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# Legislative Agenda Setting for In-State Resident Tuition Policies: Immigration, Representation, and Educational Access

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Few recent issues in higher education have been as contentious as that of legislation extending in-state college tuition benefits to undocumented students, initiatives now known as in-state resident tuition (ISRT) policies. Building on several strands of literature in political science and higher education studies, we analyze the effects of demographic, economic, political, and policy conditions on the likelihood of these initiatives becoming positioned for legislative action during the period 1999–2007. In particular, we develop and test a theoretical framework distilled from research on “descriptive and substantive representation” in U.S. politics. Our event history analysis finds that the percentage of female legislators (an indicator of descriptive representation), the percentage of the population that is foreign born, the level of unemployment, and the type of higher education governance in a state are associated with the likelihood of an ISRT initiative achieving the legislative agenda. To conclude, we explore several conceptual and policy implications of our findings.

The policy debate over publicly subsidized educational benefits for undocumented immigrant students in the United States has remained contentious for nearly 30 years, although it has very recently attained a high degree of intensity. In the 1980s, several prominent court decisions took up the question of states’ responsibility to provide a free or reduced-price public education as a benefit to students illegally residing in the United States. In 1982, the U.S. Supreme Court’s *Plyler v. Doe* decision struck down a Texas law denying undocumented

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immigrant children a free elementary and secondary public education, thus setting the stage for how public K–12 school systems were legally required to treat immigrant children regardless of citizenship status (*Plyler v. Doe* 1982). During that era, efforts to permit undocumented students to attend California colleges and universities culminated in a 1986 state district court ruling, *Leticia A vs. the UC Regents and CSU Board of Trustees*, that held that the University of California and the California State University systems must stop requiring proof of U.S. citizenship or permanent residency when determining tuition rates. This benefit was later repealed, however, when the courts rescinded undocumented students' right under state law to receive in-state resident tuition and financial aid (*Regents of the University of California v. Superior Court* 1990).

The advent of legislative activity addressing the provision of educational benefits for undocumented individuals, particularly at the federal level, occurred in the 1990s. One noteworthy development was Congressional passage of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which ushered in a newly restrictive era of federal legislation regarding benefits for undocumented immigrants (Kobach 2007; Olivas 2004). Some observers have noted that the shift at the national level in immigration legislation that was considerably less permissive than in earlier years was an important development. Consequently, the political and policy narratives that arose during this period helped reframe the debate as one of undocumented immigrant children competing with children of legal-resident taxpayers over funding and other resources, a narrative that has contributed to stalling Congressional action (Newton 2008).<sup>1</sup>

It is within the context of this Congressional trend toward more restrictive

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legislation that the actions by many state legislatures over the past decade to extend benefits to undocumented persons stand in stark relief. During this period, bills designating undocumented students as eligible to pay in-state tuition at public postsecondary institutions, in-state resident tuition (ISRT) legislation, were introduced in nearly one-half of the states and adopted in 10.<sup>2</sup> Almost all ISRT legislation has contained three primary provisions: (1) a student attends a high school located within the state for a certain number of years, (2) graduates from high school or receives a GED from the state, and (3) signs an affidavit declaring he or she will apply for legal status as soon as he or she is eligible (National Immigration Law Center 2006). Notably, this legislation does not exclusively advantage undocumented students of Latin American origin, although this group has been by far the chief beneficiary of the policies as legislated since 2001 (Flores and Chapa 2009).

Against the backdrop of an increasingly restrictive environment for immigration at the federal level, why have some states considered adopting laws that cut across the political grain, advantaging members of such a highly contested group as undocumented immigrants? Curiously, the topic has attracted little empirical attention. Reich and Mendoza's (2008) regression analysis of the determinants of floor votes on bills providing in-state tuition eligibility for undocumented residents' children in a single state—Kansas—points to a combination of sociodemographic and political factors and, notably, Democratic legislative support. Yet there has been no across-state, longitudinal analysis of factors associated with the emergence of ISRT legislation. Indeed, overall there is a paucity of rigorous, comparative-state analysis of legislation involving immigration and education.<sup>3</sup>

Although little is known about the factors driving ISRT state legislation, the question merits systematic study for several reasons. First, from a public policy perspective, the debate over ISRT legislation holds important implications for college access for tens of thousands of students in the United States: more than 65,000 children of undocumented workers in 2005 alone graduated from U.S. high schools (Reich and Mendoza 2008). Underlining the importance of this condition, some research indicates that undocumented students are indeed more likely to enroll in college in states with ISRT laws (Flores 2010; Kaushal 2008). Because many of these students would more likely attend postsecondary education were the costs of college attendance lower, the question of which states have taken action on ISRT policies—and why—is an important one. Discerning the conditions under which ISRT policies become positioned for legislative consideration in some places may help shed light on the prospects for expanded postsecondary access for undocumented students elsewhere.

