

State Policies on Undocumented Students in Higher Education
Rachel Burns
Dissertation Research Proposal
Submitted May 2017

Contents

CHAPTER I: INTRODUCTION	3
History of Undocumented Immigrants and Postsecondary Education	5
Political Context	5
Judicial History	5
State Action	6
Recent Policy Developments	7
Federal Legislation	7
State Legislation	8
Arguments For and Against Inclusion	9
Economic Arguments	9
Moral Arguments	10
CHAPTER II: LITERATURE REVIEW	12
Historical Context of Immigration	12
Examination of the Legal Landscape	13
Commissioned Reports on Issue Status	15
Student Experiences & Guidance for Practitioners	17
Educational Research & Theory Development	18
Gaps in the Literature	20
CHAPTER III: THEORETICAL FRAMEWORK	23
Advocacy Coalition Framework	23
Policy Innovation and Diffusion	25
Policy Design and Social Construction	28
Synthesis of Theoretical Framework Alternatives	31
CHAPTER IV: ANALYTIC METHOD	33
Data Sources	33
Challenges of Conceptualizing Policy Enactment and Diffusion Effects	35
Analytic Method: Event History Analysis	36
Specifications of EHA Model	39
Analytic Alternative: Multinomial Logit (MNL)	40
Specifications of the Multinomial Logistic Regression Model	41
Limitations and Ethical Implications	42
TIMELINE	44
REFERENCES	46

CHAPTER I: INTRODUCTION

The United States of America was founded as the quintessential example of an immigrant nation, with early settlers arriving from abroad seeking the promise of opportunity, prosperity, and freedom from oppression. At its very core, therefore, the U.S. is a nation comprised of immigrants, offering asylum and solace to people of a diverse assortment of religions, races, ethnicities, and origins. Despite its seemingly open and accepting origins, however, the nation also maintains a tumultuous and contentious relationship with new waves of immigration and changing patterns of the individuals moving into the country, as well as a checkered history regarding the displacement of indigenous peoples. Indeed, following its foundation as an independent entity, the U.S. has since endeavored to restrict and control the country of origin and the number of immigrants entering the country (Green, 2003). In 1790, the federal government passed the Naturalization Act in response to increasing rates of immigration, restricting the benefits of citizenship to free, White residents. For nearly 140 years, this law governed the influx of immigrants into the U.S., until the Immigration Restriction Act of 1924, which established quotas on the numbers of immigrants arriving from particular countries. In 1954, the Immigration and Naturalization Act removed limitations on citizenship eligibility, but the quotas remained in place until the Immigration Act of 1965, which abolished the system and permitted increased migration flows from Latin American and Asian nations. The early laws that were enacted in response to immigration reflect the paranoia, hysteria, and fear prevalent among predominantly white, nationalist Americans, and have served for centuries to perpetuate discrimination towards and disenfranchisement of large segments of the immigrant population in the country (Massey, 1995).

Throughout this historic backdrop of White nationalism, the demographics of the immigration flows into the country have transformed, particularly in the last several decades. Specifically, a greater proportion of immigrants are arriving from Latin American and Asian nations, and a growing number have crossed the border through illicit or illegal mechanisms, without proper authorization or lawful presence in the country. Moreover, the rate of growth in the past several decades is unprecedented: in 1990, the number of foreign-born residents was 20 million, by 2000 that number increased to 31.1 million, or roughly 11% of the U.S. population (Passel & Cohn, 2009). In 2014, approximately 42 million foreign-born individuals resided in the country, including an estimated 11.1 million undocumented immigrants lacking legal status (Krogstad, Passel, & Cohn, 2016). This population of undocumented immigrants includes 3.2 million children under the age of 24, many of whom consider themselves culturally American and maintain aspirations to attain higher levels of education, including attendance at colleges and universities. Although the number of undocumented students in the nation's schools is difficult to accurately track due to concerns with privacy and security, researchers estimate that 65,000 undocumented students graduate from U.S. high schools each year (Passel, 2003). This number is anticipated to grow exponentially as undocumented youth transition from primary to secondary schooling and seek out advanced degrees

from postsecondary institutions. However, despite the academic excellence and potential for advancement among some of these students, only 26% of undocumented graduates persist to postsecondary education (Passel, 2011), in comparison to nearly 71% of their native-born peers (Perez & Cortes, 2011).

Despite the contentious debate surrounding the presence of undocumented students in postsecondary education, we know comparatively little about the process of policy development, enactment, and implementation, and the implications of these policies for target populations. This dissertation research proposes to examine the contextual circumstances surrounding the development of state policy related to undocumented student access to public postsecondary education. Specifically, this dissertation seeks to answer the following research questions:

1. What factors influence state policymakers' decisions to implement policies that affect the access of undocumented students to public institutions of higher education? Specifically, what role do internal state characteristics, including economic, social, and political indicators, play in state policymakers' decisions?
2. To what extent do policies on undocumented students in higher education spread through the processes of policy innovation and diffusion across states?
3. How can state characteristics and the processes of diffusion be used to generate predictive models for the future of policies related to undocumented students' access to higher education?

This dissertation employs an event history analysis of 47 states to determine how internal characteristics and diffusion processes affect policy development. More than half of the states have developed policies restricting or expanding access to public postsecondary institutions for undocumented students residing within the state, yet we know very little about how and why such policies emerge. This dissertation research will contribute to our understanding of the policy process, the effects of state characteristics, the role of social construction and policy design, and the dynamics of policy diffusion and innovation. Moreover, it will seek to predict the future consideration and passage of state legislation affecting undocumented students residing within the country.

In the following pages, I will outline the dissertation research that I propose to undertake. I begin by discussing the historical background of immigration in the U.S. and the recent emergence of the issue of undocumented students in higher education, including the moral and economic arguments for and against their inclusion in postsecondary institutions. I then discuss the broad areas of literature and research upon which this study will build, including the legal landscape, commissioned reports, guidance for practitioners, the student experience, and the development of new modes and methods of inquiry and theory. I then discuss the theoretical framework of this study, building on and integrating the theories of advocacy coalitions, policy innovation and diffusion, and social construction and policy design. In the fourth section, I describe the design of the event history analysis used to address the previously stated research questions. I conclude with a timeline for conducting the proposed research.

History of Undocumented Immigrants and Postsecondary Education

Political Context

Although the number of undocumented students graduating from U.S. high schools each year is significant and growing, the rates of educational attainment of these students fall far below those of their native-born peers. For instance, of the 1.7 million undocumented immigrants in the country between the ages of 18-24, only 49% have attended or are attending some amount of college. In addition, 40% of these students fail to complete high school, a number far larger than the estimated 15% of legal immigrants and 8% of native-born residents who drop out of secondary school (Passel & Cohn, 2011). Children arriving at a younger age fare better than those that arrive later in life, with 61% of students who arrive before age 14 enrolling in higher education (Perez & Cortes, 2011). The reasons for these low rates of persistence are manifold and complex, reflecting the economic, social, and political battles that have long characterized the issue of immigration in the country. Prior to the rapid growth of immigration, undocumented children or the children of undocumented immigrants were not regarded or treated differently in the public educational system. Following the 1974 energy crisis however, the country experienced a significant economic downturn, resulting in a backlash against immigrants and the creation of scapegoats for the economic disaster and financial disparity Americans were confronting.

In response, states with large immigrant populations, such as Texas, began in the following year to amend their educational codes so as to exclude undocumented children from free public education at the primary and secondary level, arguing that these non-citizen students displaced native-born students and gained an improper advantage from publicly-funded education. Although these amendments were later challenged and ruled unconstitutional, the message of states' actions sparked national outrage and discrimination against undocumented immigrants and fomented augmented fear of and anger towards the presence of undocumented children in public educational institutions. In response, the U.S. Supreme Court ruled in the 1982 case *Plyler v. Doe* that all children residing in the country have a fundamental right to attend free public education at the primary and secondary levels, regardless of immigration status of the child or their parents. Despite some protestations to the contrary, this ruling has held for 35 years and has institutionalized the unconditional right to education for students living in the United States (Rincon, 2008).

Judicial History

Additional court cases have been relevant to the question of whether the United States has the legal ability and political will to allow undocumented immigrants or the children of undocumented immigrants to attend public education. One of the earliest cases to address the ability of all children to access equal education came in 1954 with *Brown v. Board of Education of Topeka*, which combined four cases in which African American children had been denied admission to public schools due to laws that permitted educational institutions to segregate on the basis of race.

The plaintiffs in the case argued that the segregation was a violation of the Equal Protection Clause of the Fourteenth Amendment, based on the “separate but equal” doctrine established by *Plessy v. Ferguson* in 1896. The court declared that “separate but equal” facilities in public education are inherently unequal, and therefore violates of the Equal Protection Clause. Moreover, the separation of students based on race instilled a tremendously detrimental sense of inferiority for African American children that had significant negative implications for their personal growth and development (*Brown v. Board of Education of Topeka*, n.d.).

Nearly twenty years later, a case arose in the San Antonio Independent School District (SAISD), in which the district challenged a funding scheme that required Texas public elementary and secondary schools to rely on local property taxes to supplement the state funding of a minimum educational threshold. The district argued that the funding scheme had a negative impact on students whose families resided in comparatively poor districts, in that the schools these children attended lacked the property tax incomes that other districts could access. This was a violation, they argued, of the Fourteenth Amendment’s Equal Protection Clause, in that it caused inter-district disparities in expenditures per pupil. In this case, however, the court ruled against the district, arguing that the Constitution does not grant a fundamental right to education and the system does not systematically discriminate against all comparatively poor students in the state. In this case, the court ruled that the Equal Protection Clause “does not require absolute equality or precisely equal advantages” (*San Antonio Independent School District v. Rodriguez*, n.d.).

A case more immediate to the issue of undocumented students’ access education came in 1977 with *Nyquist v. Mauclet*, which challenged a New York statutory provision that barred resident aliens from accessing state financial assistance for postsecondary education. The plaintiffs in the case argued that the provision was a violation of the Equal Protection Clause of the Fourteenth Amendment, in that it discriminates against, is directed solely at, and harms only aliens. Moreover, the plaintiffs argue, the incentive for an alien to become naturalized is not a proper concern of the State, given that the federal government retains preeminence and priority in immigration and naturalization. By a 5-4 margin, the court rules that the statute was unconstitutional in that it violated the Fourteenth Amendment, and may have even intruded upon Congress’ authority over immigration and naturalization (*Nyquist v. Mauclet*, n.d.). The landmark case that many scholars cite, however, occurred in 1982 with *Plyler v. Doe*, which challenged a revision to the Texas education code that enabled the state to withhold state funds from local school districts that were educating illegal aliens. The court ruled 5-4 that the law was a violation of the Equal Protection Clause of the Fourteenth Amendment, given that illegal aliens and their children are people “in any ordinary sense of the term” and are therefore subject to equal protection. Moreover, the state engendered a severe disadvantage to the children of illegal aliens through the denial of a right to education, and was not able to prove that the regulation was a required for any “compelling state interest” (*Plyler v. Doe*, n.d.).

State Action

In contrast to the unquestionable and inalienable right to education at the primary and secondary level that has been established both through legislative authority and judicial precedent, however, undocumented and under-documented students in the U.S. have historically confronted both structural and psychological barriers to attaining higher education (Erisman & Looney, 2007; Gray, Rolph, & Melamid, 2006; Alexander, et al., 2007). Prior to the influx of immigrants through both legal and illicit means in the 1970s and 1980s, most students attending public institutions of higher education were treated similarly to resident and native-born students (Perez & Cortes, 2011). As the nation responded to the perceived threat of the “immigrant other,” however, states began to look towards the precedent set by the federal government regarding the limitations and restrictions on immigration and immigrants’ rights. State leaders in policy innovation with large undocumented populations, such as Texas, New York, and California, began to pass laws regulating the access to and affordability of higher education for undocumented immigrant students residing in the state (Perez, 2009).

Moreover, a 1982 Supreme Court ruling (*Toll v. Moreno*) established immigration law as an exclusively federal right, generating fear among state policymakers of the potential for conflicting regulations or federal preemption. One of the earliest state cases to address the rights of undocumented students to attend institutions of higher education was the Leticia “A” Case of 1985, which arose in response to a University of California System Board of Regents requirement for undocumented students to pay international tuition and fees. The plaintiffs in the case argued that the international tuition and fees rates were unnecessarily exorbitant and burdensome, particularly for undocumented students who had lived in the state for most of their lives and were otherwise considered state residents. Although a 1990 ruling (*Bradford*) overturned the progress students made in 1985, the national attention the case generated set the foundation for later state activity of both a progressive and regressive nature. Throughout the 1990s, most states neglected to pass legislation that was permissive or restrictive, due to the low salience of the issue and the lack of urgency in addressing undocumented students in state institutions of higher education (Rincon, 2008). In the states that did attempt to address the situation, however, the battles over access to public higher education were controversial and complex, and have lasting effects on the policy landscape and on undocumented students today.

Recent Policy Developments

Federal Legislation

In contrast to the relatively inactive status of state legislatures, the federal government in the 1990s was proactively aiming to restrict the rights of immigrants on a broad scale, particularly among those without the legal authority to be present in the country. States thus began to respond to and internalize the political atmosphere generated by restrictive federal laws, beginning with the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, which included Section 505 aiming to increase funding and resources for Immigration and Customs Enforcement to deport

unlawful residents, to secure the border, and to prohibit immigrants from accessing public benefits such as education. The fear and hysteria generated by this legislation was further exacerbated by the Personal Responsibility and Workplace Opportunity Reconciliation Act (PRWORA) of 1996, generating more prevalent and persistent discrepancies in educational attainment and health care for undocumented immigrants.

Throughout this time, undocumented immigrants and their allies remained quiet and underrepresented, lacking both the resources and numbers to mount a sizeable opposition. Following the terrorist attacks on the city of New York in 2001, the U.S. government further restricted immigrants' rights with the 2001 USA PATRIOT Act, which enabled the Department of Homeland Security to deny due process of law to individuals based solely on immigration status (Olivas, 2004). This traditional pattern of disenfranchisement and domination by the political elite reaching a tipping point in 2005 with the passage of the Border Protection, Antiterrorism, and Illegal Immigration Control Act, which criminalized illegal immigration or the abetting of immigration as a felony. Thus, citizens of the country who provided safe harbor to known undocumented immigrants could be liable for criminal proceedings for their willingness to aid an illegal immigrant. Advocacy groups comprised of students, families, allies, organizations, and institutions arose in response to this action, sparking national protests and rallies on a broad scale throughout the middle part of the decade (Rincon, 2008). Accordingly, the mid-2000's ushered in a period of intense debate between advocates and opponents of undocumented immigrants' rights and their presence in institutions of higher education.

