-state tuition rates. This letter has indicated that they may be eligible for ISRT, detailed the criteria used to determine eligibility for ISRT, and specified the procedures students must undertake to be reclassified as eligible to pay ISRT. Enclosed in this letter was the CUNY Residency Form, discussed previously, that undocumented students are required to submit to receive ISRT. These efforts were in place to target those undocumented students who are eligible to receive resident tuition rates, yet have not submitted the necessary paperwork. On the other hand, CC1 did not have such an implementation measure in place.

In the area of website information, both CC1 and CC2 had limited information on their websites regarding undocumented immigrants' eligibility for ISRT. CC1, in particular, had very little information. This institution did not outline the ISRT policy or undocumented students' eligibility for this reduced rate anywhere on the institution's websites. On the other hand, CC2 did outline the ISRT policy on one of its websites.

An admissions official from CC1, for instance, commented on how communication regarding the ISRT policy could be enhanced at CC1:

You can always improve things. I think certainly communication is number one. That's paramount. We do a good job. We could do a better job. We could certainly increase communication.

This is evidenced, for example, by the failure of both CC1 and CC2 to have included on their institutional websites the CUNY Residency Form students are required to complete, the name of the office responsible for ISRT verification, or information on the process that students must undergo to change their tuition residency status from out-of-state to in-state.

Moreover, neither of the colleges examined in this investigation provided any information related to the ISRT policy or associated residency verification processes for undocumented immigrants in their student handbooks or catalogs.

Implications for Literature

This investigation contributes to the growing literature on the access undocumented students have to postsecondary education. It is one of the first studies to examine issues related to the postsecondary education access of undocumented students in the Northeast. In addition, it is one of the first studies to examine the role of a community college system and some of its institutions in the implementation of a postsecondary education enrollment policy for this student population. Results shed light on how system and college staff members have shaped a college access policy and dealt with policy ambiguity.

The Role of Implementers

Findings in the study highlight the central role that college-level implementers have in carrying out state higher education and institutional policies. This supports the policy implementation literature, which has emphasized the important roles played by implementers in shaping policy decisions (Dowd, Pak, & Bensimon, 2013; Hill & Hupe, 2002; Lipsky, 1980; McLaughlin, 1987). As shown in this study, implementers—CUNY Central staff members and those individuals who work at community colleges—have had a large influence on how New York’s ISRT policy has been implemented for undocumented students. It is these administrators who have created an implementation support structure that may help undocumented students take advantage of the state’s policy governing eligibility for ISRT. In many ways, these individuals have served as a powerfully influential intermediary between undocumented students’ dream of pursuing a college education and their actual action of enrolling in postsecondary education.

However, more research is needed on policy implementers and the execution of postsecondary education policies for undocumented students. For example, how does ethically grounded decision-making (Magolda & Baxter Magolda, 2011; Oliver & Hioco, 2012), along with the personal and professional beliefs held by college administrators, shape the manner in which they implement policies for this population? How do political forces (e.g., state political culture) influence the manner in which these policies are executed by higher education institutions?

Policy Ambiguity

This investigation also examined issues related to policy ambiguity, which occurs when policies contain “vague” language or fail to provide detailed directives, thereby giving implementers the latitude to create mandates and rules that meet policy objectives. The policy implementation literature informs us that policy “ambiguity should

be viewed neither as an evil nor as a good” (Matland, 1995, p. 171). Indeed, evidence from this case study suggests that the presence of ambiguity in state legislation has permitted CUNY to implement New York’s ISRT policy in a manner that maximizes educational access for this student population. For example, during a training session that CUNY held in November 2008, a CUNY Central official was quoted as saying,

... our objective is to enroll students . . . If a student established their residency status when they were accepted to a community college, we shouldn’t be asking them to do it again [when they transfer to a 4-year institution]—or sending them back to the community college to retrieve their documentation. You should admit the student and e-mail your colleague [to confirm in-state resident tuition eligibility]. (as cited in Pfordresher & Tarleton, 2009, p. 10)

This quote is very revealing because the 2002 legislation does not detail how CUNY and SUNY should deal with residency verification of transfer students. However, CUNY Central officials—in their hopes to ease the administrative burden on undocumented students and thus increase the likelihood of continued enrollment—have adopted an institutional policy that encourages its colleges to engage in this practice. Yet, more research is needed in the area of ambiguity to examine how system- and institutional-level ambiguity may be disadvantaging undocumented students when it comes to enrolling in institutions that may be implementing ISRT legislation in either very strict, incorrect, or inconsistent ways.