Understanding the origins of the policies also may help policy makers better anticipate possible future claims on state coffers. For example, in fall 2001,

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the first year in which undocumented students in Texas became eligible for the tuition subsidy based on that state's ISRT provisions, only 393 students attended institutions of higher education as Texas residents. Three years later, nearly 3,800 students received in-state rates through the new program. Consequently, program costs have risen for Texas, as they have for other states (Texas Comptroller 2005). Greater awareness of the factors driving the expansion of ISRT programs could help inform policy debates over state spending on higher education in an era of deep fiscal retrenchment.<sup>4</sup>

Finally, the question of which factors drive consideration of ISRT legislation is important theoretically. Because of their constrained variance on a variety of noteworthy demographic, economic, and political dimensions, the 50 American states afford one of the world's finest venues for studying public policy formation (Dye 1990). Recognizing this distinct advantage, political scientists have "rediscovered" the 50 states as an arena within which to test theories about the conditions giving rise to new policies (Squire and Hamm 2005). So, too, have policy specialists who focus topically on higher education. Whereas a decade ago there was scant quantitative research on the determinants of state policy for higher education, scholarship today is burgeoning (e.g., Doyle 2006; McLendon et al. 2006; Mokher and McLendon 2009; Tandberg 2010a, 2010b). As noted earlier, few studies have explored the origins of state policies as overtly related to questions of race, ethnicity, and citizenship and expanding eligibility for in-state college tuition to undocumented students (Dougherty et al. 2010). Studying the conditions under which such policies gain traction on the legislative agenda affords an exceptional opportunity to test general theories of governmental behavior in the higher education policy arena.

In this article, we report the results of a longitudinal study of factors influencing legislative agenda setting for ISRT policies. Using a conceptual scaffold derived from political science and higher education studies, we report findings of an event history analysis of factors associated with the positioning of ISRT bills on the legislative agendas of the states over a nine-year period, from 1999 to 2007. Our focus is on legislative agenda setting, the stage in the legislative process at which point an issue gains serious institutional attention. We concentrate on agenda setting because it signifies a crucial moment in the course of lawmaking when some issues attain institutional status and thus become poised for possible decisive action, while other issues (at least for the moment) fall away from serious consideration. So vital is this step that some prominent scholars have characterized agenda setting as the most important phase of the public policy process (Cobb and Elder 1983; Kingdon 1995).<sup>5</sup> Yet, comparative-state studies of legislative agenda setting for education policy remain conspicuously few.<sup>6</sup>

We begin by distilling several policy narratives that are popularly associated with the emergence of ISRT legislation. These narratives guided our consid-

eration of the forces that may have influenced the rise of ISRT legislation in many states. We then examine several strands of social science literature that shaped even more directly the development of the study's hypotheses. We pay particular attention to political science research on descriptive and substantive representation, exploring the possible effects of the phenomena on state policy formation for higher education. In the method section, we describe our use of event history modeling to analyze legislative consideration of ISRT policies. As we note in our findings, the results of the analysis both affirm and contest, in part, our hypotheses. We conclude with a discussion of the implications of the findings, identifying promising avenues for future research.

### Narratives of the Rise of ISRT Bills: Workforce Development, Nativity, and Latino Representation

Although there is scant empirical research on the rise of ISRT legislation, anecdotes abound. Our review of news accounts, legislative documents, and various published sources yielded three discrete policy narratives commonly associated with the emergence of the laws. We label these the *workforce development* narrative, the *nativity* narrative, and the *Latino legislator* narrative. Understanding the narratives is important in that they provide grounded perspective into the factors that may have propelled legislative consideration of the policies.

Perhaps the most prevalent narrative on the rise of ISRT laws points to interconnections with the economic climates of the states, particularly workforce development. A popular refrain of many proponents holds that undocumented students who meet all of the academic requirements to enter a postsecondary institution should be permitted to pay in-state resident tuition because such a policy will encourage higher levels of educational attainment, which redounds to states in the form of economic productivity and growth (Olivas 2004; Reich and Mendoza 2008; Rincon 2008). Sponsors of the bills in Utah, Kansas, and Nebraska, for instance, argued that enabling postsecondary education for undocumented students would improve the quality of the workforces in those states (Kobach 2007; Reich and Mendoza 2008). In particular, this workforce development narrative has often been framed in terms of the advantages that may accrue to the business communities of states. Advocates of the ISRT bill in Kansas claimed the state's business community would benefit from passage of the state's ISRT measure because higher levels of postsecondary attainment would help produce a larger, more competitive workforce. Some observers characterized this maneuver as calculated to appeal to the legislature's Republican majority (Reich and Mendoza 2008), for which workforce development had been an espoused legislative priority.<sup>7</sup>

A second popular narrative depicts state demography, in particular the

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proportion of a state's population that is foreign born, as helping spur legislative initiatives for ISRT.<sup>8</sup> The policy discourses found in California, Texas, and New York, as in some other states with relatively large communities of foreign-born residents, portrayed foreign-born populations as a reservoir of popular support for the measures. This narrative appears to have been notably prominent in states where Hispanics constitute a large or a fast-growing segment of the population.<sup>9</sup> Foreign-born persons cannot vote unless they have obtained U.S. citizenship, yet many such individuals who are ineligible to vote reside in mixed-citizenship status households with family members who can vote (Passel and Cohn 2009). These familial bonds, whereby vote-ineligible family members influence the opinions and the preferences of vote-eligible relatives, could have provided one crucial source of support for ISRT policies, so the narrative suggests.