State Legislation

The earliest successful attempts of state legislatures to secure in-state tuition for undocumented students at state institutions of higher education had come several years prior to these protests in 2001, with HB 1403 in Texas and AB 540 in California. Both of these bills responded to the demand of state residents for equal educational opportunity through access to higher education, as well as to the broader societal expectation for equitable treatment of undocumented students (Kaushal, 2008; Ferraiolo, 2008). Since the passage of the first bill fifteen years ago, twenty states currently have legislation on file that permits undocumented students to attend public institutions at in-state tuition rates. These bills include eligibility requirements, such as residence in the state for at least two years, attendance at and graduation from a state high school, and expressed intention through a sworn affidavit to apply for legal residency at the earliest opportunity. Some states, particularly those with large undocumented populations, also enable students to access state financial aid in order to assist with tuition payments. In contrast, eight states have taken a regressive pathway, restricting enrollment opportunities through the outright denial of attendance or the requirement that undocumented students pay out-of-state or international tuition and fees. The remaining states have either failed to mount adequate support to pass legislation, or have wholly neglected the issue due to low salience or fear of federal preemption. Indeed, the Higher Education Act of 1965 and the failure of the federal government to pass comprehensive

immigration reform have collectively precluded undocumented students from accessing federal financial aid, such as grants or loans, to pay for postsecondary education (Tienda & Haskins, 2011; Belanger, 2001; Boushey & Luedtke, 2011; Bozovic, 2012). The resultant patchwork of policies generates confusion and contention for students, further exacerbating educational disparities and the threat of discrimination and alienation (uLead Network, 2016).

Arguments For and Against Inclusion

Underlying the persistent arguments over the rights and privileges of immigrants – both documented and undocumented – is the foundational question of the educational attainment, economic contributions, and civic engagement of undocumented youth. Despite attempts to limit undocumented students' access to higher education, beginning with California cases such as Leticia "A" (1985) and Propositions 187 and 227 (1994 and 1996), undocumented students have remained unwavering in their determination to pursue postsecondary learning, aided by the advocacy coalitions, nonprofit organizations, families, and institutions that support them. The arguments for and against the inclusion of undocumented students in higher education are complex and contentious, covering economic and moral perspectives on the both the potential contributions to or purported burdens on society that undocumented immigrants generate. The situation is problematized, moreover, by the potential for differential laws that restrict students' rights, with some regulations entirely excluding undocumented students from higher education, and others merely denying in-state tuition or state financial aid. The significance of this issue, particularly for the lives and livelihoods of undocumented students and their families, cannot be understated. The financial, economic, and social impacts of state laws are profound, and have as-yet-untold consequences for the future academic attainment and career prospects of students that are included in the target population.

Economic Arguments

From an economic perspective, the arguments opposing the presence of undocumented students in higher education reflect the notion that undocumented immigrants consume more than their fair share of public benefits, given their lack of contribution to the tax base. This argument holds, moreover, that due to the cyclical and persistent nature of poverty, many of these individuals are also disproportionately reliant on public benefits such as welfare or subsidized health care. However, studies have shown that undocumented immigrants and their parents contribute a significant share to the local, state, and national economies through consumption, property taxes, income taxes, and Social Security and Medicare contributions (Perez, 2009; Massey, 1995). Moreover, the school-aged children of these immigrants attend local public schools, generating income for institutions that is awarded on a per-pupil basis. Research also suggests that due to social stigma and pervasive discrimination, many families with undocumented members are reluctant to pursue public benefits, as they are fearful of apprehension, deportation, or alienation if their status becomes publicly known. Another economic argument against permitting undocumented students

to attain eligibility for in-state tuition or state financial aid suggests that such permissiveness will decrease tuition revenue for institutions, as the in-state tuition would serve as a low-cost substitute for the higher international or out-of-state rates that undocumented students would otherwise pay. However, many students cite the high cost of attendance as a significant barrier to pursuing higher education, encouraging them to instead attend low-cost, local institutions such as community colleges as an affordable alternative. In this regard, permitting students to pay in-state tuition rates would likely increase the institution's tuition and fees by enabling some students who could otherwise not afford the prohibitively-expensive institution to attend (Rincon, 2008).

From a workforce perspective, the economic argument against permitting undocumented students to attend institutions of higher education or to access in-state tuition benefits posits that undocumented immigrants and migrant laborers, including those with advanced degrees, will displace American workers and harm the U.S. economy. In addition to displacing workers, this argument also holds that undocumented immigrants will not reinvest in the U.S. economy, but rather will divert compensation and wages to their nation of origin in order to support family members that were unable to immigrate. Despite the frequency and plausibility of this contention in the media and popular culture, however, research does not support these concerns (Perez, 2010). Rather, perhaps the most influential economic argument in favor of allowing undocumented students to attend public institutions at in-state tuition rates is the potential positive economic impact of these students on the U.S. economy. Students that attain higher levels of education have greater average lifetime earnings and generate a more significant financial contribution to the economy, due in part to higher-paying jobs and the generation of tax revenues and consumption. Moreover, as the U.S. economy transitions from a traditional economy of industry and manufacturing to a modern economy of knowledge and information, a higher degree is necessary in order to succeed and prosper in a lucrative career pathway. The financial investment associated with permitting undocumented students to attend public institutions of higher education and to obtain the training necessary to transition into productive careers will be more than offset by the contributions of these students to the social and economic foundations of society (Rincon, 2008).

Moral Arguments

In contrast to the economic arguments opposing undocumented students in higher education that are backed by extensive (if contradictory) research, there also exists a moral argument that reflects an opposition to what is seen as illegal or illicit activity. This argument holds that undocumented youth, whether brought to the U.S. unknowingly as children or entering of their own accord, are not considered legitimate members of society. Moreover, the notions of hard work and self-determination exclude the endeavors of undocumented immigrants, as these individuals are seen as exploitative and manipulative, soiling the American dream and spoiling the ideals of nationalism and patriotic virtue. In this regard, permitting undocumented students to attend institutions of higher education at in-state tuition rates would be tantamount to incentivizing illegal immigration, as these individuals can effectively “cut the line” towards a legal pathway to citizenship and receive

benefits not afforded to immigrants who arrive through legal mechanisms. In addition, this moral argument maintains specific notions of citizenship and American culture, arguing that naturalized and native-born citizens have an established and inherent right to enjoy the benefits afforded by the government, and this right supersedes the rights and privileges of non-native residents.

Undocumented students are seen as displacing these rightful and otherwise qualified native-born students from institutions of higher education, resulting in a reordering of power, authority, and educational attainment among different ethnic and racial groups (Gonzalez, 2009; Perez, 2012). This reconfiguration of the fundamental power structure within the economic and political spheres generates a sense of anxiety and despair among those who have traditionally held the majority of the political and economic power in society. The reactions to such losses of status often incite retaliatory behaviors such as the

In contrast to these moral arguments that see undocumented immigrants as an invasive threat, there also exists a moral standard and obligation to provide equal educational opportunity for the entirety of the nation's youth. As previously discussed, the United States is a country founded on the ideals of liberty, opportunity, and equality, and as such maintains a moral imperative to provide such promises to all of its inhabitants, regardless of their ethnicity or country of origin. The immigration stories of these students also vary, with some arriving as young children with undocumented parents and others having arrived at an older age through independent means. Accordingly, many individuals who classify as undocumented consider themselves culturally American, often having grown up speaking English and practicing American cultural traditions (Perez, 2009). Deeming these individuals "un-American", hostile, illegal, or dangerous serves not only to perpetuate the public's apprehension and incite discrimination, but also unfairly targets a vulnerable and innocent population of students that seek only to advance their personal goals and to contribute to their adopted home country, not to take advantage of a system of public benefits or to drain the community's resources. Research suggests, moreover, that permitting undocumented immigrants to participate in higher education and the extracurricular activities that accompany it increases political and civic participation, resulting in the augmented provision of social services, volunteer activities, and democratic politics. These students also serve as invaluable role models for later generations of undocumented or under-documented students, offering a source of social and communal support that promotes determination to succeed despite pervasive structural barriers. From a moral perspective, therefore, the decision to allow undocumented students to obtain educational opportunity equal to that of their native-born peers is not a sign of society's weakness, but rather one that measures the nation's degree of acceptance, understanding, and amnesty (Perez, 2012).

CHAPTER II: LITERATURE REVIEW

Because of the relatively emergent nature of the presence of undocumented students in public institutions of higher education, very minimal scholarly research has examined the topic or effectively developed new or revised theories or frameworks to guide future research. Moreover, the necessary invisibility of the population renders studies of postsecondary enrollment and attainment as well as student characteristics exceedingly difficult, as many students wish to retain anonymity and secrecy out of fear of the threats of apprehension and deportation. However, given the primacy of the topic and the necessity for better research, the body of literature on undocumented students and their experiences in higher education is growing. Literature generally falls into six categories, including: 1) the historical context of immigration; 2) examinations of the legal landscape; 3) commissioned reports on the state of the issue; 4) documentation of student experiences; 5) guidance for practitioners; and 6) general educational research and the formulation of theory. Collectively, these works assist with a more holistic and comprehensive understanding of the characteristics of undocumented students, their postsecondary enrollment and attainment patterns, and the potential implications of legislation regulating their access to higher education.

Historical Context of Immigration

Providing an historical viewpoint of the transformations in immigration flows, immigration law, and the rights of immigrants in the country is an important component of the scholarly literature surrounding undocumented students in higher education. This work establishes the framework for understanding patterns of immigration, the actions of state and federal governments, and the opinions and attitudes of the general public towards immigrant students. Espenshade (1995) studies the changes in the flows and patterns of migration, documenting the rising tide of immigration from Latin American and Asian nations in response to “push and pull” factors that implicate the governments of both the origin and the destination countries. Importantly, his research confirms that there is little evidence to support the myth that undocumented immigrants have negative implications for the U.S. labor market, and that the federal government has done little to curb the growth in illegal immigration despite multiple attempts at the federal level. Massey (1995) contends that this influx of Latin American immigrants will engender significant social, cultural, and linguistic changes in American society, including the increased prevalence of the Spanish language and more diverse conceptualizations of ethnicity and race. He predicts future changes in the rates of immigration from other nations, particularly developing countries in Asia, arguing that immigrants could further alter the meaning of ethnicity and ethnic composition in the U.S. Espenshade and Calhoun (1993) conduct an assessment of the general public, testing five hypotheses regarding attitudes towards immigration. Their study concludes that symbolic politics and associated assessments of ethnicity are more important determinants of the acceptance of immigrant populations than are economic arguments related to labor market outcomes. Individuals with higher degrees of cultural affinity as well as additional years of schooling are more likely to have permissive

and welcoming attitudes towards undocumented immigrants. Thus, private citizens are more influenced by their direct and personal associations with immigrants rather than the economic arguments espoused by politicians and policymakers.

Other authors have compiled full-length texts that include a thorough historical study of the background of immigration law and the implications for the current policy landscape as well as future developments in immigration law and the effects on targeted individuals. Perez (2012) studies the psychosocial stressors associated with immigration, particularly forms of arrival in the country that are not legally authorized or recognized by the federal government. He highlights the potential negative implications of immigration, including fear of deportation, feelings of isolation and alienation, systemic disenfranchisement and institutionalized racism, unfamiliarity with English and American culture, and loss of friendships and family members from the home country. His ethnographic study of students, meanwhile, suggests that they prosper and succeed at astonishing rates in spite of these circumstances, often excelling academically and remaining civically engaged in the local community.

Perez and Cortes (2011) expand on the socioemotional health of undocumented students, finding that the general public's overwhelmingly negative conceptualizations of undocumented students contribute to the pervasive and pernicious feelings of helplessness and futility and prevent these students from accumulating the stores of capital that are necessary for academic and career advancement. Despite these shortcomings in both social and economic capital, however, the authors contend that the students in their study are academically motivated to excel and to pursue postsecondary learning, thus overcoming the socioemotional barriers that could otherwise prevent their long-term success. In a similar vein, Perez (2009) conducts a series of interviews with sixteen undocumented and four previously-undocumented students in secondary and postsecondary education, anecdotally confirming the findings of Perez and Cortes and suggesting that many undocumented students persist despite significant structural and social barriers to academic and career attainment. The characterization of undocumented students that emerges from these texts is one of resilience and determination in the face of discrimination and disenfranchisement, thus signifying their worth as contributing and productive members of society. Collectively, therefore, the authors argue for the inclusion of undocumented students in postsecondary education as a means for advancing not only the educational and career achievements of these students but also the broader U.S. economy and academic market.

Examination of the Legal Landscape

The issue of permitting undocumented students to attend public institutions of higher education is particularly compelling for legal scholars in the fields of immigration and education, given the potential for conflict among state and federal statutes and the frequent reinterpretation of significant and influential court cases. In contrast to much of the literature that maintains a moral or ethics-based quality that stems from the author's individual conceptualizations of what is intrinsically right or fair from the perspective of human rights, the legal literature retains a legalistic approach

that privileges and prioritizes objective analysis and research over appeals to ethical or emotional arguments. Due to the complexity of the issue, which implicates questions of both immigration and educational law, the topics that these legal scholars cover are diverse and intersectional. Some focus on specific legislation and reinterpretation at the state level, such as bills in California or the patchwork of policies across the country, while others consider federal legislation such as the Development, Rehabilitation, and Education for Alien Minors (DREAM) Act or the IIRIRA. Others focus on the reinterpretation of landmark court cases such as *Phyller v. Doe*, engaging in a form of legislative activism that promotes a particular, and often contentious, viewpoint based on legal precedent. Another set of scholars, meanwhile, provides a broader overview of the policy landscape, discussing future implications of current and past policies, statutes, and rulings, thus providing a framework for understanding the current legal status of undocumented students in higher education.

The scholars that lay the groundwork for a legal perspective on the issue (Frum, 2007; Drachman, 2006; Romero, 2002) do not readily promote an activist perspective, instead providing an objective view of the relevant laws and cases that may inform future challenges and contentions for the advocates as well as the opponents of undocumented students in higher education. Their work is largely foundational for the more nuanced legal arguments that follow, providing a background on the current legal status of students that seek access to higher education. Among the scholars that offer a more focused approach through the reinterpretation of landmarks cases such as *Phyller v. Doe*, Yeats (2004) attempts to apply the case to the issue of higher education, arguing that the same ideals that govern primary and secondary schooling also hold at the postsecondary level. While his arguments have not yet permeated popular legal literature, he argues convincingly for a broader application of the permissions in *Phyller v. Doe* to students in other levels and types of educational institutions. Lopez (2004) agrees, but finds that the right to free public education is not fundamental, and instead requires additional justification in order to be applied to the contentious question of whether undocumented students have the right or the privilege to access public institutions of higher education. Moreover, his research suggests that although education is a fundamental aspect of membership in a community and the eventual abolition of the castes that preclude equality among students of different ethnic and documentation backgrounds, the prevailing interest of most of the nation's citizens is the maintenance of a lower class of undocumented workers receiving paltry remuneration despite their integral contributions to ensuring the nation's economy continues to function efficiently and effectively.