Implications for Practice

This study may have several implications for system-level and individual institutions that are implementing policies that have an impact on undocumented students. First, at the system level, it is imperative that leaders address the issue of college access for undocumented students by developing well-structured implementation plans. Overtly recognizing that undocumented students exist and that their college access needs are different from those of other students could be a good first step. System leaders should also mobilize resources to provide training that will challenge staff members to develop approaches that will assist undocumented students with their college enrollment process. This commitment should include workshops and other dissemination tools to inform employees of issues that this population faces in relation to college enrollment broadly, as well as to matriculation at their specific institutions.

At individual institutions, more information should be available to assist undocumented students with their college enrollment. For example, institutions’ websites should have a dedicated site that undocumented students can refer to. As highlighted earlier, there was a scarcity of information, including details about the ISRT policy, for this population. Information provided could also include the intricacies of post-secondary education tuition structures (e.g., in- and out-of-state tuition) or the exact process that should be followed to obtain ISRT. In addition, because the majority of undocumented youth belong to an immigrant community, such information should be available in multiple languages, thereby making this information accessible to

not only students but to their parents as well. Providing information via a website is especially important to this student population, because their immigration status may deter them from visiting college campuses (Contreras, 2009). In addition, taking a proactive stance, as CC2 did, in mailing letters to all students classified as out-of-state for tuition purposes will provide additional information to undocumented students who are unfamiliar with the steps they must undergo to prove their eligibility for in-state tuition.

It is imperative that student affairs professionals be knowledgeable of state and institutional policies that affect this student population. As Gildersleeve, Rumann, and Mondragon (2010) note, “The more informed that student affairs professionals are about the legal and policy contexts of undocumented students’ lives, the better they can serve these students” (p. 6). Instead of simply relying on colleagues or popular media to inform higher education practitioners of state policies in this area, college administrators should seek alternate information sources (e.g., legislative bill texts or professional associations) to ensure that the manner in which they and their institutions are interpreting a legislative mandate is in accordance with the policy.

Finally, several studies (e.g., Contreras, 2009; Gonzáles, 2010) point to the importance of student-peer networks that undocumented students rely on to receive college-related information and support. Unfortunately, given the transient nature of their students, community colleges are unlikely to have multicultural centers or undocumented student organizations, where such encounters typically occur. Therefore, it is especially important that community colleges develop safe environments by creating opportunities for undocumented students who seek admission to obtain assistance and support from their peers in gathering information and other resources needed to enroll in college. An example of such an initiative is the Undocumented Student Program at the University of California, Los Angeles. In addition to providing a wealth of resources and support services for students seeking information on college exploration and enrollment, this program helps prospective students connect with currently enrolled undocumented students to obtain the information and support they may need.

Conclusion

Undocumented immigrants encounter a multitude of challenges in their everyday lives. These realities are constant reminders that undocumented immigrants face a plethora of barriers that impede their success in the United States, including access to higher education. Although many undocumented students find the resiliency or *ganas*(will) to enroll in postsecondary education (Contreras, 2009), we cannot place the sole burden on this student population. Instead, community college systems and their individual institutions must make a concerted effort to address the unique enrollment needs of undocumented students so that they may attend and succeed in our postsecondary education institutions.

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References

- Abrego, L. J., & Gonzales, R. G. (2010). Blocked paths, uncertain futures: The postsecondary education and labor market prospects of undocumented Latino youth. *Journal of Education for Students Placed at Risk, 15*, 144-157. doi:10.1080/10824661003635168
- Anderson, J. (2003). *Public policymaking*. Boston, MA: Houghton Mifflin.
- Bailey, T., & Weininger, E. B. (2002). Performance, graduation, and transfer of immigrants and natives in City University of New York community colleges. *Educational Evaluation and Policy Analysis, 24*, 359-377. doi:10.3102/01623737024004359
- Batalova, J., & McHugh, M. (2010, July). *DREAM vs. reality: An analysis of potential DREAM Act beneficiaries*. Retrieved from <http://www.migrationpolicy.org/pubs/DREAM-Insight-July2010.pdf>
- Biswas, R. (2005, January). *Access to community college for undocumented immigrants: A guide for state policymakers*. Retrieved from http://www.jff.org/sites/default/files/AccessstoCCundoc_0.pdf
- Chávez, M. L., Soriano, M., & Olivérez, P. (2007). Undocumented students' access to college: The American Dream denied. *Latino Studies, 5*, 254-263. doi:10.1057/palgrave.1st.8600255
- City University of New York (CUNY). (2009a). *University tuition and fee manual: Addenda*. New York, NY: Author. Retrieved from http://portal.cuny.edu/cms/id/cuny/documents/informationpage/addenda_manual.pdf
- City University of New York (CUNY). (2009b). *University tuition and fee manual: Residency*. New York, NY: Author. Retrieved from <http://portal.cuny.edu/cms/id/cuny/documents/informationpage/residency.pdf>
- City University of New York (CUNY). (2012). *Total enrollment by undergraduate and graduate level, full-time/part-time attendance, and college: Fall 2011*. Retrieved from http://owl.cuny.edu:7778/ENRL_0001_UGGR_FTPT.rpt.pdf
- Contreras, F. (2009). Sin papeles y rompiendobarreras: Latino students and the challenges of persisting in college. *Harvard Educational Review, 79*, 610-631.
- Creswell, J. (2003). *Research design: Qualitative, quantitative, and mixed methods approaches* (2nd ed.). Thousand Oaks, CA: SAGE.