A final narrative about the emergence of ISRT legislation focuses on the legislative institutions of the states, namely, the role of Latino legislators as champions of the laws. Latino legislators sponsored ISRT bills in six of the 10 states that passed them and, as well, played prominent roles in states where bills were introduced but ultimately not enacted. Beyond the role played by any single actor, however, this narrative often emphasizes the presence of coalitions of Latino legislators, working with other representatives, in advocating for tuition discounts for undocumented residents. In other words, the narrative that emerged in many states spoke of the existence of a critical mass of Latino legislators leveraging their influence in an effort to advance legislatively the tuition measures.<sup>10</sup>

This final narrative raises in turn a series of questions central to our study. Precisely why would the prevalence of Latino legislators necessarily indicate a greater likelihood of legislative success for bills providing tuition benefits for undocumented students? What might be the mechanism linking the ethnic and racial attributes or identities of legislators with the behaviors of legislative institutions? Framed in broader terms, what evidence exists linking the demographic composition of a legislature on such dimensions as race, ethnicity, or gender with legislative behavior such as positioning a given issue on the state's agenda? As it turns out, a knot of theoretical and empirical literature exists on these questions and forms a crucial plank in our conceptual scaffolding.

### Conceptual Framework and Study Hypotheses

Our principal aim in this study is identifying the factors that influenced the legislative emergence of in-state resident tuition bills—a dynamic we call legislative agenda setting for ISRT policy. As we describe later in the method section, we defined the legislative agenda as consisting of those bills heard

before a standing committee of jurisdiction in either chamber of a state's legislature. Such bills warrant special status because the action of being "calendared" in a committee places the bills in an enhanced state of policy consideration.<sup>11</sup> The act of assembling voting members of an appointed standing committee operating under established parliamentary guidelines to decide whether a measure moves forward for consideration by an entire chamber signifies something quite important about a given bill's status—and a particular issue's legitimacy.

By drawing on the preceding policy narratives and on several streams of social science literature on state policy formation, we developed a conceptual framework containing factors that could have propelled ISRT bills onto the states' legislative agendas. These 10 influences, described below, relate to certain patterns in the states' legislative representation, political systems, economic health, and postsecondary policies and to the interstate diffusion of policy.

### *Representational Influences*

Our key theoretical perspective involves a closely studied phenomenon in U.S. politics known as "descriptive and substantive representation." In tandem, descriptive and substantive representation helps inform a foundational question within political science: the extent to which a legislator's personal (descriptive) characteristics influence the legislator's representational (substantive or policy) behaviors. In a representative democracy, this act of representation is crucial.

In one of the cardinal writings on the concept and practice of representation in U.S. politics, Pitkin (1967) formulated what is now a widely cited conjecture in the literature on race, politics, and public policy making: that increased minority legislative representation (descriptive representation) may result in better policy outcomes for minority groups (substantive representation). Pitkin argued that members of an underrepresented group, such as women or ethnic minorities, when present in a legislative setting, may be more likely than those outside the group to act in the interests of members of the underrepresented group to which the legislator belongs. While there is no guarantee that they will do so, these representatives nonetheless share certain "outward signs of having lived through" similar experiences—experiences that can shape the act of representation (Mansbridge 1999). Indeed, the relationship between the composition of representative political bodies and the act (or activities) of representation is important on several levels, so theory holds. One frequent argument is that a minority voice in legislative bodies can provide a mechanism for interest representation that would otherwise be unavailable.

Consequently, increased minority representation may foster greater gov-

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ernmental responsiveness to minority groups by enhancing the level of advocacy for their interests (Preuhs 2006). Indeed, scholars have argued that descriptive representation can promote substantive representation in all of the following ways: setting the legislative agenda to advantage a group's interests, helping to frame deliberation and debate, giving preference to certain interests in the political process (e.g., influencing votes), and influencing the behavior of agencies that the legislature oversees or monitors.<sup>12</sup>

A notable body of empirical research has examined the extent to which descriptive and substantive representation may be linked. The most common model for testing minority legislative behavior is the so-called presence model, an approach on which our study builds. This model holds that minority representatives act as stronger advocates than do nonminority legislators for those minority constituents with whom they share distinctive experiences and backgrounds (e.g., shared ethnicity). In effect, the model predicts that "the process of adding minority representatives fosters governmental responsiveness to minority groups by increasing the level of advocacy for their interests" (Preuhs 2006, 586). Although empirical support for the presence model has been mixed in state legislative settings (e.g., Critzer 1998), several recent analyses suggest that descriptive representation can significantly affect legislative agendas and outcomes benefiting minority groups (e.g., Barrett 1995; Bratton and Haynie 1999; Burns et al. 2001; Canon 1999; Haynie 2001; Owens 2005; Preuhs 2006; Squire and Hamm 2005; Swers 1998; Whitby 1997).

A study by Haynie (2001), for example, demonstrated that black incorporation into state legislative bodies is associated with increases in state per capita expenditures on education, health, and social services—areas the literature suggests are notably important to black constituents and, thus, to black legislators. Likewise, Owens (2005), employing state-level, pooled cross-sectional, time-series analysis, examined the relationship between increased black representation in state legislatures and spending priorities of states over a 24-year period. He, too, found increased black representation associated with higher levels of legislative spending on education, health care, and welfare.

Given the substantial growth in Latino legislative representation in state legislatures over the past 20 years,<sup>13</sup> what, if any, is the link between Latino legislative representation and state legislative behavior? Before turning to this question, we consider a precursor one: To what extent do the social and political experiences of Latinos in the United States differ from those of blacks? Clarke et al. (2006) have keenly observed that, while the groups share some similarities, key differences persist. Latinos are a notably diverse group concentrated in the American Southwest. Their socioeconomic status is slightly higher than that of African Americans. To some extent, Latinos traditionally have occupied a more mainstream position in U.S. society than blacks (Clarke et al. 2006, 39). Citing works by Browning et al. (2003) and Meier and Stewart (1991), Clarke and her colleagues also suggest

that Latinos may be more ideologically moderate than blacks, while they may be less likely than blacks to view political mobilization as a necessary means of self-improvement.