Scholars focusing on the DREAM Act cite its ability (if passed) to undermine the IIRIRA (Garcia, 2010), arguing that it would not incentivize illegal immigration, despite what some detractors have suggested, and that it would improve higher education attainment, reap external societal benefits, and permit innocent undocumented children from remaining in a perpetual cycle of poverty and illegality. Other legal scholars examining the DREAM Act argue that it is the most effective mechanism for providing a legal pathway to citizenship in both the U.S. and in other developed, educationally-progressive nations (Connolly, 2005; Ragan, 2005). Passage of such a broad-based federal act would enable eligible students to more readily integrate into society from a

legal, economic, and social standpoint, and would serve as the first step towards comprehensive federal immigration reform. By providing undocumented students with opportunities to advance educationally, the DREAM Act could improve the national economy through increasing access to higher-paying jobs, generating a larger and more affluent tax base, and producing additional revenues for the provision of additional public benefits for underprivileged individuals. The focus on specific states such as California (Abrego, 2008; Seif, 2004) and Texas (Salinas, 2006) complements the work on the broader state policy landscape, which echoes the patchwork-like arrangement of policies and the confusion and conflicts it can engender (Ruge & Iza, 2005; Fung, 2007).

In California, the passage of AB 540 resulted in the immediate relief of social and economic stigma, enabling immigrants to adopt socially acceptable identities that empowered their mobilization as students. Moreover, the fight for the passage of AB540 also provided undocumented Latino youth in California to create a channel of grassroots productivity in order to confront the national and global tragedy of undocumented students in their pursuit of higher education. A similar situation exists in Texas, which has stood with California as one of the early adopters of tuition equity and a model for further state legislative or judicial activity. Because of the inability of the federal government to pass comprehensive tuition equity laws that apply across the country, however, some authors have suggested that the public would benefit from the repeal of several of the most exclusionary policies contained in the IIRIRA, which would enable undocumented students to obtain lawful status as a state resident. Specifically, Salsbury (2005) argues that the provisions of IIRIRA were not designed with restrictions on postsecondary education in mind, and that enabling undocumented students to qualify for in-state tuition would not represent a hindrance of congressional objectives related to immigrant control. The collective contribution of these legal commentaries is both symbolic and instrumental, providing a background for understanding the potential implications of legislation that restricts the rights of undocumented students to attend institutions of higher education.

Commissioned Reports on Issue Status

In keeping with the seemingly objective viewpoint of legal documents, commissioned reports provide an additional source of information on the undocumented student population, receiving sponsorship from diverse groups such as nonprofit institutions, philanthropic organizations, professional associations, university research institutes, and various private for-profit industries. These reports avoid a partisan or political tone, instead documenting the background on the demographics, context, or historical development of a particular policy or subpopulation. The resultant nature, intended purpose, targeted audience, and dissemination of commissioned reports thus depend largely on the purposes of the sponsor as well as the objectives of the authors, and vary across the topics covered and the type of entity that commissioned its creation. Although the stated purpose is largely educational, the details contained within can support the agendas of some special interest groups or state governments. Many of these reports maintain a broad view of the issue

(Erisman & Looney, 2007), finding that significant barriers exist that have major implications at the state, local, federal, and institutional level. The lack of educational attainment among undocumented immigrants, meanwhile, is attributable to work and family responsibilities, financial need, lack of knowledge of the higher education system, inadequate academic preparation, and limited English proficiency.

Other reports focus on a specific group, such as the status of low-income populations (de la Rosa & Tierney, 2006; Oliverez & Tierney, 2005), and the specific challenges that await these students, including decision-making based on misinformed perceptions of financial aid availability, a lack of college-going culture during secondary schooling, a heightened need for accurate and timely information as well as additional support and counseling, and information for parents and family members to support the student's pursuit of higher education. Indeed, access to accurate information about financial aid is a critical determinant of whether and where a student chooses to continue in postsecondary education. Moreover, an ethical argument can be made that undocumented students should not be unnecessarily penalized through the denial of educational benefits as a means of penance for the illegal activities of their parents or guardians. Rather, financial assistance for these students could have positive external effects for the student, the student's family and community, and the national economy on the whole. Some reports have implicated the institutional perspective (Gray, Rolph, & Melamid, 2006), including suggestions for improvements and strategies for recruitment, retention, and graduation of immigrant students, including the offering of financial aid, the implementation of progressive policies, and the removal of institutional and cultural barriers that prevent student success.

Some commissioned reports have a more specific audience in mind, such as a single state that may serve as an important battle ground or the front lines of advancing undocumented students' rights. Undocumented Latino students in California have limited options in the college choice process, given their illegal status and the limiting factors of financial aid and socioeconomic status (Perez, 2010). Many of these reports include personal testimonies from students detailing stories of perseverance and hope, sharing experiences with obstacles and their belief in eventual reform on a broad scale (Amaya, et al., 2007). Others consider the effects of a particularly contentious legislative action, such as federal or state-level DREAM Acts and higher education policies related to financial aid and tuition assistance. Ethnographies and interviews enrich these reports, confirming the significance of legal barriers in contributing to declines in student motivation and hopelessness in regards to eventual cultural and social assimilation (Abrego, 2006). Moreover, others remind readers that undocumented students are not only Latino, but come from a diverse array of backgrounds and countries of origin, which can lead to confusion and apprehension among counselors and advocates (Chan, 2010). Although frequently drafted with a specific audience in mind, these reports are particularly useful for comprehending the current state of immigration law, the implications for affected students, and the potential for future legislative developments or judicial interpretations. They highlight the predicted conflicts that will arise as more undocumented students aspire to advanced degrees, and offer guidance and insight on the previous legislative

attempts to regulate this population, including both failures and successes to improve the political and legal standing of undocumented students in their pursuit of higher education.

Student Experiences & Guidance for Practitioners

Researchers that study the undocumented student population from a distance often fail to capture the lived experience of students as they navigate the postsecondary landscape and confront persistent and pervasive barriers to educational advancement. This in turn prohibits researchers and readers from gaining a nuanced understanding of the sources of social capital and individual strength from which students draw in order to overcome these systematic obstacles, as well as the identification of the most appropriate mechanisms for supporting students in their endeavors. Accordingly, researchers that are able to gain privileged access to the otherwise invisible population of students directly frequently produce studies of a student's individual experiences in order to understand the ethnographic and lived aspects of the issue from a first-hand qualitative perspective. This research can emerge in a number of forms, including interviews (Teranishi, et al., 2013), case studies (Dozier, 2001; Gonzales, 2008; Munoz, 2009), surveys (Gleeson & Gonzales, 2012), life histories and narratives (Gildersleeve, 2010; Gonzalez, 2010), and emergent methods of analysis that do not follow a prescribed ethnographic or qualitative format (Hernandez, et al, 2010; Diaz-Strong & Meiners, 2007).

In addition to providing valuable insight into the lived experiences of students from first-person narrative perspective, these works are additionally important for their development of new theories and methods of examining the intersection of race, gender, poverty, and immigration status. Munoz (2013) examines the stress factors associated with college persistence using a Chicana feminist epistemological technique, thereby enabling the author and readers to understand the experiences of undocumented Mexican women from a New Latino Diaspora site. Moreover, she incorporates conceptualizations of how both popular media and ideology can shape higher education policy which in turn has significant material implications for students within institutions. Similarly, Diaz-Strong and Meiners (2007) incorporate educational oral histories from students to explore the experiences of being undocumented in higher education. Their illuminate oral historical work illustrates the common factors across all students that permit them to attain academic success despite educational and immigration policies that criminalize their existence and construct them as extraneous to the educational system but also critically important in the nation's service economy. Enabling these students' voices to be amplified so as to reach policymakers reiterates the necessity of linkages among all types of policy related to poverty, education, incarceration, healthcare, economics, and immigration.

By allowing students to tell their personal stories in their own voices and languages, these authors capture the complex and competing perspectives of a population that is otherwise silent and subjugated, rarely the nexus of attention for institutions, politicians, or policymakers. The uncovering of these voices can in turn assist with the development of productive and effective guidance for practitioners, namely student affairs professionals within institutions that work with

undocumented students on the ground level. The guidance contained within these documents (Gildersleeve & Ranero, 2010; Gildersleeve, et al., 2010; Ortiz & Hinojosa, 2010; Chan, 2010) offers both practical recommendations and best practices that not only create an inclusive and welcoming environment for all students at the institution, but also serve to assist undocumented students in their persistence and graduation despite formidable barriers. Officials are encouraged to consider such pre-college contexts as family and schooling environment as well educational achievement, and are urged to serve as social justice advocates in the crusade for undocumented student access and success. Moreover, these authors remind policymakers and the public that lack of legal documentation is not a purely Latino issue, but rather that undocumented students may come from a variety of ethnic and cultural backgrounds.

Educational Research & Theory Development

Arguably the most productive and significant subsection of the literature base on undocumented students in higher education is the emergent and rapidly growing field of higher education research and theory development, which covers a diverse and broad range of topics, approaches, and theories. This work is an amalgam of research in the more general field of higher education, incorporating elements of theory development and the formulation of new frameworks for studying undocumented students and higher education and new modes of understanding students' experiences. Due in large part to the diversity of the issue and the interdisciplinary nature of the subject of study, this research covers a wide range of methodological approaches, theoretical frameworks, and specific content of interest, such as the frameworks of LatCrit and Critical Race Theory, the importance of students' social capital in communal and family settings, the processes of assimilation and acculturation, and the role of financial aid and tuition policies in promoting educational equality. Collectively, these studies advance researchers' understandings of the issue from a multidisciplinary perspective, allowing scholars from a variety of fields to contribute their knowledge and insight to the contentious yet timely topic, which will undoubtedly expand in relevance in the coming months and years as ever greater numbers of immigrants and students seek out postsecondary opportunities.

Some new methodologies that have recently emerged from research on undocumented students in higher education include LatCrit and reinterpretations of Critical Race Theory. These frameworks address the intersectionality of a student's status as a marginalized undocumented individual and identifying ethnically and culturally as a Latino/a, which results in unique challenges implicating race, ethnicity, and socioeconomic status (Huber, 2010; Huber & Malagon, 2007). Critical race testimonies of Chicana students can promote an agenda to interrogate and challenge the racist, nativist framing of undocumented students as problematic, burdensome, and illegal (Huber, 2009). These studies incorporate the narratives of students and challenge the power structures of society, questioning the prevailing social order and promoting a reinterpretation of the current structure of society and the pervasive disenfranchisement of certain segments of the population (Abrego, 2006; Chan, 2010). This work often incorporates the life history methodology, which

allows students to narrate their immigration stories self-reflexively, as well as the traditions of feminism and critical theory, in order to better understand the native viewpoint of students struggling to conform to American culture, language, and society. (Abrego, 2011) One significant contribution of this work is its relevance in the construction of more accurate and nuanced conceptualizations of the characteristics of undocumented students, particularly those from a Latino/a background. Importantly, it establishes a framework for developing new theories and methods for studying students from a critical point of view that challenges normative ideas of student development and academic attainment, thus advancing the field towards a more inclusive interpretation of student voice and narrative.

Other research has sought to uncover the role of social capital in both familial and communal settings, arguing that it is an exceedingly vital source of support for students as they navigate the transition to postsecondary education, particularly if they lack adequate economic or political capital (Oliverez, 2006; Gonzales, 2010). Indeed, research suggests that social capital in communal settings can serve as a protective factor that enables students to draw upon significant stores of strength and resilience despite formidable obstacles and setbacks (Perez, et al., 2009; Enriquez, 2011), offering solace in a familiar community in opposition to the often alien, isolating, and unwelcoming campus of a higher education institution. Some of these students, through the means of social and other forms of capital, do attempt to assimilate and integrate into society, becoming productive and contributing members through their educational attainment and unique contributions (Nora & Crisp, 2009). Research on the processes of assimilation and identity formation (Abrego, 2006; Ellis & Chan, 2013), however, highlights the potential negative reactions from the public and the corresponding implications for undocumented students, including violent or angry backlash towards undocumented student advancement, and regression towards less permissive social statuses for these otherwise deserving and capable students (Stevens, 2004; Massey, 1995). This research provides researchers with a background from which to advance future studies, with the knowledge that seemingly benevolent attempts to acculturate can indeed have unintended and unanticipated consequences for students seeking cultural incorporation.

Other research in the field of higher education and theory development has been more instrumental, including work on the role of financial aid and tuition policies in promoting the enrollment and academic attainment of undocumented students. Experimental research and national datasets on the locations of students and the presence of in-state tuition policies suggest that states with more permissive legislation experience higher rates of enrollment among undocumented students and higher levels of academic achievement at both the postsecondary and secondary levels (Flores, 2010; Flores & Chapa, 2008). This in turn has positive implications for the local and national economy, including investment in the education of its citizens and increased opportunities for career advancement (Oseguera, Flores, & Burciaga, 2010; Tienda & Haskins, 2011). Other researchers (Perry, 2006; Olivas, 2009) find that the discrepancies in tuition and financial aid policies across states are conflicting and confusing, and that the passage of federal legislation such as the DREAM Act could resolve this tension and provide uniform regulations for all students, regardless

of state of residence (Gonzalez, 2010; Drachman, 2006). Moreover, the exclusion of undocumented students from the pool of students eligible for federal or state-based financial aid has negative implications for their short- and long-term educational achievement, with many students dropping out of school due to financial hardships (Diaz-Strong, et al., 2010; Oliverez, 2006). While much research has focused on the role of financial factors in educational attainment, these studies are some of the first to examine the impact on undocumented students, which represent a particularly vulnerable and marginalized population. Moreover, this research is among the first attempts to uncover the linkages between the educational environment for undocumented students and their long- and short-term outcomes in mental and physical health (Tienda & Haskins, 2011; Belanger, 2001; Perez, 2012), as well as the direct links between permissive policies and student persistence (Flores & Horn, 2009-2010). More work is necessary to uncover the potential positive outcomes for students that are afforded both the educational and financial opportunity to persist in higher education and to obtain the skills and training necessary to achieve success post-graduation.

Gaps in the Literature

Despite the growth in the body of literature examining the presence of undocumented students in higher education and the evolutions in state higher education policy, much work remains on the long-term implications of such policies for this unique subset of the immigrant population. In particular, additional work is required in the methodologies that researchers have used to study undocumented students directly, including more nuanced understandings of the intersectionality of race, gender, and immigration status in higher education. Developments in LatCrit and Critical Race Theory have commenced this trend, with promising developments for greater comprehension of the lived student experience from a first-person narrative perspective. However, undocumented students remain historically understudied, including those from non-Latin nations or nontraditional backgrounds, particularly in comparison to the stereotypical "average" college student. Researchers that can identify and develop an affinity with such students are in the ideal position to connect with undocumented students and to tell their stories from an insider's point of view, enabling those without such privileged access to better understand the experiences and emotions of this complex and diverse population of students. Moral and ethical issues undoubtedly will rise to the fore, especially with regard to which researches are best situated to obtain access without the danger of exploitation of students or sensationalization of their stories. However, it is only through such intimate knowledge of students and their lived experiences that researchers and policymakers can better conceive of how to study, address, and assist this vulnerable population.

