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Florida college students with undocumented parents to get tuition break in spring

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The Florida Board of Education, which oversees community colleges, voted unanimously Tuesday not to appeal a Miami federal judge's ruling that found the state's policy of charging higher tuition for those students discriminatory.

The Florida Board of Governors, which has authority over state colleges and universities, will likely adopt a similar position when it votes later this week.

In a final order issued last month, U.S. District Judge Michael Moore ruled that all Florida college students with U.S. citizenship living as dependents of undocumented parents can qualify for in-state tuition, starting with the spring 2013 academic term.

Moore ordered Florida officials to notify the presidents of the state's colleges and universities to inform such students of the tuition change this month.

In his initial September ruling, Moore found that Florida's rule classifying such students according to their parents' undocumented immigration status violates the Constitution's equal protection provision.

The judge's ruling came in response to a lawsuit filed in October 2011 by the Southern Poverty Law Center for a group of Florida students. The center represents students who are U.S. citizens and Florida residents, including several from Miami, but whose parents cannot prove legal immigration status.

Florida's policy is the result of administrative rules created in 2005. Though state law deals with tuition residency issues, it delegates the responsibility to draw up specific rules to the Department of Education for community colleges and the Board of Governors for state universities.

The Southern Poverty Law Center estimated hundreds or thousands of Florida students could be affected by the judge's ruling. As the policy stands, students who are classified as nonresidents in Florida can be charged more than triple the cost of in-state tuition. The policy affects those under age 24 and who are claimed as dependents by parents.

One semester of in-state tuition at Miami Dade College costs about \$1,200, while out-of-state students pay about \$4,500.

Moore, nominated by President George H.W. Bush and confirmed as a judge in 1992, took a harsh view of the state's two-tiered tuition policy.

“By virtue of their classification, [these Florida students] are denied a benefit in the form of significantly lower tuition rates to the state's public post-secondary educational institutions,” the judge found in September.

“This creates an additional obstacle for [them] to attain post-secondary education from one of the state's public institutions that is not faced by other residents.”

Moore further found the policy “does not advance any legitimate state interest, much less the state's important interest in furthering educational opportunities for its own residents.”

<http://www.miamiherald.com/2012/11/06/v-print/3084668/florida-college-students-with.html>