Several recent studies indicate that Latino representation can indeed influence state policy outcomes. In a recent investigation of state spending, Preuhs (2007), for example, found that increases in Latino representation in state legislatures accounted independently for rises between 1985 and 2001 in welfare expenditure effort, welfare generosity, and welfare benefits in the states, although the relationship is imperfectly responsive.<sup>14</sup> While empirical works that focus directly on the political dynamics of Latino legislators and Latino communities are relatively rare, on balance, research seems to support an empirical relationship linking Latino legislative representation with certain legislative outcomes. Indeed, in summarizing the level of overall support for hypotheses about the effects of descriptive representation on state policy responsiveness, Preuhs (2007, 279) has concluded that there is “ample theoretical basis, and empirical evidence, that leads one to expect that descriptive representation transcends symbolic inclusion and alters public policy. On its face, inclusion of previously excluded groups should change the dynamics of law-making.”

A few studies recently undertaken by Hicklin and colleagues have extended theory and research on descriptive and substantive representation into the realm of higher education policy (Hawes and Hicklin 2006; Hicklin and Meier 2008). In one such investigation, Hicklin and Meier (2008) used hierarchical linear modeling to examine factors influencing enrollments of minority students at more than 500 universities over an 11-year period. They found a significantly positive relationship between levels of minority representation in state legislatures and minority student enrollments, although the relationship appears to have been mediated by the existence of a centralized governing board for higher education in a state.

Building on these parallel lines of work, we expect that states with a higher representation of minority legislators should be ones more likely to support policies deemed as advantaging minority constituencies. Because in-state resident tuition policies clearly furnish one such benefit to Latino communities, we expect that *ISRT bills are more likely to have emerged in states where there is greater representation by Latino legislators*; this is our study’s first hypothesis.

The presence of other underrepresented groups in a legislature may also have influenced the emergence of ISRT initiatives. We pay particular attention to the role of female legislators.<sup>15</sup> Between 1970 and 1995, the number of female state legislators grew by more than fivefold, increasing from just over 300 to more than 1,500. Since 1995, female legislators have increased their standing in state legislatures, albeit at a slower rate than before. By 2010,

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women held nearly one-quarter of the 7,382 legislative seats nationally (Bratton and Haynie 1999; Center for American Women and Politics 2010).

There is empirical evidence that patterns of female incorporation into state legislatures have helped to shape the institutions' behavior. In a study of the effects of gender on legislative agenda setting in six states, Bratton and Haynie (1999) found empirical support for their hypothesis that women legislators are more likely than their male counterparts to introduce bills advantaging women, such as those designed to decrease gender discrimination and improve the socioeconomic status of women. Of particular note, there is also research linking female legislators with the passage of bills whose provisions would expand civil liberties and advance educational access for other traditionally disadvantaged or underrepresented groups (Swers 1998; Thomas 1991). Extending this line of work to the field of higher education policy, we speculate as follows: *because proponents of ISRT policies often promise the bills will, among other things, decrease discrimination and expand educational opportunity, the bills are most likely to have advanced in states where women legislators occupy a larger presence in the legislature*; this is our second hypothesis.

### *Systemic Political Influences*

While the concepts of descriptive and substantive representation are central to our investigation into the emergence of tuition policies benefiting undocumented students, research in political science and in education and higher education politics point to other possible sources of influence. For example, certain attributes of state political systems may well have influenced the rise of ISRT policies. One is partisan composition of the legislature.

Some recent research in higher education studies suggests that partisan strength in governmental institutions can shape policy reforms and outcomes in the postsecondary policy arena. Several studies have documented empirical connections between the partisan composition of state government and state adoption of new financing and accountability policies as well as state expenditures on higher education (e.g., Archibald and Feldman 2006; Hicklin and Meier 2008; McLendon et al. 2009; Tandberg 2007). Although no single explanation for the phenomena exists, some analysts have observed that the two major parties have different views historically with respect to the role of government in the provision of social welfare programs and that these differences may help account in part for the parties' dissimilar policy postures concerning higher education (e.g., Doyle et al. 2010).

Republicans, so the argument goes, appear to be more suspicious of public bureaucracy and more oriented rhetorically to considerations of efficiency and accountability in many government programs, whereas Democrats appear to

be more supportive generally of social programs and higher levels of public funding for K–12 and postsecondary education. In fact, Reich and Mendoza's (2008) analysis of the passage of Kansas' ISRT policy lends support to the view that partisanship may help account for the rise of the initiatives. Their analysis of floor votes of bills providing in-state tuition eligibility for the children of undocumented residents in Kansas found Democrats 20 times more likely than Republicans to vote in favor of the tuition measure. Based on this evidence, and on the argumentation above, we posit that *states where Democrats possess a larger share of legislative seats would have been more likely to position an ISRT bill for legislative consideration*; this is our third hypothesis.