Additional research on some of the instrumental policies related to undocumented student access, such as the provision of state financial aid through loans and scholarships, will also assist researchers and policymakers seeking deeper or more accurate conceptualizations of the student experience and the rates of persistence and graduation among systematically underrepresented or marginalized populations. While anecdotal evidence and some limited studies confirm that student with access to financial assistance are more likely to persist and graduate, strong empirical research

into this area is lacking, due in part to the relatively recent passage and widespread dissemination of such policies. A more thorough assessment of the quantitative effects of a tuition-equity or financial aid policy, with regards to student enrollment, persistence, and degree attainment, could provide valuable and verifiable evidence for researchers seeking to influence the policy decisions of legislators, governors, institutional officials, and other state and federal government actors. Indeed, rigorous quantitative research is lacking in many of the topics related to undocumented students in their pursuit of higher education, including accurate counts of the real enrollment rates of students, as well as the number of students that may choose not to enroll, despite being otherwise academically qualified, due to an unwelcoming policy environment or lack of sufficient financial aid. Given the need for reliable research on the causes and effects of certain policy developments in order to influence policymaking at the federal and state level, it is exceedingly critical that researchers develop methods for empirically measuring the implications of policies for students in both the short and long term.

Most importantly, as more states welcome the influx of undocumented students into their jurisdictions, is it likely that these state legislatures will confront the issue of how to treat undocumented students in public institutions of higher education. Given the relatively recent passage of legislation related to this matter, however, little research exists examining the long-term implications of policies for undocumented students, including the potential positive or negative impacts of legislation that permits or restricts access to institutions of higher education at in-state tuition rates, with or without state financial aid. These laws also have important effects for state economies, including the ability of undocumented students to contribute financially, socially, and politically to society as legal and legitimate citizens. Whereas some arguments against the presence of undocumented students in higher education has implicated the belief that immigrants do not contribute significantly to the economy, research confirms the inverse: that immigrant workers contribute significantly to the service economy and the local tax base, particularly in states with a predominantly agriculturally-based economy. Accordingly, better research on the economic implications of permitting or denying access to higher education for undocumented students could assist states with formulating more appropriate policies for their specific economic and social contexts.

Moreover, the rate of adoption of policies across states has not been studied systematically, and little attention has been given to the state context and characteristics that determine whether and how state governments choose to pursue a permissive or restrictive form of legislation. These characteristics can include a state's political ideology, economic vitality, demographics, legislative professionalism, gubernatorial power, and makeup of the higher education system. A longitudinal assessment of the specific contextual circumstances of the state could assist policymakers and researchers with predictive models that forecast the future status of undocumented students in higher education across the country. Additional factors that have been largely understudied but that are hypothesized to contribute significantly to the development and dissemination of policies include the processes of innovation and diffusion among states. Accordingly, this proposal addresses

a critically important research question that has not received adequate attention or rigorous analysis. Given the pressures that states confront to compete with one another economically, politically, and socially, combined with the normative pressures to conform to national standards, it is likely that states exert some form of pressure on their neighbors to adopt policies of a specific nature, including those relevant to undocumented students in higher education. As the United States continues to welcome ever-greater numbers of immigrants, including a proportion of whom are undocumented, it is critical for researchers to maintain an appreciation for and understanding of the opportunities and challenges that await these individuals.

CHAPTER III: THEORETICAL FRAMEWORK

In order to understand the emergence of state policies on undocumented students in higher education, it is important to approach the topic from a theoretical conception of how and why states choose to pass or block particular forms of legislation. Policy theories and conceptual frameworks in general exist to provide order and organization to the processes of policy consideration, formation, adoption, and implementation, seeking to describe “who gets what, how, and why,” and examining how policy can be viewed as text, values-laden action, processes, and discourse (Jones, 2013). These theories and frameworks can uncover the content, purposes, and extent of a particular policy, including the unintended or unanticipated consequences that diverge from the policy’s stated purpose.

When an issue is particularly complex or covers a variety of political issues, often more than one theoretical framework is necessary to describe and explain the phenomenon and capture the features of governmental action that are politically significant (Lowi, 1972). The integration of multiple theoretical frameworks allows for the strengths of one to account for the weaknesses of the others, thereby filling in the gaps of a theory that cannot adequately explain anomalous or seemingly irrational patterns of behavior and decision-making. Moreover, the inclusion of more than one framework allows for a more nuanced and comprehensive analysis of all of the components of the policy process, including the framing of the issue and the target population, the emergence of policy solutions, and the effects of the policy on the targeted population as well as the broader society (Linder & Peters, 1984). For a study of undocumented students in higher education, the issue covers a wide array of policy arenas and problems, rendering the use of more than one framework necessary for discussing its framing, emergence and effects. The theoretical frameworks most useful for analysis of these policies include the advocacy coalition framework, the framework of policy innovation and diffusion, and the theory of policy design and social construction. Each of these frameworks will be considered in turn to analyze their contributions to understanding how and why states pass particular forms of legislation relating to undocumented students in higher education institutions.

Advocacy Coalition Framework

The advocacy coalition framework (ACF) was developed in 1988 by Sabatier and Jenkins-Smith to account for the behaviors of individuals coalesced into groups based on shared beliefs, including their strategies for influencing the actions of governments, the rules of institutions, the outcomes of legislative decision-making, and the effects of policies. The earliest uses of the framework sought to uncover how and why different alliances form on either side of a contentious public policy issue, and how the formation and evolution of such groups contributes to the fluctuations between policy change and policy stasis. Groups of advocates and opponents form coalitions based on three levels of beliefs: shared deep core beliefs, which reflect fundamental conceptions of the world and society; normative beliefs, which reflect the urgency and intensity of a

particular problem; and secondary beliefs, which reflect the most appropriate instrumental mechanisms for addressing or solving a public policy problem. Individuals and groups in advocacy coalitions operate within a policy subsystem, which contains the stable external parameters, such as the nature of society, the structure of government, and the political environment, as well as exogenous shocks such as economic or political change.

Although groups are constrained by short-term resource allocations and the limited ability of policy actors to enact change, they often take advantage of long-term investments such as dedication to a cause, shared core beliefs, and cleavages in the social order that provide windows of opportunity for policy change (Jenkins-Smith, et al., 2014). In this regard, the most important component of the ACF is the dialogue and policy conversations that occur among groups interacting within the demarcated boundaries of the policy subsystem. Policy change and transformation occur through the development, maintenance, and evolution of advocacy coalitions that engage in strategic interactions to pursue their policy goals and to influence governmental decision-making. Significant changes in the core or secondary beliefs of a coalition can also promote policy change, with the beliefs of groups manifesting as policy proposals that reflect normative and subjective conceptualizations of the policy problem (James & Jorgensen, 2009). These changes generally occur in response to exogenous shocks and changes in the policy environment, including electoral changes or transformations in public opinion due to significant external events (Jenkins-Smith, et al., 2014).

The advocacy coalition framework is useful for understanding complex public policy debates in which two or more sides of a policy issue hold incompatible fundamental beliefs about the nature of the issue or the target of the policy proposal. However, rarely does the ACF stand as a single adequate framework for explaining all aspects of the policy process, including framing, emergence, and implications. Indeed, the ACF provides minimal contributions to the study of policy framing, aside from the potential for some groups to draw on core beliefs about the nature of targeted population or policy solution in order to frame the public and political discussion of its consideration for enactment. Rather, the ACF is most useful for understanding how policies emerge through the interaction of coalitions advocating for the passage or blocking of a policy proposal through strategies of collective action. Some researchers have attempted to apply this theoretical approach to issues in higher education, including the formation of alliances and the use of information in tuition assistance programs (Shakespeare, 2008) or the consideration of merit aid eligibility criteria (Ness, 2010). However, despite its contributions to the analysis of emergence, the ACF does have some shortcomings that prevent it from accounting for the role of individual policy actors or the prominence of other state or political factors that are more influential in determining policy outcomes. Indeed, one weakness of the ACF is its tendency to prioritize the collective at the expense of the individual, often overlooking the effects of influential actors and policy entrepreneurs (Ness, 2010; Smith & Larimer, 2009).

One of the few scholarly works to apply the advocacy coalition framework to the issue of undocumented students in higher education does find that ACF has explanatory power for the emergence of discrepant policies in two states with large undocumented immigrant populations.

Dougherty, Nienhuser, and Vega's (2010) comparison of state policies in Texas and Arizona effectively captures the role of advocacy coalitions in accounting for the passage of a tuition equity law in Texas and the prohibition on tuition equity in Arizona. In both states, advocacy coalitions formed based on shared deep core beliefs about the fundamental human rights afforded (or denied) to undocumented students. The coalitions operated within the policy subsystem, including the stable contextual factors of the societal perspective, the governmental structure, and the characteristics of the state higher education system.

In Texas, the strength of advocates and the relative weakness of the opposition permitted special interest groups to use economic and moral arguments to convince the state legislature to pass legislation permitting undocumented students to attend public institutions at in-state tuition rates. In Arizona, meanwhile, the existence of a citizen referendum and the history of anti-immigrant sentiment resulted in restrictions on undocumented students' rights to access higher education in the state. By examining the roles of coalitions in the respective states, the authors provide a more comprehensive explanation of how and why each state passed exceedingly different proposals, and how these processes of policy consideration and outcomes have affected undocumented students in each state. This work is useful given the contentiousness of the issue of undocumented immigration and the likelihood that similar tensions and coalitions exist within and between states across the country. Application of the ACF to other state contexts could thus prove illuminating in determining the existence of restrictive or permissive tuition policies in other states, and could provide predictive power for researchers studying the potential emergence of such policies in other jurisdictions.

One potential shortcoming of the advocacy coalition framework is its overreliance, yet lack of explanation, of the role of collective action in strategic behaviors and decision making. The ACF prioritizes the activities of the group over those of the individual, arguing that group dynamics are a strong force for policy change and action. However, the ACF is a primarily descriptive approach, describing the existence and current status of coalitions, noting when they form, maintain, or evolve, and connecting these coalitions to policy change (Smith & Larimer, 2009). What the framework fails to capture, however, is the process by which coalitions emerge, the strategies of collective action they implement, and the ultimate implications of these evolving relationships. Incorporation of theories of collective action, such as the institutional analysis and development (IAD) framework, could allow ACF to account for why and how coalitions form, persist, and change with time in response to interactions with other coalitions, changing stable parameters, shifting internal beliefs, or exogenous shocks to the policy subsystem (Schlager, 1995). Awareness and acknowledgment of this shortcoming and the need for corrective policy approaches is particularly important in the case of undocumented students in higher education, as it is a relatively nascent issue that is likely to evolve and transform in the coming years as more students immigrate to the country, graduate from U.S. high schools, and demand access to affordable postsecondary education.

Policy Innovation and Diffusion

Another approach that informs the analysis of the public policy process is the theoretical framework of policy innovation and diffusion, which was developed by Walker in 1969 to account for the processes by which states emulate and compete with one another in the public policy arena. Drawing on theories of human behavior and organizational decision-making, the policy innovation and diffusion framework posits that policymakers look for situations analogous to their own circumstances, often turning to geographic and regional peers that have confronted similar situations for guidance. States thus contemplate and consider the experimentation that has occurred in other states to determine the approaches that have been most effective and efficient, and choose to adopt or reject policies based on prior successes or failures. As units in a federal system, states are also subject to normative pressures to conform to national standards, and are in competition with one another for economic, social, and political advancement. In this regard, innovation is not the invention of a new policy, but rather the adoption of an approach that is novel to the state in question, though it may have been previously developed and implemented elsewhere. The propensity to innovate is thus conceived of as a combination of the motivation to innovate, the barriers to innovation, and the resources to overcome these barriers (Mohr, 1969). Researchers seeking to understand how policies diffuse across states will consider both the mechanisms of diffusion, such as coercion, policy learning, emulation, and competition, as well as internal state characteristics that may influence the consideration and adoption of the policy, such as the political, social, and economic environments. A unified model of policy adoption therefore considers the roles of both forms of influence, including the interactive effects of time and state characteristics, thus confirming that an analysis of the influence of each determinant on policy adoption cannot be conducted in isolation (Berry & Berry, 1990; 2014).

Unlike the ACF, the policy innovation and diffusion framework can provide some explanation for the framing of policy issues, in that states can borrow and learn from one another regarding the most effective approaches for framing an issue in order to achieve the desired policy outcomes. This process occurs prior to the development and passage of a public policy, when legislators, special interest groups, and other stakeholders engage in a process of policy framing, discussion, and consideration of policy solutions. Some states with small undocumented immigrant populations or highly independent state systems of higher education may disregard the issue of undocumented students seeking access to higher education due to low salience or fear of federal preemption. However, these states may seek guidance from the analogous situations of their geographic and regional peers for examples of how best to frame the issue in a manner that promotes a particular policy solution with the desired social, political, or economic effects. Thus, these states engage in a form of emulation and policy learning, seeking independently to preempt the inevitable emergence of the issue and to develop a pre-formulated approach for framing both the nature of the issue and the public perception of the undocumented students that are the target of the legislation.

In addition to providing some explanatory power to issue framing, the policy innovation and diffusion framework is most effective for understanding the emergence of public policies within a

particular state context. This conceptual framework has most often been applied to instances of environmental and health policy, given the likelihood for states to adopt national standards through normative pressures to conform, as well as federal coercion to uphold minimum standards of practice. However, some researchers have applied the framework to issues in the field of higher education, such as financial policy (Lacy & Tandberg, 2014), merit aid programs (Cohen-Vogel, et al., 2008; Ness & Mistress, 2010; Doyle, 2006), and performance accountability standards (McLendon, Hearn, & Deaton, 2006). The results of these studies suggest that the processes of diffusion occur to some degree in higher education policy, including dynamic and regional shifts in the strength of diffusion processes as well as the presence of state-level characteristics and the actions of individual policymakers that may supplement or undermine the diffusive pressures. Accordingly, the theory of policy innovation and diffusion is most effective when combined with alternative frameworks, or is amended to account for the role of individual actors known as policy entrepreneurs. These individuals can serve as instigators of policy change through creative innovation, mobilization of support, and spanning of boundaries in order to gain momentum for a particular policy solution. They can contribute during multiple phases of the policy process, namely policy framing and emergence, by serving as a mediator of interests and a catalyst for action (Mintrom, 1997).

Another important component of the policy innovation and diffusion framework that explains how states adopt policies in a diffusive pattern is the theory of social learning. Social learning occurs when states look to the successes and failures of policy experimentation in other jurisdictions, drawing on the lessons that state policymakers have learned through adopting various public policies. States engage in such processes as a means of satisficing, limiting the expenditures of time and resources required to research the potential outcomes of policy proposals and the most effective mechanisms for implementation. States thus look to their neighbors based on the perceptions of convenience, political or geographic similarities, political networking, or shared media outlets (Boehmke & Witmer, 2004). The degree to which states choose to adopt and implement a policy depends largely on their individual assessment of the success of the policy in other locations. States engage in a game-theoretic approach, choosing either to invest in experimentation in order to examine the potential implications of a policy before complete implementation, or opting to shirk and allow other states to engage in experimentation and to learn from their successes and failures. States thus maintain a balance between ideological proximity to their peers and determinations of instrumental effectiveness (Volden, Ting, & Carpenter, 2008). Some public policies may be more prone to the processes of social learning than others, with moral policies often confronting more contention and conflict from the public than purely economic policies. Public policies with a contentious moral standing (such as immigration policy) may have a truncated learning curve due to political and social apprehension towards implementation. Thus, the rate of diffusion across states may be limited by internal state characteristics such as political or social ideology (Mooney & Lee, 1995).