- Dougherty, K. J., Nienhuser, H. K., & Vega, B. E. (2010). Undocumented immigrants and state higher education policy: The politics of in-state tuition eligibility in Texas and Arizona. *The Review of Higher Education, 34*, 123-173. doi:10.1353/rhe.2010.0012
- Dowd, A. C., Pak, J. H., & Bensimon, E. M. (2013). The role of institutional agents in promoting transfer access. *Education Policy Analysis Archives, 21*(15). Retrieved from <http://epaa.asu.edu/ojs/article/view/1187>
- Dozier, S. B. (2001). Undocumented and documented international students: A comparative study of their academic performance. *Community College Review, 29*(2), 43-53. doi:10.1177/009155210102900204
- Elmore, R. (1979-1980). Backward mapping: Implementation research and policy decisions. *Political Science Quarterly, 94*, 601-616. doi:10.2307/2149628
- Erismann, W., & Looney, S. (2007, April). *Opening the door to the American Dream: Increasing higher education access and success for immigrants*. Retrieved from <http://www.ihep.org/assets/files/publications/m-r/OpeningTheDoor.pdf>
- Fiscal Policy Institute. (2007, November). *Working for a better life*. Retrieved from http://www.fiscalspolicy.org/publications2007/FPI_ImmReport_WorkingforaBetterLife.pdf
- Fiscal Policy Institute. (2012, March). *The New York State DREAM Act: A preliminary estimate of costs and benefits*. Retrieved from <http://www.fiscalspolicy.org/FPI-CostBenefitAnalysis-NYS-DREAM-Act-20120309.pdf>
- Flores, S. (2010a). The first state Dream Act: In-state resident tuition and immigration in Texas. *Educational Evaluation and Policy Analysis, 32*, 435-455. doi:10.1353/rhe.0.0134
- Flores, S. (2010b). State Dream Acts: The effect of in-state resident tuition policies and undocumented Latino students. *The Review of Higher Education, 33*, 239-283. doi:10.1353/rhe.0.0134
- Gildersleeve, R., Rumann, C., & Mondragon, R. (2010). Serving undocumented students: Current law and policy. In J. Price (Ed.), *Understanding and supporting undocumented students* (New Directions for Student Services, No. 131, pp. 5-18). San Francisco, CA: Jossey-Bass.
- González, R. (2009, April). *Young lives on hold: The college dreams of undocumented students*. Retrieved from <http://professionals.collegeboard.com/profdownload/young-lives-on-hold-college-board.pdf>
- González, R. (2010). On the wrong side of the tracks: Understanding the effects of school structure and social capital in the educational pursuits of undocumented immigrant students. *Peabody Journal of Education, 85*, 469-485. doi:10.1080/0161956X.2010.518039
- Hausman, C., & Goldman, V. (2001, April 8). Great expectations. *The New York Times*, p. 4A.
- Hill, M., & Hupe, P. (2002). *Implementing public policy*. Thousand Oaks, CA: SAGE.
- Howlett, M., & Ramesh, M. (2003). *Studying public policy: Policy cycles and policy subsystems*. Don Mills, Ontario, Canada: Oxford University Press.
- Institute for Higher Education Law and Governance (2013). Table one: State laws allowing undocumented college students to establish residency, 2013. Houston, TX: Author. Retrieved from <http://www.law.uh.edu/ihelg/documents/Statute-TableOne.html>
- Lipsky, M. (1980). *Street-level bureaucracy: Dilemmas of individuals in the public service*. New York, NY: Russell Sage Foundation.
- López, J. (2010). *Undocumented students and the policies of wasted potential*. El Paso, TX: LFB Scholarly Publishing.
- Magolda, P. M., & Baxter Magolda, M. B. (2011). How do professionals navigate situations when their professional beliefs clash with their supervisors' or organizations'