Shifting our focus beyond the legislative institution itself, another likely source of political influence on the fate of ISRT bills is electoral competitiveness, or the degree of competition between the two major parties for elective office. For a very long time, scholars have recognized the influence that political competition can have on state policy outcomes. In a classic writing, V. O. Key (1949) argued that, in the South, the lack of electoral competition resulted in policies that benefited higher socioeconomic classes and interests. Although research on electoral competitiveness has yielded mixed results, some studies find that elevated competition for public office can stimulate redistributive policy making, including higher levels of state funding for programs that benefit the poor, and higher levels of policy innovation overall (Besley and Case 1995). We speculate that *because greater competitiveness for public office can result in fiercer competition for votes, including, presumably, greater competition for the growing "Latino vote," ISRT bills would have been more likely to emerge in states where political competition is stronger between the two major political parties*; this is our fourth hypothesis.

Another potential source of system-political influence on the fate of ISRT bills involves mass political preferences. This influence takes two specific forms in our investigation. First, as noted, anecdotal accounts of the passage of the tuition laws suggest that foreign-born residents may have supported extending in-state tuition benefits to nonresident students, perhaps because of their empathy for, or a sense of shared identity with, this population. Legislators in states with relatively larger foreign-born populations might have been more likely to support the tuition policies because of a desire to remain responsive to this constituency, although clearly not everyone within the population would have been eligible to vote.<sup>16</sup> We find support for this supposition in research on legislative behavior, which maintains that policies that allow legislators to claim credit for helping electorally strategic constituencies are more likely to engender support than those that advantage inessential ones (Reich and Mendoza 2008). This leads us to posit that *ISRT bills are more likely to have achieved the legislative agenda in states with a larger percentage of their population that was foreign born*; this is our fifth hypothesis.

A state's political ideology is a second form of mass political preference that

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could have influenced legislative agenda setting for ISRT policies. Political ideology has been described as a coherent and consistent set of orientations toward politics (Berry et al. 1998). States with more liberal citizenries tend historically to fund social services more generously and support bigger government overall (e.g., Barrilleaux et al. 2002; Berry et al. 1998). These states also tend to engage in more policy innovation generally (Berry and Berry 2007). Several studies have found political liberalism associated with higher levels of state investment in higher education and with the adoption of certain innovations in the realm of state postsecondary policy (e.g., Hearn et al. 2008; Nicholson-Crotty and Meier 2003). *For these reasons, politically liberal states may have been more inclined to support the extension of tuition benefits to undocumented residents; this is our sixth hypothesis.*

### *Economic Influences*

Turning from state political institutions, a large and venerable literature in comparative state policy points to economic conditions within states as a key influence on public policy outcomes and on policy change (e.g., Berry and Berry 1990; Dawson and Robinson 1963; Toutkoushian and Hollis 1998). In the context of legislative agenda setting for ISRT, two countervailing arguments each seem plausible with respect to the policy impact of a state's economic health. On the one hand, when the economy is weak, it may be more difficult for legislators to justify new policies benefiting illegal immigrants. Indeed, antinativity movements are sometimes stronger when the economy is weaker, stirring sentiment that immigrants may take away natives' jobs.<sup>17</sup> Yet, as noted earlier, anecdotal reports on the rise of ISRT policies in many states portrayed the initiatives as politically credible precisely because they promised improved economic health. This rationale often was framed in terms of workforce development, a policy emphasis in many states, to be sure, yet especially so in ones with concerns over high unemployment. While we see a compelling story line for both rationales (i.e., stronger and weaker economic health), in the context of legislative agenda setting for in-state resident tuition policies, we think that *states with higher levels of unemployment would have been more likely to pay serious attention to ISRT measures; this is our seventh hypothesis.*

### *Postsecondary Policy Influences*

We see two likely sources of influence on ISRT legislation arising from the policy conditions within postsecondary education systems: tuition levels at two-year colleges and postsecondary governance arrangements. Undocumented

students disproportionately attend public two-year colleges because of the lower tuition costs of these institutions (Erisman and Looney 2007). *Because high nonresident tuition at these key entry points to postsecondary education could serve as a powerful disincentive to attendance, ISRT bills would have been more likely to advance in states with higher average tuition levels at two-year colleges*; this is our eighth hypothesis.<sup>18</sup>

With respect to postsecondary governance, each state has an executive branch agency that oversees its public colleges and universities. Across-state variability in the duties and the powers of these agencies may have held important implications for legislative agenda setting for ISRT. Some states practice a highly centralized approach to statewide governance for higher education, whereby a single “consolidated governing board” sets policy for all four-year, public institutions in the state. These boards typically have more staff and analytic resources than do their less empowered counterparts, agencies known as “coordinating boards” (McGuinness 1997; McLendon 2003b; Zumeta 1996). Previous research has established links between the type of governance arrangement for higher education that a given state practices and various outcomes both at the state and campus levels (e.g., Doyle 2006; Hicklin and Meier 2008; Knott and Payne 2003; Lowry 2001, 2007; Zumeta 1996). Perhaps as a consequence of their greater analytic and decision capacities, centralized systems tend to be associated with higher levels of innovation in state policy, particularly so in the area of college financing (Doyle 2006; Hearn and Griswold 1994; McLendon et al. 2005). We contend that *ISRT bills would have been more likely to advance on the legislative agendas of states that possess a centralized governance structure for postsecondary education, because these boards afford policy makers the capacity they would need to undertake the development of complex initiatives such as ISRT measures*; this is our ninth hypothesis.