Analysis of the geographical mapping of the distribution of state policies concerning

undocumented students in higher education suggests that some form of diffusion may be responsible for the current pattern of adoption. Clusters of permissive policies occur in the Northeast, Southwest, and Northwest of the country, while restrictive policies exist in the Southeast and the Midwest (uLead Network, 2015). It is likely that some degree of diffusion occurs among states that are geographical neighbors as policymakers look to analogous situations in neighboring states for guidance on how to develop policies with the desired outcome. Moreover, it is also likely that states within geographical regions have shared internal state determinants, such as political culture (Elazar, 1984), gubernatorial power, legislative professionalism, economic environment, population demographics, governmental structure, and ecology of the state higher education system (Gray, 2013). A unified model of policy emergence accounts for both the internal state determinants and the processes of diffusion, including such mechanisms as competition for students and coercion to maintain national standards and societal norms. In the case of undocumented students, the restrictive policies in the Southeast and Midwest are likely due to the political ideology of the citizens and elected officials in the region, which reflects the belief that undocumented immigrants are not rightful residents of the country and are therefore ineligible for public benefits. Alternatively, the permissive policies in the Northeast and Western states may be a byproduct of a political ideology that prioritizes the fundamental right to a free education and a belief in amnesty and pathways to citizenship for undocumented immigrants.

Policy Design and Social Construction

In contrast to the two aforementioned policy approaches, the theory of policy design and social construction can account for all phases of the policy process, including the framing of the issue, the emergence of policy solutions, and the effects of the policy on targeted students and the broader society. The theory of policy design and social construction was developed by Schneider and Ingram in 1993 to account for the social construction of targeted populations in society, and the resultant policies that address public policy issues related to these populations. The theory posits that reality is inherently socially constructed through the processes of language, communication, and interaction among subjective individuals with their own interpretations and meanings of reality. Individuals engage with one another and the world around them, forming interpretations of occurrences and phenomena that they then communicate to other individuals; these interpretations thus become a part of the social fabric and influence the perceptions of other individuals. Reality is thus both subjective and intersubjective, constructed through individual as well as communal mechanisms, and lacking any foundation in an objective notion of truth (Stein, 2001). The social construction of targeted populations is generated through the distribution of values, the evocation of emotional responses, and the naming and labeling of groups based on positive or negative conceptualizations of their inherent nature. Individuals are thus categorized as advantaged, contenders, dependents, or deviants based on the degree of their political power and their positive or negative portrayal in society. Public policies are framed, constructed, and implemented based on these social constructions, with policymakers strategically conduct assessments of the distribution of

burdens and benefits among the four groups that comprise society in order to determine the most desirable potential outcomes for political risk and opportunity (Schneider, Ingram, & deLeon, 2014).

The theory of policy design and social construction has significant explanatory power and insight for the framing of vulnerable populations, many of whom lack political and economic power and may be the object of positive or negative portrayals in society. Some research has applied the theory to the field of education and the framing of students, including the categorization and characterization of students based on labels associated with a particular public policy. Stein (2001) engages in an interpretive policy analysis to assess how the perceptions of educational practitioners are informed by the policy language that is mapped onto students, regardless of their individual attributes. The use of symbolic language and the connotations that such language evoke results in the framing of students as deserving or undeserving of the benefits or burdens of a policy proposal. Given their lack of political and economic power, most low-income and minority students would qualify as dependents in the four-part categorization of target populations. However, the labeling of students based on the emotional responses associated with a public policy could categorize some students, particularly those without legal documentation, as deviants unworthy of the benefits of public policies. For undocumented immigrant students seeking access to higher education, their framing as deviants rather than dependents could have implications for the emergence and implications of policies regulating their access to higher education. Moreover, the framing of the issue itself – that of “illegal” undocumented students seeking access to state benefits preserved for the country’s citizens – is also an important component of the policy process. In addition to framing the targeted populations, policymakers can frame the nature of the public policy issue as worthy or unworthy of being addressed or amended through a policy solution (Smith & Larimer, 2009).

Building on the aforementioned framing of target populations through social constructions and emotional responses, public policies emerge that reflect these conceptualizations and aim to preserve the prevailing social order. Policymakers will engage in a process of analysis that examines the distribution of burdens and benefits, resulting in the development of policies that maximize political opportunity and minimize political risk. Using the tools of social construction, policymakers develop public policy that perpetuates the predominance of some populations and maintains the subjugation of others in order to institutionalize the distribution of wealth and prosperity to the advantaged, while systematically denying the same benefits to the deviants. The process of policy emergence is therefore itself a form of social construction, in which the preconceived notions that frame target populations result in the development of policies that rationalize these perceptions. Policymakers often rely on seemingly objective scientific research to justify not only the development and implementation of the policy, but also the treatment of groups that are socially constructed and are the target of these policies (Schneider, Ingram, & deLeon, 2014). Research by Reich and Barth (2010) on the emergence of public policies in Kansas and Arkansas confirms the power of social constructions to result in positive or negative perceptions of undocumented students and correspondingly permissive or restrictive state policies governing their access to higher education. The authors find that the social construction of students as either potential citizens or

illegal deviants contributes significantly to the eventual passage of legislation that regulates the eligibility of such students to access in-state tuition rates at public institutions of higher education. The actions of state policymakers thus reflect not only the social construction of target groups in the framing phase of the policy process, but also the strategic consideration of risks and opportunities for students based on their characterization as either deserving or undeserving of power, influence, and equal opportunity in the perspective of the government.

Unlike the theoretical frameworks of ACF and policy diffusion, which do not include mechanisms to account for the effects of public policies on the target populations as well as society as whole, the theory of policy design and social construction does lend explanatory power to assessing the ultimate implications of the enactment of a public policy. Indeed, the unique contribution of the theory of policy design and social construction is its ability to account for the full cycle of the policy process and the generation of a feedback loop in which policy outcomes influence both policy framing and policy emergence. Research supports this supposition, demonstrating that the labels associated with a particular policy are metaphorically mapped onto students' identities and are reified through practice and the perceptions of policymakers and practitioners. Thus, when students are characterized in a negative manner, the policies that emerge have deleterious effects, further subjugating and disenfranchising these students and erroneously justifying their initial classification as unworthy and undeserving (Stein, 2001). In this regard, the policy process is conceived of as dynamic: in the policy emergence phase, social constructions inform the development of policy that produces substantive and significant effects for students as well as societal perceptions of the targeted population of the policy; in subsequent phases of policy framing, these perceptions have become engrained into the social fabric and inform future perceptions of target populations and the framing approaches and policy solutions that emerge (Straus, 2004). Moreover, the effects of policies are more than merely symbolic, but also have material and substantive effects for the targets of the population. Although this cycle is seemingly intractable and promotes the continued subjugation of marginalized populations, social constructions can change with time and with the acknowledgement of injurious outcomes and effects. Accordingly, the theory of social construction offers opportunities for policy change through the reframing of targeted populations (Schneider, Ingram, & deLeon, 2014).

Applying the theory policy design and social construction to the issue of undocumented students in higher education is particularly illuminating, in that it highlights and examines all phases of the policy process. Given that the presence of undocumented immigrants in the country and attending public institutions of higher education is such a contentious issue and that the population of students is exceedingly vulnerable, is critical to understand the ways in which students and the issue itself are framed and conceived of by the public, including the social construction of reality based on emotional responses and the projection of the social and political values of those with policy-making influence and political power. Whether undocumented students are framed as dependents or deviants, and whether the issue is framed as an opportunity or a risk, have significant implications for the ultimate emergence of a policy regulating their access to higher education.

Policymakers will consider the potential for a policy to provide benefits or burdens both to the undocumented students that are the targeted population as well as the institutions that serve them and the broader society that benefits or is weakened by their presence in higher education. Moreover, the policies that do emerge will have both substantive and symbolic effects on students, resulting either in the promotion of upward social mobility and their acceptance as legitimate members of society, or their continued subjugation to poverty and low educational attainment as well as stigmatization and discrimination as illegitimate and illegal intruders in the country.

Synthesis of Theoretical Framework Alternatives

As has previously been suggested, the most effective analysis of a public policy incorporates more than one theoretical framework, enabling the different approaches to account for all of the phases of the policy process and to fill in gaps or overcome weaknesses and shortcomings. Particularly in the case of undocumented students in higher education, the use of more than one theory is critically important and can provide more nuanced and comprehensive understandings of how and why some states have chosen to adopt permissive policies, while others have sought to restrict opportunity or have neglected to consider the issue at all. Each of the policies considered herein has some contribution to the study, including the phases of framing, emergence, and effects. The advocacy coalition framework accounts for the formation of alliances on both sides of this issue, including nonprofit organizations, student groups, industry sponsors, and institutions that support undocumented students. On the other side of the issue, some governmental entities, special interest groups, or concerned citizens have arisen in opposition to the presence of undocumented students in higher education. The interactions of these advocacy coalitions within a political, social, and economic environment results in the development of policies that reflect the beliefs of the prevailing coalition and the contextual factors of the state. The policy innovation and diffusion framework lends further explanatory power, examining how these contextual factors interact with the processes of policy learning and diffusion, with states emulating or competing with their regional neighbors and peers by developing and implementing policies consistent with the perceived success or failure of other policy solutions.

The theory of policy design and social construction, meanwhile, fills in the gaps in the ACF and policy diffusion, which do not explicitly address the framing of the issue and the target population as well as the ultimate outcomes and long-term implications of the enactment of the policy. Politicians, interest groups, and other coalitions will frame both the population of undocumented students and the issue of their presence in higher education in order to advance a particular policy agenda, whether inclusive or exclusive. The framing of these individuals and the issue in turn influences the emergence of policies that reflect a socially constructed reality and serve to perpetuate the dominance of a particular social or political order. The outcomes of these enacted policies have implications for undocumented students, resulting in either their acceptance in higher education or their systematic exclusion from institutions based on discriminatory perceptions and practices regarding their worthiness as beneficiaries of governmental policies. Collectively, these

three frameworks can improve understanding of state policies on undocumented students throughout all phases of the policy process, and can assist interest groups, advocacy coalitions, policymakers, institutions, students, and researchers as they navigate the continued evolution of the issue in the coming decades amidst growing numbers of undocumented immigrants and high-achieving undocumented students. As an issue of tremendous political, social, economic, and moral magnitude, it is necessary to advance the issue both substantively and symbolically through the application, refinement, and improvement of relevant theories of public policy.

CHAPTER IV: ANALYTIC METHOD

The emergence of state policies regulating undocumented students' access to higher education has not been uniform or without contention, and a multitude of factors have contributed to the resultant patchwork of policies and patterns of adoption and implementation across the country. However, given the high likelihood that the salience of the issue will increase, as well as the critical nature of addressing the rights of undocumented students in state institutions, it is necessary that institutional officials and policymakers understand the processes by which states develop, adopt, and implement such programs. Moreover, understanding the determinants of policy adoption and the contextual factors that promote or hinder policy emergence can assist with the development of predictive models for individual states as well as the nation. These models not only provide best practices to policymakers, but also forecast the future status of undocumented students in higher education, including their access to state institutions and their eligibility for in-state tuition rates. The methodological approach to studying the emergence of such policies can take a multitude of forms, including a variety of quantitative analytic methods to examine the determinants of governmental policies and the factors that contribute to the specific patterns of policy adoption.

The quantitative approach to studying the emergence of state policies seeks to develop an objective view of the processes of cause and effect that is not dependent upon subjective interpretation. The quantitative method thus primarily aims to describe an event, determine the cause of an occurrence, and predict future occurrences or variations of the event of interest. By examining the contextual factors of a specific state that correspond to the emergence of policy, the quantitative approach can provide a quantifiable estimate of the covariates that are predicted to be significantly associated with a future occurrence of the event of interest. Indeed, the quantitative method is particularly useful when researchers are aiming to determine which factors are most strongly and efficiently predictive of a specific outcome, and how this knowledge can be applied to situations with systematically similar or measurably different contexts. In this study, therefore, the quantitative approach to studying policy emergence aims to capture and comprehend the range of factors that contribute to the emergence of governmental policies regarding undocumented students in postsecondary education. These policies can assume a number of forms, both permissive and restrictive towards student access, and can include a wide array of provisions and requirements that affect their implementation as well as their ultimate implications for targeted populations.

Data Sources

The outcome of interest in this study is the emergence of state policies regulating the ability of undocumented students to access state institutions of higher education and to benefit from in-state tuition rates. Accordingly, the measure of interest is the point at which a policy was developed or implemented and the categorization of the policy as permissive or restrictive along a spectrum of access and affordability. The data on state policy development can be obtained through several publicly-available sources, including the online data repositories of the National Conference

on State Legislatures (NCSL), the National Governor's Association (NGA), and the State Higher Education Executive Officers (SHEEO). In addition, some third party entities collect data on the issue as a matter of maintaining transparency and accountability in governmental policymaking; thus the uLead Network, which consists of organizations and institutions committed to the rights of undocumented students, is another reliable source for data on governmental activity related to this issue. Moreover, all of these repositories maintain archival records that permit examination of the change in policies across time, including failed attempts to pass legislation, conflicting forms of legislation, or legislation that repeals or overrides previous legislative action. Given the frequency with which contentious proposals arise in the legislature and fail to advance past various points along the pathway to becoming a bill, it is critical to examine the potential for policy proposals to emerge and the mere introduction of policies as a symbolic indicator of a state's general attitude towards undocumented students in higher education. These timelines of activity are particularly useful given the dynamic nature of state policymaking and the contentiousness of the issue of undocumented students in higher education. It is likely that states have cycled between periods of greater and lesser permissiveness towards students depending on the partisanship of the legislature, the federal policy landscape, the ideology of the electorate, and other state contexts and circumstances.

A study of policy emergence cannot stand in isolation without the consideration of the state-level contextual factors that account for or contribute to policy development. Accordingly, the covariates and control variables of interest in this study include state-level characteristics that reflect the economic, social, and political contexts of the policymaking process. These factors may include political culture (Elazar, 1984), the degree of legislative professionalism and activity (Hamm & Moncrief, 2013), the role of special interest groups (Rosenthal, 2001), gubernatorial power (Ferguson, 2013), the ecology of the higher education system (Lowry & Fryar, 2013), the status of the economy and the labor market, the political ideology of citizens (Gray, 2013), partisanship of the legislature, the number of higher education seats available to students, the degree of poverty and literacy of the population, employment rates and educational attainment, and measures of economic and social stratification. Each of these characteristics can be conceived as a continuum or index generated by existing datasets that measure the various distinguishing features of states. Sources for this data include the aforementioned NCSL for qualities related to the governmental structure, the U.S. Census Bureau for population and demographics information, and SHEEO for higher-education related data. These characteristics will vary across states, but may follow regional patterns of emergence, particularly in the instance of political culture and citizen ideology. Moreover, in addition to serving as control variables, the models employed in this study may reveal that such characteristics are indeed significantly associated with policy emergence and have a degree of predictive power that can foretell future policy developments.