- beliefs? In P. M. Magolda & M. B. Baxter Magolda (Eds.), *Contested issues in student affairs: Diverse perspectives and respectful dialogue* (pp. 435-465). Sterling, VA: Stylus Publishing.
- Matland, R. (1995). Synthesizing the implementation literature: The ambiguity-conflict model of policy implementation. *Journal of Public Administration Research and Theory*, 5, 145-174.
- McLaughlin, M. (1987). Learning from experience: Lessons from policy implementation. *Educational Evaluation and Policy Analysis*, 9, 171-178. doi:10.2307/1163728
- McLendon, M., Mokher, C., & Flores, S. (2011). Legislative agenda setting for in-state resident tuition policies: Immigration, representation, and educational access. *American Journal of Education*, 117, 563-602. doi:10.1086/660770
- Miles, M., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). Thousand Oaks, CA: SAGE.
- Mills, M. (1998). From coordinating board to campus: Implementation of a policy mandate on remedial education. *The Journal of Higher Education*, 69, 672-697. doi:10.2307/2649213
- Nienhusser, H. K. (2013). Role of high schools in undocumented students' college choice. *Education Policy Analysis Archives*, 21(85), 1-32.
- Nienhusser, H. K., & Dougherty, K. (2010). *Implementation of college in-state tuition for undocumented immigrants in New York*. Retrieved from http://www.nylarnet.org/reports/imm_in%20state%20tuition.pdf
- Nienhusser, H. K., Vega, B. E., & Saavedra, M. (in press). Microaggressions and undocumented immigrants' college choice process. Manuscript in preparation.
- Olivas, M. A. (1988). Administering intentions: Law, theory, and practice of postsecondary residency requirements. *Journal of Higher Education*, 59, 263-290. doi:10.2307/1981679
- Olivas, M. A. (1992). The political economy of immigration, intellectual property, and racial harassment: Case studies of the implementation of legal change on campus. *The Journal of Higher Education*, 63, 570-598. doi:10.2307/1982094
- Olivas, M. A. (2012). *No Undocumented Child Left Behind: Plyler v. Doe and the education of undocumented school children*. New York: New York University Press.
- Oliver, D. E., & Hioco, B. (2012). An ethical decision-making framework for community college administrators. *Community College Review*, 40, 240-254. doi:10.1177/0091552112445611
- Oseguera, L., Flores, S., & Burciaga, E. (2010). Documenting implementation realities: Undocumented immigrant students in California and North Carolina. *Journal of College Admission*, 206, 37-42.
- Padilla, R. (1988). *Residency classification in Texas colleges: The application of complex legislation to the complex circumstances of students*. (Doctoral dissertation). Retrieved from ProQuest Digital Dissertations. (AAT No. 8819518)
- Passel, J. (2003). *Further demographic information relating to the DREAM Act*. Retrieved from <http://www.nilc.org/document.html?id=20>
- Patton, M. (1990). *Qualitative evaluation and research methods*. Thousand Oaks, CA: SAGE.
- Percival, G. (2004). The influence of local contextual characteristics on the implementation of a statewide voter initiative: The case of California's Substance Abuse and Crime Prevention Act (Proposition 36). *The Policy Studies Journal*, 32, 589-610. doi:10.1111/j.1541-0072.2004.00082.x
- Pfordresher, K., & Tarleton, J. (2009, March/April). Immigrant students gain allies. *Clarion*, p. 10. Retrieved from <http://archive.psc-cuny.org/Clarion/ClarionMarch09.pdf>
- Plyler v. Doe*, 457 U.S. 202. (1982).

- Rangel, Y. (2001). *College immigrant students: How undocumented female Mexican immigrant students transition into higher education* (Doctoral dissertation). Retrieved from ProQuest Digital Dissertations. (AAT No. 3032926)
- Sabatier, P., & Mazmanian, D. (1980). The implementation of public policy: A framework of analysis. *Policy Studies Journal*, 8, 538-560. doi:10.1111/j.1541-0072.1980.tb01266.x
- Schluter, C., & Wahba, J. (2009). *Illegal migration, wages, and remittances: Semi-parametric estimation of illegality effects*. Retrieved from <http://ftp.iza.org/dp4527.pdf>
- Schofield, J. (2001). Time for a revival? Public policy implementation: A review of the literature and an agenda for future research. *International Journal of Management Reviews*, 3, 245-263. doi:10.1111/1468-2370.00066
- Sowa, J., & Selden, S. (2003). Administrative discretion and active representation: An expansion of the theory of representative bureaucracy. *Public Administration Review*, 63, 700-710. doi:10.1111/1540-6210.00333
- Szelenyi, K., & Chang, J. (2002). ERIC review: Educating immigrants: The community college role. *Community College Review*, 30(2), 55-73. doi:10.1177/009155210203000204
- Washington Higher Education Coordinating Board. (2010). *2009–10 Tuition and fee rates: A national comparison*. Retrieved from <http://www.wsac.wa.gov/sites/default/files/TuitionandFees2009-10Report-Final.pdf>
- Weible, C. M., Heikkila, T., deLeon, P., & Sabatier, P. A. (2012). Understanding and influencing the policy process. *Policy Sciences*, 45, 1-21. doi:10.1007/s11077-011-9143-5
- Yin, R. (2003). *Case study research: Design and methods*. Thousand Oaks, CA: SAGE.

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