### *Interstate Diffusion Influences*

A final element in our framework involves the role that interstate diffusion may have played in the rise of ISRT policies. A burgeoning literature in educational policy studies has developed around the phenomenon of across-state migration of policies and policy ideas (e.g., Cohen-Vogel et al. 2008; Doyle 2006; McLendon et al. 2006; Mintrom 1997; Wong and Langevin 2006). This work builds on several decades of research in political science on the competitive and mimetic pressures that exist between and among the American states. Why do states experiment with new policy, the adoption of lotteries, taxes, death-penalty laws, abortion regulations, charter school laws, or antismoking provisions, to name but a few? One answer, for which there is ample theoretical justification—if mixed empirical support—is that states

adopt the policies they do in part because of the pressures they exert upon one another. In other words, states adopt new policies in part as a response to the past policy behavior of their neighbors or peers. In one classic formulation, a state may adopt a new policy (e.g., a lottery) in an effort to gain an economic advantage over its neighbors, to avoid being disadvantaged relative to its neighbors, or merely to “keep up,” when its neighbors adopt a policy that seems cutting-edge or fashionable (Berry and Berry 2007).

Presumably propelled by various forms of peer interactions or informational contacts, state-to-state diffusion effects in the area of higher education policy also have been documented, although the empirical evidence is disparate overall. Research finds little evidence that states influence one another’s accountability and governance reforms, yet states do appear to influence the timing of one another’s adoption of certain postsecondary financing policies (e.g., Doyle et al. 2010; McLendon et al. 2005, 2006). We speculate that, *because ISRT laws represent one kind of innovation in college financing, which in many states act as a vehicle for promoting postsecondary opportunity, adoption of an ISRT policy in one state would have increased the likelihood of its neighbors following suit*; this is our tenth hypothesis.

## Research Design and Method

Our principal aim in the study was the development and the testing of a conceptual framework capable of explaining the advancement of ISRT bills onto the legislative agendas of states. To this end, we utilized event history analysis (EHA), a longitudinal analytic technique that is especially well suited for examining dynamic social phenomena, such as the occurrence and the timing of governmental actions.

Event history analysis originated in the biomedical sciences. In the early 1990s, Berry and Berry (1990, 1992) introduced EHA into the field of comparative-state policy via their studies of the conditions under which states adopted new lotteries and taxes. The technique is appropriate for the kind of question we are interested in because it permits the analyst to focus on dichotomous dependent outcomes and to incorporate into the modeling information about the length of time until a given event occurs. Consequently, EHA has emerged as the “gold standard” methodology for studying the policy behaviors of the American states (Box-Steffensmeier and Jones 1997; Buckley and Westerland 2004; Jones and Branton 2006). More recently, EHA has penetrated the field of educational policy and politics, where analysts have used it to study the conditions under which states have undertaken various reforms in both K–12 and higher education (e.g., Doyle 2006; McLendon et

al. 2006; Mokher 2010; Mokher and McLendon 2009; Wong and Langevin 2006; Wong and Shen 2002).

### *Variables and Data*

We created an event history data set containing time-varying indicators of the factors that we hypothesized would influence the emergence of ISRT bills on state legislative agendas. The data panel spanned the period from 1999 to 2007 for 47 of the American states. As with many like studies, we excluded Nebraska from the analysis because that state's unique unicameral legislature did not allow us to test the effects of partisanship, a core theoretical interest of ours. Similarly, we excluded Alaska and Hawaii because those states' geographic remoteness precluded our testing of the diffusion hypothesis. Table 1 provides a list of each of the variables in the analysis and their corresponding sources of data. The appendix includes descriptive statistics (table A1) and a correlation matrix (table A2) for all variables.

In our EHA, the dependent variable is expressed in terms of a hazard rate, which is a latent variable that represents the underlying risk process for legislative consideration of an ISRT policy. As noted, we operationalized the *legislative agenda* to consist of those bills that (a) expressly would permit undocumented students to receive in-state tuition and (b) had been heard before a standing committee of jurisdiction in either chamber of a state's legislature. Our dependent variable, therefore, was the year in which one such bill occurred in a given state. We compiled data on the dependent variables using information that the National Immigration Law Center provided to us (2010) and from searches we performed of the Lexis-Nexis electronic database of state statutes. We subsequently confirmed these dates by means of telephone calls with officials in each state and with various archival methods. In all, we identified a total of 22 states in which an ISRT bill had achieved the legislative agenda from 1999 to 2007.

The independent variables corresponded to our 10 hypotheses. The first variable for representational influences, *percent Latino legislators*, is an annual measure calculated as the number of legislators in a given state that self-identify as Latino divided by the state's total number of legislators. The National Association of Latino Elected and Appointed Officials (NALEO) provided us with a list of the nation's Latino legislators, which the organization obtains annually by calling elected officials in each state and asking whether they self-identify as Latino. The total number of state legislators was taken from Klarner's data set, found online at the State Politics and Policy Quarterly (SPPQ) Data Resource (<http://www.ipsr.ku.edu/SPPQ/datasets.shtml>).