A final category of independent variable is the role of mechanisms promoting policy innovation and diffusion. Building upon the theoretical framework that posits that the adoption of a public policy is significantly influenced by the adoption of the same or similar public policies in

surrounding jurisdictions, this study includes a measure of policy diffusion to account for the likelihood that states will emulate their geographical as well as economic and social peers.

Challenges of Conceptualizing Policy Enactment and Diffusion Effects

Despite the ready availability of the data concerning historical measures of state characteristics as well as the consideration, passage, and enactment of legislation or policy related to undocumented students in higher education, a number of challenges remain in measuring the outcomes of interest as well as the relevant covariates that may be associated with state activity. In particular, the outcome of interest measuring state activity is difficult to measure given the wide array of policy positions states can adopt in regards to undocumented students and their access to public postsecondary institutions. Rather than a simple binary measure of action, it is instead appropriate to consider state action along a continuum, with the most restrictive forms of policy at one extreme and the most permissive forms at the other; lack of legislative or university system activity falls directly in the center of the spectrum. A nine-point typology would characterize state activity in one of nine categories for each year of measurement.¹ However, this method of measuring state activity is not necessarily ordinal, as there are not equal differences between each interval that have meaningful units of measure or comparison. Rather, the categories are somewhat nominal, and the difference between 2 and 3, for instance, is not equivalent to the difference between 3 and 4. Moreover, each legislative session within a state includes the proposal of dozens of bills that never reach debate or a legislative vote; whether to include these proposals in the measure of state activity is a question that remains unresolved. It is possible, therefore, that a permissive policy exists in the state despite powerful protestations and attempts in the state legislature to reverse or override the present policy. Failure to account for this debate in the legislature and the citizen ideology that may reflect similar sentiments could unfairly characterize the state as permissive to undocumented students when in fact the environment is predominantly unwelcoming or hostile.

In addition to the difficulties measuring the outcome variable of interest, there are also challenges with conceptualizing one important independent variable that is likely an instrumental variable in this study: the process of diffusion of policies across and between states. Diffusion is itself an unobservable activity that is most readily identified well after the occurrence of a particular event. Moreover, it is difficult to discern whether the adoption of a policy is truly due to diffusion, or rather that some states arrived at similar positions independently, or that both emulated a third party that has adopted a policy of interest. Although the time of policy enactment can serve as a de facto measure for determining a timeline of adoption and the direction of diffusion, it is important to consider the possibilities of lags between conception, adoption, and implementation, and some states may advance through the stages more quickly than others. There also remains the question of whether diffusion is a binary outcome - either it occurs or does not occur - or whether it similarly

¹ A model nine-part typology could have the following variable values: 1=restricted enrollment; 2=only DACA permitted; 3=no ISRT; 4=attempted restrictive; 5=no activity; 6=attempted permissive; 7=IRST policy; 8=scholarship policy; 9=state aid policy

exists along a spectrum, with some states exerting more influence than others. One way to conceive of diffusion is to measure the policy activity of geographical neighbors at various points in time, and to assume that the policy status of neighboring states will have a direct and identifiable influence on the states in question. Whether this is a safe assumption for the issue of undocumented students in higher education, however, is questionable and requires additional inquiry.

Analytic Method: Event History Analysis

The quantitative approach to studying policy emergence considers the passage of policy throughout time as states respond to the demand for higher education from undocumented students residing within their jurisdiction. Given the essential nature of the time component, a panel or longitudinal data analysis is critical to capturing the point in time at which states pass a particular policy, and the associated state context that could influence the policy position at that time. While a cross-sectional study could capture the covariates associated with the emergence of policy, this approach to regression-based analysis does not account for the interactions among covariates and time, or the potentially significant main effect of time on the outcome of interest. The benefit of panel data over cross-sectional data, therefore, is its ability to retain critical information on the time of adoption, to account for the interactive effects between time and covariates, and to include covariates whose values vary over time. Thus, an alternative approach to the cross-sectional regression analysis is a longitudinal analysis, such as a fixed effects or random effects model that measures the outcome variable of interest at various points and correlates these outcomes to covariates in the model. In this study, however, the event occurrence of interest is unique in that it can occur more than once (states can pass a policy more than one time) and that it has a variety of possible states (states can pass permissive or restrictive policies). As a result, a more appropriate longitudinal approach is the event history analysis (EHA), which aims to understand why some entities are more likely than others to experience the occurrence of an event (Vermunt, 2009).

The EHA evolved out of the work of Hareven (1986) on life course analysis and the cycles of survival and death of various units under study. The purpose of this approach is to explain why certain entities are more likely to experience the occurrence of a particular event (“fail”) than some other entities, as explained by the unique characteristics of each entity. The five most important components of the EHA are the state, the event, the duration, the risk period, and censoring. State refers to the current status of the entity in the study, indicating whether it has or has not experienced an event. The event is the occurrence of interest in the study, and is also known as the “failure” that an entity experiences in the model. The duration is the period of time during which the entity has not yet experienced an event, while the risk period indicates the period of time during which the entity is at risk of experiencing the event of interest. In many EHAs, it is possible that the risk period and the duration are equivalent and interchangeable. Censoring occurs when an entity has not experienced an event by the conclusion of the data collection period; in this case, the risk of experiencing an event is unknown, but can be imputed with appropriate methodological mechanisms. In this study, the event of interest is the passage of legislation that regulates

undocumented students' access to higher education, while the risk period is the time during which states have or could have passed legislation. In this study, the duration time and the risk period are equivalent for all entities. This period is limited to the years 2000-2015, as the first legislation state legislation directly addressing this issue was passed in 2001, and reliable data is not available post-2015. Some states may have censored observations, indicating that they have not passed legislation on the issue by the conclusion of the study in 2015. Meanwhile, each state has a unique status, duration, and risk period depending on the occurrence or nonoccurrence of the event of interest.

Because of the longitudinal nature of event history analyses, time is an exceedingly important component in the model, and can be expressed either discretely or continuously. In a discrete EHA, states are observed at particular points in time to determine whether the event has or has not occurred, as is typically done with events that can only occur at a specific time (such as an election). Alternatively, in a continuous model, states can experience an event at any time throughout the period of observation. Because the data for this study is collected once a year, and each state can only have one observation for each year, the most appropriate model is a discrete time EHA. Most event history analyses have difficulty accounting for “tied” event failures, or the simultaneous occurrence of the event of interest in two or more entities; in such a case, the longitudinal dataset generally records only the ordering of events rather than the duration of time between the occurrences of events. However, due to the unique nature of this dataset and the event of interest, which will undoubtedly occur simultaneously across multiple states, a further modification of the EHA known as the Exact Discrete Method is required. This method, which is functionally equivalent to a conditional logit, does not assume that a meaningful sequencing of events is present, but rather that the probability of an event occurring is conditional on the composition of the risk set at the time. In this case, entities in the dataset are grouped together by the time period at which they are at risk of experiencing an event, and the probability of event occurrence is calculated conditional on the other entities in the group. The probability of the response pattern of the group is given by

$$Pr(\mathbf{y}_k | \sum_{i=1}^J y_{ki} = n_{1k}) = \frac{\exp(\beta' \sum_{i=1}^J x_{ki} y_{ki})}{\sum_{d_k \in R_k} \exp(\beta' \sum_{i=1}^J x_{ki} d_{ki})}$$

where R_k represents all the possible combinations of case occurrences and controls (ones and zeroes), k is the risk period, J is the observation, and \mathbf{y}_k is the response pattern (Box-Steffensmeier & Jones, 2004, pp. 58).

In addition to accounting for the continuous versus discrete nature of event occurrence, the EHA can also include repeatable and multistate events, both of which apply to the case of state policies concerning undocumented students' access to postsecondary education. Repeatable events are those that occur more than once during the data collection period, meaning that states who “fail” by experiencing an event are not removed from the pool of entities at risk of future failure. Rather, these states are able to fail more than once by passing new legislation that repeals or overrides previous statutes. In addition, the events in this model are multistate rather than binary,

meaning that the characterization of the event can take multiple distinctive forms. Policies regulating student access can be permissive or restrictive, and can regulate only attendance or can also address financial aid. Thus, there is not a binary notation that can adequately account for all of the possible iterations of a policy outcome (Vermunt, 2009). The variation of the EHA that best captures this distinction is the competing risks model, also known as the multinomial logit approach to competing risks. This model allows for a variety of possible outcome variables, and estimates $(k - 1)$ models that calculate the probability of a particular outcome in comparison to the baseline category, which is generally hypothesized to assume a value of zero. In this study, the events of interest are not different kinds of events, but rather different possibilities of the same event (i.e. the passage of legislation or policy). The hazard probability for a multinomial logit is given by

$$\lambda(ik) = \frac{\exp(\beta'_k x)}{\sum_k \exp(\beta'_k x)}$$

where k is the number of possible values of the dependent variable and the arbitrarily chosen baseline category is taken as 0 (Box-Steffensmeier & Jones, 2004, pp. 173). The MNL model is a variation of the binary logit model, and is thus estimated by maximum likelihood, resulting in parameter estimates that are interpretable as logit coefficients to ease interpretation.

One difficulty with the multinomial logit approach to the competing risks model is the assumption that after an entity has failed, or experienced the event of interest, it is no longer in the pool of entities that are at risk of failure; rather, it has been removed from the dataset and cannot experience further events. However, in the case of legislative activity, this assumption is tenuous and can lead to incorrect conclusions and the erroneous removal of states that have remained active in the legislative policymaking arena. Accordingly, the stratified Cox approach to competing risks is a variation of EHA that enables entities to remain in the risk set even after the instance of failure. In a stratified Cox approach, therefore, all entities are at risk of failure at all points of time. The structure of this dataset will have multiple records per observation, with each observation having a record for each possible event (in the case of this student, there is only one event, which is the passage of legislation). Moreover, it is possible to stratify the entities based on different kinds of events, and to subsequently generate a unique baseline hazard function for each of the k risks, or types of events (Box-Steffensmeier & Jones, 2004).

The stratified Cox competing risks model is useful when it is assumed that the covariate effects will not vary significantly across time. However, given the likelihood of diffusion effects from one state to another in regards to policy adoption, it is likely that the relationship between the occurrence of the event and the covariates of interest will change across time, particularly in the case of states that operate in an inverse manner to what is anticipated based on political or social demographics. For example, some states with conservative legislatures and governors, which would be expected to pass more restrictive forms of policy, may instead have unexpectedly permissive policies. In this instance, the risk of event occurrence may be dependent, which will require a model that considers dependent risks in which unobserved frailty (or the likelihood of experiencing a event at a high rate of risk), or unmeasured covariates that are correlated with the risk but do not appear in

the model, influence the occurrence of events within entities (Box-Steffensmeier & Jones, 2004). In light of the difficulty with estimating the dependent risks model, it is possible that analytic solutions either do not exist or would be overly cumbersome to estimate. Moreover, the large number of possible competing outcomes would require use of numerical methods of Gibbs sampling techniques or the Han and Hausman model (1990), which many statistical software programs do not support. Accordingly, it may be appropriate to assume that all of the covariates that explain dependency are observed and known (Box-Steffensmeier & Jones, 2004).

One important component of the EHA that simple regression analysis cannot capture is the existence of time-varying covariates and interactions between the covariates and time. Throughout the data collection period, some of the covariates that serve as controls or predictive variables in the model may change due to internal state transformations or exogenous shocks. Allowing these covariates to change with time provides a more accurate inference of parameter estimates and avoids the possibility of incorrectly specifying relationships that are spurious. In addition to changing across time, covariates may also have significant interactions with time, a quality that simple regression analysis cannot capture. The EHA model may therefore include interaction terms that reflect the possibility that covariates change with time in ways that are not consistent across all time periods or units of analysis. The covariates of interest in the model include state economic, political, and social characteristics as well as the ecology of the state system of higher education. Several of these independent variables will undoubtedly change over the course of the study due to alterations in migration patterns, political parties in power, labor force outcomes, and economic shocks within states. In addition, these covariates may have a direct association (and therefore an interactive effect) with the passage of time. For instance, some states may experience changes in migration patterns due to the general trend towards increased geographic mobility across the country.

Specifications of EHA Model

The most important calculation in a continuous EHA with time-varying covariates and time-covariate interactions is known as the hazard rate, or the rate at which entities in the model are predicted to fail (or to pass legislation). The hazard rate is expressed as

$$h(t) = \frac{f(t)}{S(t)} \text{ or } \lambda_0(t) = \frac{S(t)}{h(t)}$$

which is the quotient of the survival function and the lifetime function. The survival function, $S(t)$, is expressed as

$$S(t) = Pr(T > t_i) = \sum_{j>i} f(t_j)$$

which is the probability that the time of failure (t) is greater than some specific value of time (T). This equation therefore measures the “survival” of the entity across time, which is equivalent to the amount of time the entity remains in the risk pool without failing, or experiencing the event of interest. The lifetime function, $f(t)$, is expressed as

$$f(t) = Pr(T = t_i) \text{ or } f(t) = 1 - S(t)$$

which is the probability that the time of failure is less than a specific value of T . Accordingly, the hazard rate measures the instantaneous probability that an entity will experience an event, given that it has not yet occurred. The hazard rate in a continuous EHA has the form of a log-linear model, or a proportional hazards model, indicating that the relationship between the event occurrence and the covariates of interest is multiplicative and proportional. Thus, the change in a time-varying covariate in the model has a proportional and multiplicative effect on the likelihood that the entity will experience the event of interest (Tekle & Vermunt, 2012).

The measure of the proportional hazard rate has important implications for predicting the likelihood that entities will experience an event. A higher proportional hazard rate indicates that the entity has a shorter survival function, and is more likely to experience the event within a short period of time. A lower proportional hazard rate, meanwhile, indicates that the entity has a longer survival function and is less likely to experience the event (Singer & Willett, 1991). A hazard rate can thus be calculated for each entity in the model and at different points in time, allowing the rate to change throughout the collection of data for the study. This is important for enabling policymakers and politicians to determine the likelihood of event occurrence within neighboring states as well as their own jurisdictions, particularly as more states adopt a policy in response to the actions of their peers. In addition to individual rates, a cumulative hazard rate can be calculated that represents the overall probability of any state experiencing an event (adopting a policy). This calculation is useful from a global viewpoint of discovering the future policy landscape and the relative prominence of policies that are permissive or restrictive for undocumented students seeking access to postsecondary education.