The second variable for representational influence is *percent female legislators*,

TABLE 1

*Variable Descriptions and Sources*

Variable	Description	Source
Dependent variable: ISRT	The date on which an ISRT bill was heard before a standing committee of the state's legislature.	National Immigration Law Center; Lexis-Nexis database of state statutes
Representational influence: LatLeg	Annual measure of the number of legislators that self-identify as Latino divided by the total number of state legislators, multiplied by 100.	National Association of Latino Elected and Appointed Officials (NALEO); Klarner data at the SPPQ data archive
FemLeg	Annual measure of the number of female legislators divided by the total number of state legislators.	Center for American Women and Politics, Rutgers University
Political influences: ElecComp	Time-varying indicator of the degree to which the governor from either party won the previous election.	Congressional Quarterly Almanac
DemLeg	Annual measure of the average percent of major party state legislators in both houses who are Democrat.	Klarner data at State Politics and Policy Quarterly (SPPQ) data archive

ForPop	Annual measure of the number of foreign born (naturalized citizens and noncitizens) divided by the total state population.	U.S. Census Data Ferret
CitIdeo	Index of citizen ideology (high score = more liberal). Annual measure from 1999 to 2005. Values from 2005 are carried forward to 2006 and 2007.	Berry data from the Inter-University Consortium for Political and Social Research (ICPSR)
Economic influences: Unemp	Annual state unemployment rate, non-seasonally adjusted.	Bureau of Labor Statistics
Postsecondary policy influences: Tuition2yr	Annual measure of the average cost of in-state tuition at all public two-year institutions in 2006 dollars, logged.	National Center for Education Statistics, IPEDS survey
CGB	Annual indicator of the type of higher education governing board (1 = consolidated governing board, 0 = other type of board).	McGuiness's State Structures Handbook and Education Commission of the States (ECS)
Interstate diffusion influences: Diffuse	Annual measure of the number of neighboring states with immigrant tuition policies.	Author's calculations using the data from the dependent variable

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which we calculated as the number of female legislators divided by the total number of state legislators. The source of the data for the number of female legislators was the Center for American Women and Politics at Rutgers University. Again, the total number of state legislators was taken from Klarner's data at the SPPQ Data Resource.

Our political system variables include indicators of electoral competition, percent Democrat legislators, percent foreign-born population, and citizen political ideology. *Electoral competition* is an index based on the degree to which the governor from either party won the previous election (Doyle et al.2010). The variable is calculated as:  $\text{competition} = - |(.5 - \text{percrepub})|$ , where *percrepub* is the percent of the population that voted for the Republican candidate for governor in the previous election. As an election grows more competitive, the difference between the vote share and a perfect 50–50 split grows smaller. The source of the data is the Congressional Quarterly Almanac.

*Percent Democrat legislators* is calculated as the average percent of major party state legislators in both houses who are Democrat. The data are from Klarner's "Measurement of Partisan Balance of State Government," found at the SPPQ Data Resource (see above).

*Percent foreign-born population* is calculated as the number of foreign born (naturalized citizens and noncitizens) divided by the total state population. We downloaded these data using the U.S. Census Data Ferret application.

*Citizen ideology* is a time-varying index that measures the ideological preferences of a state's citizens based on the roll call voting behavior of the members of Congress from that state. Higher values represent more liberal citizenries, while lower values indicate conservatism. Data from Berry et al. (2004), who created this index, were downloaded from the Inter-University Consortium for Political and Social Science Research (<http://webapp.icpsr.umich.edu/cocoon/ICPSR-PRA/01208.xml>).

We tested *economic influences* using an indicator of the state's *unemployment rate*. This variable is an annual measure of the state unemployment rate; it is non-seasonally adjusted. Data were obtained from the local area unemployment statistics on the Bureau of Labor Statistics Web site (<http://www.bls.gov/data/>).

The *postsecondary policy conditions* of states are indicated by two variables: *governance* and *tuition*. For the governance variable, *consolidated governing board* represents the type of higher education governing board in the state, according to McGuinness's well-cited typology of postsecondary governance arrangements (Education Commission of the States 2003). A dichotomous variable indicates whether the state practices this centralized form of statewide governance. *Tuition* is measured as the average cost of in-state tuition and fees at all public two-year institutions, logged. The values are CPI adjusted and

expressed in terms of 2007 dollars. The National Center for Education Statistics' IPEDS survey is the source of these data.

Finally, *regional diffusion* is measured as the number of each state's neighbors whose legislatures already had positioned an ISRT bill on their legislative agenda in the year in which a given state did so, with a one-year lag. Following the approach of Berry and Berry (1990), we considered a "neighbor" to be a state that shares a physical border with another state. We calculated the values for this variable using information on state legislative activity gleaned from the National Immigration Law Center and from Lexis-Nexis.

### *Method*

Our use of event history analysis to examine the emergence of ISRT bills on states' legislative agendas provides two primary advantages over traditional logistic regression techniques. First, logistic regression can only be used to predict whether an event has occurred, whereas EHA permits the analyst to examine both the occurrence and the timing of events. This is an important utility because our investigation, as with many such studies of state policy adoption, is chiefly concerned with the conditions associated with an event occurring in one state relative to other ones. A second advantage pertains to EHA's use of censored data. Logistic regression commonly omits any cases that did not experience a given event at the end of the observation period; this omission of censored data can result in sample bias. Event history analysis can, however, use information from both censored and uncensored observations to generate unbiased parameter estimates (Bennett 1999; Box-Steffensmeier and Jones 2004; DesJardins 2003).