Analytic Alternative: Multinomial Logit (MNL)

Given some of the complications associated with the event history analysis and the requirement for entities to “fail” in order to calculate a hazard rate, an alternative to the EHA is the multinomial logit (MNL). The multinomial logit model was proposed and developed by Bock (1975), in order to integrate log-linear modeling with multinomial outcome modeling (Zwane & van der Heijden, 2005). The MNL is a specification of the generalized logistic regression that applies to more than two possible discrete outcomes, and therefore predicts the probabilities of the potential outcomes conditional upon a vector of independent variables. The model operates on the basic logistic regression, which constructs a linear predictor function that generates a set of weights, which are then linearly combined with exploratory variables of the observation. In the MNL, the dependent variable must be categorical and nominal, without any particular or meaningful ordering of the potential outcomes. One of the unique specifications of the MNL is that data are case specific; in other words, the independent variable can only be expressed as a single value for each case. Thus, the covariates cannot vary with time, which contrasts with the EHA that includes both time-varying covariates and interactions between the covariates and time. The model also operates on the assumption that the independent variables are not necessarily statistically independent from one another, but that collinearity is low and it is not difficult to differentiate the impacts of several

of the variables in the model (Belsley, 1991).

The MNL can be conceived as an alternative to the competing risks model for discrete events, in that it defines a single categorical response, y_{it} , rather than a vector of binary responses for each time interval. The relative risk ratio, which is the exponent of the regression coefficient $\exp(\beta^r)$ is the multiplicative effect of a one-unit increase in x on the risk of the event r , versus the risk that there is no event occurrence. The cumulative density functions and the predicted event-specific hazard rates can also be calculated in order to aid interpretation, and are often referred to as the dependent or net hazard rates. This rate represents the risk of a particular event type (r) in the presence of all other possible event types (Steele, 2005). It follows, then, that one of the motivations of the MNL is to impose an identifying restriction on the model that allows for the estimation of the parameters of all the possible outcomes. In other words, knowing the results from the binary logit of one option versus a second option allows for derivation of the results from the logit of one option versus a third option. By constraining the model (usually at 0), the multinomial logit references the probability of the occurrence of an option against the baseline category of zero. Transformation of the logistic into a linear model of log-odds ratio produces a likelihood function that expresses the odds in reference to the baseline category (Jones, 2013).

One of the drawbacks of the MNL is the Independence of Irrelevant Alternatives (IIA) Property, which holds that the odds ratios derived from the model do not depend on the underlying values of the other alternatives (Koch & Racine, 2016). In other words, the odds of preferring one outcome over the other possible outcomes are not dependent on the presence or absence of other irrelevant alternatives. This assumption has roots in theories of rational choice, but may be tenuous in a situation in which entities are aware of the alternative options, such as potential policy outcomes. As a result, it is possible that the MNL can impose too much restraint, particularly with regards to the ordering of preferences among different alternative outcomes (Baltas & Doyle, 2001). An advantage of the model, however, is that each vector of variates (x) can have different effects for each outcome; the outcome is thus conditioned on both the attributes (covariates) of the individual and the attributes of the possible outcomes (Jones, 2013).

Specifications of the Multinomial Logistic Regression Model

The MNL utilizes a linear predictor function $f(k, i)$ to predict the probability that an observation i assumes a particular outcome k with the following specification:

$$f(k, i) = \beta_{0,k} + \beta_{1,k} x_{1,i} + \beta_{2,k} x_{2,i} + \dots + \beta_{M,k} x_{M,i}$$

where $\beta_{M,k}$ is the regression coefficient that is associated with the M th explanatory variable and k th outcome. This can also be written as:

$$f(k, i) = \beta_k \cdot \mathbf{x}_i$$

where β_k is the set of regression coefficients associated with an outcome k and \mathbf{x}_i is the set of explanatory variables associated with an observation i .

One way to conceive of the multinomial logit model is to assume that one outcome is the baseline category (usually 0), and all other $K - 1$ outcomes are regressed separately against this

outcome. The follows that:

$$\begin{aligned}\Pr(Y_i = 1) &= \Pr(Y_i = K)e^{\beta_1 \mathbf{x}_i} \\ \Pr(Y_i = 2) &= \Pr(Y_i = K)e^{\beta_2 \mathbf{x}_i} \\ &\dots \\ \Pr(Y_i = K - 1) &= \Pr(Y_i = K)e^{\beta_{K-1} \mathbf{x}_i}\end{aligned}$$

Given that these probabilities sum to one, the resultant equation can be used to find the probabilities of all of the other outcomes. This mathematical relationship is a verification of the assumption of independence of irrelevant alternatives (IIA).

It is also possible to conceive of the MNL as a latent variable model, particularly in the case of a discrete-choice model. In the latent variable model, each data point i and each possible outcome k have a continuous latent variable ($Y_{i,k}^*$) that is unobserved and random, and that is distributed in the following way:

$$\begin{aligned}Y_{i,1}^* &= \beta_1 \mathbf{x}_i + \varepsilon_1 \\ Y_{i,2}^* &= \beta_2 \mathbf{x}_i + \varepsilon_2 \\ &\dots \\ Y_{i,K}^* &= \beta_K \mathbf{x}_i + \varepsilon_K\end{aligned}$$

The latent variable is the utility associated with the data point i choosing an outcome k , and the actual variable Y_i is determined from these latent variables, where outcome k is chosen if and only if the utility (or the value of the latent variable $Y_{i,k}^*$) is greater than the utilities of all of the other possible outcomes.

The use of the MNL results in odds ratios that are calculated for all of the independent variables for each possible dependent outcome, with the exception of the reference category (usually specified at 0). The exponential beta coefficient on the MNL is the change in the odds of the dependent variable being a particular outcome in comparison on the reference outcome, associated with a one-unit change in the independent variable.

Limitations and Ethical Implications

One of the primary disadvantages of the quantitative approach to measuring the emergence of state policies using event history analysis or multinomial logistic regression is the possibility that the model will fail to account for some missing or unobservable covariate that is significantly related to the outcome of interest. For instance, some measures of social or political ideology may not have a reliable measure, or may be inherently related to a third, spurious variable that is not included in the model. One means to account for this possibility is to include interactive effects and to construct the model using a variety of approaches and different covariates. It is also useful to construct narrower confidence intervals to provide more conservative estimates of significance and to increase the likelihood that a significant effect is due to an observed relationship rather than to error or chance. Most of the shortcomings of a quantitative approach can therefore be overcome through appropriate control mechanisms and the use of robust standard error estimates and tests for model

fit. Indeed, this ability to objectively measure the fit of the model and the significance of the outcome is one of the primary advantages of the quantitative approach. Assuming appropriate controls and proper model specification, the quantitative approach is not as likely to be subject to competing interpretations or multiple views of reality; rather, the interpretation of the results drives inferences regarding the predictive power of the model and the significance of associations among covariates and outcomes of interest. This allows for the model to be generalized across cases and to predict future outcomes and occurrences of the event of interest based on the determinants and covariates included in the specification. Moreover, the EHA model in particular accounts for the some of the peculiarities of longitudinal data, including censored observations, time-varying covariates, and interactions among time and covariates (Vermunt, 2009).

The most appropriate method for a study of the emergence of state policies related to undocumented students is a quantitative approach. The development of a discrete-time event history analysis model provides insight into the effects of time-varying covariates, interactions between time and covariates, and time itself as significant predictors of state decisions to pass legislation of a restrictive or permissive form. Alternatively, a multinomial logistic model can calculate the odds of a state adopting a particular policy position based on fixed state characteristics. As the United States welcomes ever-greater numbers of immigrants and faces increasing demands from undocumented students to attend institutions of higher education, it is imperative for policymakers and researchers to have a predictive model for the future of the policy landscape. Moreover, a quantitative approach can provide insight into the best practices for a state based on its political, economic, social, and higher education characteristics, allowing states to reduce the resources and expenditures necessary to experiment with different policy outcomes.

TIMELINE

This proposal was submitted to the dissertation advisory committee on May 2017. Pending approval and revisions from the committee, data for this project will be collected during the summer, fall, and winter of 2017. Below is a timeline with key milestones and action steps leading to the completion of the doctoral degree in May 2018.

April 2017	Present preliminary findings at AERA Conference in San Antonio, TX
May 2017	Submit proposal to ASHE 2017 Conference to present preliminary findings
June-July 2017	Write first three chapters of dissertation (introduction, literature review, theoretical framework)
July 2017	Submit proposal to AERA 2018 Conference to present findings
August-October 2017	Compile dissertation data from various data sources Define variables and code data Analyze dissertation data
November 2017	Present preliminary findings at ASHE Conference in Houston, TX
December 2017-February 2018	Write chapters four and five of dissertation (methods/data and findings) Begin applying for faculty and policy analyst positions
March 2018	Write final chapter of dissertation Revise dissertation based on comments from conferences Submit draft of dissertation to advisor
April 2018	Present dissertation findings at AERA 2018 Conference in New York City, NY
April 2018	Dissertation defense Make final revisions to dissertation Submit dissertation to UGA
May 2018	Graduation and completion of PhD program of study Continue work on manuscripts from dissertation

	research to submit to peer-reviewed journals
--	--

REFERENCES

- Abrego, L. (2008). Legitimacy, social identity, and the mobilization of law: The effects of Assembly Bill 540 on undocumented students in California. *Law & Social Inquiry*, 33(3), 709-73.
- Abrego, L.J. (2006). "I can't go to college because I don't have papers": Incorporation patterns of Latino undocumented youth. *Latino Studies*, 4, 212-231.
- Abrego, L.J. (2011). Legal consciousness of undocumented Latinos: Fear and stigma as barriers to claims-making for first- and 1.5-generation immigrants. *Law & Society Review*, 45(2), 337-369.
- Alexander, B.C., Garcia, V., Gonzalez, L., Grimes, G., & O'Brien, D. (2007). Barriers in the transfer profess for Hispanic and Hispanic immigrant students. *Journal of Hispanic Higher Education*, 6(2), 174-184.
- Amaya, L., Escobar, W., Gonzalez, M., Henderson, H., Mathay, A., Ramirez, M., Viola, M., & Yamini, N. (2007). Undocumented students: Unfulfilled dreams. *Institute for Research on Labor and Employment*.
- Baltas, G., & Doyle, P. (2001). Random utility models in marketing research: A survey. *Journal of Business Research*, 51(2), 115-125.
- Belanger, K. (2001). Social justice in education for undocumented families. *Journal of Family Social Work*, 6(4), 61-73.
- Belsley, D. (1991). *Conditioning diagnostics: Collinearity and weak data in regression*. New York, NY: Wiley.
- Berry, F.S., & Berry, W.D. (1990). State lottery adoptions as policy innovations: An event history analysis. *The American Political Science Review*, 84(2), 395-415.
- Berry, F.S., & Berry, W.D. (2014). Innovation and diffusion models in policy research. In P.A. Sabatier & C.M. Weible (Eds.), *Theories of the policy process* (pp. 307-362). Boulder, CO: Westview Press.
- Bock, R.D. (1975). *Multivariate statistical models in behavioral research*. New York, NY: McGraw Hill.
- Boehmke, F.J., & Witmer, R. (2004). Disentangling the effects of social learning and economic competition on state policy innovation and expansion. *Political Research Quarterly*, 57(1), 39-51.
- Boushey, G., & Luedtke, A. (2011). Immigrants across the U.S. federal laboratory: Explaining state innovation in immigration policy. *State Politics & Policy Quarterly*, 11(4), 390-414.
- Box-Steffensmeier, J.M., & Jones, B.S. (2004). *Event history modeling: A guide for social scientists*. New York, NY: Cambridge University Press.
- Bozovic, L.B. (2012). Immigration policy in the American states: An event history analysis of state adoption and diffusion of the cooperative immigration enforcement 287G program. Dissertation at University of Alabama.
- Brown v. Board of Education of Topeka (1). (n.d.). *Oyez*. Retrieved April 12, 2017, from <https://www.oyez.org/cases/1940-1955/347us483>
- Chan, B. (2010). Not just a Latino issue: Undocumented students in higher education. *Journal of College Admission*.

- Cohen-Vogel, L., Ingle, W.K., Levine, A.A., & Spence, W. (2008). The “spread” of merit-based college aid: Politics, policy consortia, and interstate competition. *Educational Policy*, 22(3), 339-362.
- Connolly, K.A. (2005). In search of the American dream: An examination of undocumented students, in-state tuition, and the DREAM Act. *Catholic University Law Review*, 55(1), 193-226.
- De La Rosa, M.L., & Tierney, W.G. (2006). Breaking through the barriers to college: Empowering low-income communities, schools, and families for college opportunity and student financial aid. Los Angeles, CA: USC Center for Higher Education Policy Analysis.
- DesJardins, S.L., Ahlburg, D.A., & McCall, B.P. (1999). An event history model of student departure. *Economics of Education Review*, 18, 375-390.
- Diaz-Strong, D., & Meiners, E. (2007). Residents, alien policies, and resistances: Experience of undocumented Latina/o students in Chicago’s colleges and universities. *InterActions: UCLA Journal of Education and Information Studies*, 3(2), 1-20.
- Dougherty, K.J., Nienhuser, H.K., & Vega, B.E. (2010). The politics of in-state tuition eligibility in Texas and Arizona. *The Review of Higher Education*, 34(1), 123-173.
- Doyle, W.R. (2006). Adoption of merit-based student grant programs: An event history analysis. *Educational Evaluation and Policy Analysis*, 28(3), 259-285.
- Dozier, S.B. (2001). Undocumented and documented international students: A comparative study of their academic performance. *Community College Review*, 29(2), 43-53.
- Drachman, E. (2006). Access to higher education for undocumented students. *Peace Review: A Journal of Social Justice*, 18, 91-100.
- Elazar, D.J. (1984). *American federalism: A view from the states* (3rd ed.). New York, NY: Harper and Row.
- Ellis, L.M., & Chan, E.C. (2013). Negotiating identity development among undocumented immigrant college students: A grounded theory study. *Journal of Counseling Psychology*, 60(2), 251-264.
- Enriquez, L.E. (2011). “Because we feel the pressure and we also feel the support”: Examining educational success of undocumented immigrant Latino/o students. *Harvard Educational Review*, 81(3), 476-499.
- Erisman, W., & Looney, S. (2007). Opening the door to the American dream: Increasing higher education and success for immigrants. *Institute for Higher Education Policy*. Washington, DC: IHEP.
- Espenshade, T.J. (1995). Unauthorized immigration to the United States. *Annual Review of Sociology*, 21, 195-216.
- Espenshade, T.J., & Calhoun, C.A. (1993). An analysis of public opinion toward undocumented immigration. *Population Research and Policy Review*, 12(3), 189-224.
- Ferraiolo, K. (2008). State policy innovation and the federalism implications of direct democracy. *Publius: The Journal of Federalism*, 38(3), 488-514.
- Flores, S.M. (2010). State dream acts: The effect of in-state tuition policies and undocumented

- Latino students. *The Review of Higher Education*, 33(2), 239-283.
- Flores, S.M., & Chapa, J. (2008). Latino immigrant access to higher education in a bipolar context of reception. *Journal of Hispanic Higher Education*, December 11 2008.
- Frum, J.L. (2007). Postsecondary educational access for undocumented students: Opportunities and constraints. *American Academic*, 3, 81-108.
- Fung, J. (2007). Pushing the envelope on higher education: How states have coped with federal legislating limited postsecondary education benefits to undocumented students. *Whittier Journal of Child and Family Advocacy*, 6(2),415-435.
- Garcia, S. (2010). Dream come true or true nightmare? The effect of creating educational opportunity for undocumented youth. *Golden Gate University Law Review*, 36, 247-268.
- Gildersleeve, R.E. (2010). Access between and beyond borders. *Journal of College Admission*, 3-10.
- Gildersleeve, R.E., & Ranero, J.J. (2010). Precollege contexts of undocumented students: Implications for student affairs professionals. *New Directions for Student Services*, 131, 19-33.
- Gildersleeve, R.E., Rumann, C., Mondragon, R. (2010). Serving undocumented students: Current law and policy. *New Directions for Student Services*, 131, 5-18.
- Gleeson, S., & Gonzales, R.G. (2012). When do papers matter? An institutional analysis of undocumented life in the United States. *International Immigration*, 50(4), 1-19.
- Gonzales, R.G. (2008). Left out but not shut down: Political activism and the undocumented student movement. *Northwestern Journal of Law & Social Policy*, 3(2), 219-239.
- Gonzalez, R.G. (2009). Young lives on hold: The college dreams of undocumented students. *College Board Advocacy & Policy Center*.
- Gonzalez, R.G. (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.
- Gray, M.J., Rolph, E., & Melamid, E. (1996). Immigration and higher education: Institutional responses to changing demographics. *Center for Research and Immigration Policy*. Santa Monica, CA: RAND.
- Gray, V. (2013). The socioeconomic and political context of states. In V. Gray, R.L. Hanson, & T. Kousser (Eds.), *Politics in the American states* (pp. 1-29). Washington, DC: CQ Press.
- Green, P.E. (2003). The undocumented: Educating the children of migrant workers in America. *Bilingual Research Journal*, 27(1), 51-71.
- Han, A., & Hausman, J.A. (1990). Flexible parametric estimation of duration and competing risk models. *Journal of Applied Econometrics*, 5(1), 1-28.
- Hareven, K.T. (1986). Historical changes in the social construction of the life course. *Human Developments*, 29(3), 171-180.
- Hernandez, S., Hernandez Jr., I., Gadson, R., Huftlain, D., Ortiz, A.M., White, M.C., Yocum-Gaffney, D. (2010). Sharing their secrets: Undocumented students' personal stories of fear, drive, and survival. *New Directions for Student Services*, 131, 67-84.
- Huber, L.P. (2009). Challenging racist nativist framing: Acknowledging the community cultural

- wealth of undocumented Chicana college students to reframe the immigration debate. *Harvard Educational Review*, 79(3), 704-729.
- Huber, L.P. (2010). Using Latina/o critical race theory (LatCrit) and racist nativism to explore intersectionality in the educational experiences of undocumented Chicana college students. *Educational Foundation*, 77-96.
- Huber, L.P., & Malagon, M.C. (2007). Silenced struggles: The experiences of Latina and Latino undocumented college students in California. *Nevada Law Journal*, 7(3), 841-861.
- James, T.E., & Jorgensen, P.D. (2009). Policy knowledge, policy formulation, and change: Revisiting a foundational question. *Policy Studies Journal*, 37(1), 141-162.
- Jenkins-Smith, H.C., Nohrstedt, D., Weible, C.M., & Sabatier, P.A. (2014). The advocacy coalition framework: foundations, evolution, and ongoing research. In P.A. Sabatier & C.M. Weible (Eds.), *Theories of the policy process* (pp. 183-224). Boulder, CO: Westview Press.
- Jones, B. (2013). *Duration models: Discrete time models*. University of California - Davis: Department of Political Science.
- Jones, T. (2013). *Understanding education policy: the 'four education orientations' framework*. Dordrecht, Netherlands: Springer.
- Kaushal, N. (2008). In-state tuition for the undocumented: Education effects on Mexican young adults. *Journal of Policy Analysis and Management*, 27(4), 771-792.
- Koch, S.F., & Racine, J.S. (2016). Healthcare facility choice and user fee abolition: regression discontinuity in a multinomial choice setting. *Journal of the Royal Statistical Society Series A*, 1-24.
- Krogstad, J.M., Passel, J.S., & Cohn, D. (2016). 5 facts about illegal immigration in the U.S. Washington, DC: Pew Research Center. Retrieved from <http://www.pewresearch.org/fact-tank/2016/11/03/5-facts-about-illegal-immigration-in-the-u-s/>
- Lacy, T.A., & Tandberg, D.A. (2014). Rethinking policy diffusion: The interstate spread of “finance innovations.” *Research in Higher Education*, 55, 627-649.
- Linder, S. H., & Peters, B. G. (1984). From social theory to policy design. *Journal of Public Policy*, 4(3), 237-259
- Lopez, M.P. (2004). Reflections on educating Latino and Latina undocumented children: Beyond Plyler v. Doe. *Seton Hall Law Review*, 35, 1373-1406.
- Lowi, T. J. (1972). Four systems of policy, politics and choice. *Public Administration Review*, 32, 298-310.
- Massey, D.S. (1995). The new immigration and ethnicity in the United States. *Population and Development Review*, 21(3), 631-652.
- McLendon, M.K., Hearn, J.C., & Deaton, R. (2006). Called to account: Analyzing the origins and spread of state performance-accountability policies for higher education. *Educational Evaluation and Policy Analysis*, 28(1), 1-24.
- McLendon, M.K., Mokher, C.G., & Flores, S.M. (2011). Legislative agenda setting for in-state resident tuition policies: Immigration, representation, and educational access. *American*

- Journal of Education*, 117(4), 563-602.
- Mintrom, M. (1997). Policy entrepreneurs and the diffusion of innovation. *American Journal of Political Science*, 41(3), 738-770.
- Mohr, L.B. (1969). Determinants of innovation in organizations. *American Political Science Review*, 63, 11-126.
- Mooney, C.Z., & Lee, M.-H. (1995). Legislating morality in the American states: The case of pre-Roe abortion regulation reform. *American Journal of Political Science*, 39(3), 599-627.
- Munoz, C.B. (2009). A dream deferred: Undocumented students at CUNY. *Radical Teacher*, 84, 8-17.
- Munoz, S.M. (2013). "I just can't stand being like this anymore": Dilemmas, stressors, and motivators for undocumented Mexican women in higher education. *Journal of Student Affairs Research and Practice*, 50(3), 233-249.
- Ness, E.C. (2010). The politics of determining merit aid eligibility criteria: An analysis of the policy process. *The Journal of Higher Education*, 81(1), 33-60.
- Ness, E.C., & Mistretta, M.A. (2010). Merit aid in North Carolina: A case study of a "nonevent." *Educational Policy*, 24(5), 703-734.
- Nora, A., & Crisp, G. (2009). Hispanics and higher education: An overview of research, theory, and practice. In J.C. Smart (Ed.), *Higher education: Handbook of theory and research* (321-358). New York, NY: Springer Publishing.
- Nyquist v. Mauclet. (n.d.). *Justia*. Retrieved April 12, 2017, from <https://supreme.justia.com/cases/federal/us/432/1/case.html>
- Olivas, M.A. (2004). IIRIRA, the DREAM Act, and undocumented college student residency. *Journal of College and University Law*, 30(2), 435-464.
- Olivas, M.A. (2009). Undocumented college students, taxation, and financial aid: A technical note. *The Review of Higher Education*, 32(3), 407-416.
- Oliverez, P.M. (2006). Ready but restricted: An examination of the challenges of college access and financial aid for college-ready undocumented students in the U.S. (Doctoral dissertation). Retrieved from ProQuest Dissertations Publishing. (3257819)
- Oliverez, P.M., & Tierney, W.G. (2005). Show us the money: Low-income students, families, and financial aid. Los Angeles, CA: USC Center for Higher Education Policy Analysis.
- Ortiz, A.M., & Hinojosa, A. (2010). Tenuous options: The career development process for undocumented students. *New Directions for Student Services*, 131, 53-65.
- Oseguera, L., Flores, S.M., Burciaga, E. (2010). Documenting implementation realities: Undocumented immigrant students in California and North Carolina. *Journal of College Admission*, 37-43.
- Passel, J. S. (2003). Further demographic information relating to the DREAM act. Washington, DC: The Urban Institute. Retrieved from www.nilc.org/document.html?id=20
- Passel, J. S., & Cohn, D. (2009). A portrait of the unauthorized migrants in the United States. Washington, DC: Pew Hispanic Center. Retrieved from <http://www.pewhispanic.org/files/reports/107.pdf>

- Passel, J. S., & Cohn, D. (2011). Unauthorized immigrant population: National and state trends, 2010. Washington, DC: Pew Hispanic Center. Retrieved from <http://www.pewhispanic.org/files/reports/133.pdf>
- Perez, P.A. (2010). College choice process of Latino undocumented students: Implications for recruitment and retention. *Journal of College Admission*, 21-25.
- Perez, W. (2009). *We are Americans: Undocumented students pursuing the American dream*. Sterling, VA: Stylus.
- Perez, W., & Cortes, R.D. (2011). *Undocumented Latino college students: Their socioemotional and academic experiences*. El Paso, TX: LFB Scholarly Publishing LLC.
- Perez, W., Espinoza, R., Ramos, K., Coronado, H.M, & Cortes, R. (2009). Academic resilience among undocumented Latino students. *Hispanic Journal of Behavioral Sciences*, 31(2), 14-181.
- Perry, A.M. (2006). Toward a theoretical framework for membership: The case of undocumented immigrants and financial aid for postsecondary education. *The Review of Higher Education*, 30(1), 21-40.
- Plyler v. Doe. (n.d.). *Oyez*. Retrieved April 12, 2017, from <https://www.oyez.org/cases/1981/80-1538>
- Ragan, L.J. (2005). Educating the undocumented: Providing legal status for undocumented students in the United States and Italy through higher education. *Georgia Journal of International and Comparative Law*, 34, 485-517.
- Reich, G., & Barth, J. (2010). Educating citizens or defying federal authority? A comparative study of in-state tuition for undocumented students. *Policy Studies Journal*, 38(3), 419-445.
- Rincon, A. (2008). *Undocumented immigrants and higher education: Si se puede!* New York, NY: LFB Scholarly Publishing.
- Romero, V.C. (2002). Postsecondary school education benefits for undocumented immigrants: Promises and pitfalls. *North Carolina Journal of International Law and Commercial Regulation*, 27, 393-418.
- Ruge, T.R., & Iza, A.D. (2005). Higher education for undocumented students: The case for open admissions and in-state tuition rates for students without lawful immigration status. *Indiana International & Comparative Law Review*, 15(275), 1-22.
- Sabatier, P.A., & Jenkins-Smith, H. (1988). An advocacy coalition model of policy change and the role of policy oriented learning therein. *Policy Sciences*, 21, 129-168.
- Salinas, V.J. (2006). You can be whatever you want to be when you grow up, unless your parents you to this country illegally: The struggle to grant in-state tuition to undocumented migrant students. *Houston Law Review*, 43, 847-877.
- Salsbury, J. (2003). Evading "residence": Undocumented students, higher education, and the states. *American University Law Review*, 53(2), 459-490.
- San Antonio Independent School District v. Rodriguez. (n.d.). *Oyez*. Retrieved April 12, 2017, from <https://www.oyez.org/cases/1972/71-1332>
- Schlager, E. (1995). Policy making and collective action: Defining coalitions within the advocacy

- coalition framework. *Policy Sciences*, 28, 243-270.
- Schneider, A., & Ingram, H. (1993). Social construction of target populations: Implications for politics and policy. *American Political Science Review*, 87(2), 334-347.
- Schneider, A.L., Ingram, H., & deLeon, P. (2014). Democratic policy design: Social construction of target populations. In P.A. Sabatier & C.M. Weible (Eds.), *Theories of the policy process* (pp. 105-150). Boulder, CO: Westview Press.
- Seif, H. (2004). "Wise up!" Undocumented Latino youth, Mexican-American legislators, and the struggle for higher education access. *Latino Studies*, 2, 210-230.
- Shakespeare, C. (2008). Uncovering information's role in the state higher education policy-making process. *Educational Policy*, 22, 1-25.
- Singer, J.D., & Willett, J.B. (1993). It's about time: Using discrete-time survival analysis to study duration and the timing of events. *Journal of Educational Statistics*, 18(2), 155-195.
- Smith, K.B., & Larimer, C.W. (2009). Where does policy come from? The policy process. In K.B. Smith & C.W. Larimer (Eds.), *The public policy theory primer* (pp. 73-97). Boulder, CO: Westview Press.
- Steele, F. (2005). *Event history analysis*. NCRM Methods Review Papers: ESRC National Centre for Research Methods.
- Stein, S.J. (2001). 'These are your title I students': Policy language in educational practice. *Policy Sciences*, 34, 135-156.
- Stevens, A. (2004). Dreaming of an equal future for immigrant children: Federal and state initiatives to improve undocumented students' access to postsecondary education. *Arizona Law Review*, 46, 551-580.
- Straus, R.M. (2004). Reconstructing Los Angeles magnet schools: Representations in newspapers. *Peabody Journal of Education*, 79(2), 98-121.
- Tekle, F.B., & Vermunt, J.K. (2012). Event history analysis. In H. Cooper, P.M. Camic, D.L. Long, A.T. Panter, D. Rindskopf, & K.J. Sher (Eds.), *APA handbook of research methods in psychology* (3rd ed.) (pp. 267-290). Washington, DC: American Psychological Association.
- Teranishi, R.T., Martin, M.D., & Suarez-Orozco, C. (2013). Engaging immigrant-origin students in higher education. *Diversity and Democracy*, 16(2).
- Tienda, M., & Haskins, R. (2011). Immigrant children: Introducing the issue. *The Future of Children*, 21(1), 3-18.
- Tienda, M., & Haskins, R. (2011). Immigrant children: Introducing the issue. *The Future of Children*, 21(1), 3-18.
- uLEAD Network. (2016). *Policy environment*. Retrieved from <http://uleadnet.org/>.
- Vermunt, J.K. (2009). Event history analysis. In E. Millsap & A. Maydeu-Olivares (Eds.), *The SAGE handbook of quantitative methods in psychology* (pp. 658-674). Thousand Oaks, CA: SAGE.
- Volden, C., Ting, M.M., & Carpenter, D.P. (2008). A formal model of learning and policy diffusion. *The American Political Science Review*, 102(3), 319-332.
- Yeats, L.S. (2004). Plyler v Doe and the rights of undocumented immigrants to higher education:

Should undocumented students be eligible for in-state college tuition rates? *Washington University Law Quarterly*, 82, 585-609.

Zwane, E., & van der Heijden, P. (2005). Population estimation using the multiple system estimator in the presence of continuous covariates. *Statistical Modelling*, 5, 39-52.