In this study, the event of interest is whether an ISRT bill achieved the legislative agenda in a given state during a particular year. Any state where an ISRT bill had yet to achieve the legislative agenda in a given year was considered "at risk" of experiencing the event. We measured time discretely as the number of years since 1999 ( $t$ ) until a state ( $i$ ) had positioned an ISRT bill on the legislative agenda. We categorized states that had not yet introduced a bill before a standing committing of the state's legislature by the end of the observation period, in 2007, as right-censored observations. As noted, EHA is able to use information about both censored and noncensored observations to estimate the risk of an event's occurrence.

As noted, we express our dependent variable in terms of a hazard rate, which is a latent variable representing the underlying risk of an event's occurrence. This hazard function is defined as the instantaneous rate of change in a unit's probability of experiencing an event at time  $t$ , conditional upon its "survival," that is, failure to experience the event up to a specified time period (Box-

Steffensmeier and Jones 2004). In this study, the hazard rate indicates the probability that a state in which an ISRT bill had not achieved the legislative agenda would introduce one before a standing committee in a particular year, given the state's values on the important covariates hypothesized to influence the change.

The risk of experiencing the event must be allowed to vary in different time periods since the probability that an ISRT bill will achieve the legislative agenda may change over time as the bills themselves become more popular. Early EHA studies of state policy innovation commonly employed discrete-time logit models, which included a parameter for time dependence, known as the baseline hazard function (e.g., Berry and Berry 1990; Mintrom 1997; Mooney and Lee 1995). Recent improvements in modeling, such as the Cox proportional hazards model, better account for temporal changes because they do not require the analyst to specify the functional form of the duration dependence (Bennett 1999; Box-Steffensmeier and Jones 2004). For this reason, as well as others, the Cox model has become the leading analytic technique for use in studies such as ours, ones that examine state policy adoption and use the state-year as the unit of analysis (e.g., Box-Steffensmeier and Jones 2004; Doyle, McLendon, and Hearn 2010; Mokher and McLendon 2009; Shipan and Volden 2008).

In this analysis, the Cox model uses information about the order of events to estimate the conditional probability that a state will position for legislative consideration an ISRT policy during each time period, given the number of states at-risk of adoption and the values of those states on the covariates of interest. If more than one state positioned an ISRT bill in the same year, we used the exact-discrete method to calculate the probability of event occurrences in each period using all possible combinations of events and no-events. The basic specification of the Cox proportional hazards model is

$$h_i(t) = h_0(t) \exp(\beta' \mathbf{x}),$$

where  $h_i(t)$  is the proportional hazard of experiencing an event for individual  $i$  at time  $t$  and  $\beta' \mathbf{x}$  is the matrix of covariates (Box-Steffensmeier and Jones 2004). The baseline hazard function of the duration dependence,  $h_0$ , is assumed to be constant across all observations and is not directly estimated in the model.

As a sensitivity analysis, we also estimated the results using a piecewise constant hazard model (see Han and Hausman 1990), a discrete model with a logit link function, and a discrete model with a clog-log link function (see Beck et al. 1998). The results we obtained were markedly robust across the multiple specifications, so we describe in the text the results from the Cox proportional hazard model and present the results from each of the alternate specifications in the appendix (table A3).

For this analysis, the model estimated for the risk of adopting an ISRT policy is

$$\begin{aligned}
 h_i(t) = \exp & [\beta_1(\text{LatLeg}) + \beta_2(\text{FemLeg}) + \beta_3(\text{ElecComp}) \\
 & + \beta_4(\text{DemLeg}) + \beta_5(\text{ForPop}) + \beta_6(\text{CitIdeo}) \\
 & + \beta_7(\text{Unemp}) + \beta_8(\text{Tuition2yr}) \\
 & + \beta_9(\text{CGB}) + \beta_{10}(\text{Diffuse})],
 \end{aligned}$$

where  $h_i(t)$  is the proportional hazard of an ISRT bill achieving the legislative agenda for state  $i$  in year  $t$  and  $\beta_{1-10}$  is the vector of covariates. Each covariate tests one of the hypotheses posed in the previous section of this article and is defined as follows: LatLeg = percent Latino legislators; FemLeg = percent female legislators; ElecComp = electoral competition; DemLeg = percent Democrat legislators; ForPop = percent foreign-born population; CitIdeo = citizen ideology; Unemp = unemployment rate; Tuition2yr = average two-year institution in-state tuition (logged); CGB = presence of a consolidated governing board for postsecondary education; CGB = presence of a consolidated governing board for postsecondary education; Diffuse = number of neighboring states where an ISRT bill has achieved the legislative agenda.

Finally, we performed a variety of diagnostic tests to verify the model's assumptions and to examine the model fit. One of the assumptions of the Cox proportional hazards model is that the ratio between the hazard functions of any two observations is constant over time. We tested this assumption by calculating Schoenfeld residuals to assess whether the effects of the covariates changed disproportionately over time (Grambsch and Therneau 1994). We found no evidence of nonproportional hazards among any of the individual variables or for the model as a whole. Other diagnostic methods we ran included an assessment of the overall model fit using Cox-Snell residuals and an examination of the deviance residuals to identify any influential observations (Box-Steffensmeier and Jones 2004).

Table 2 provides descriptive information about the number of states in the risk set at each time period. Twenty-two states in the sample had ISRT bills that achieved the legislative agenda between 1999 and 2007, and no more than nine states positioned a bill for consideration in any given year. In table 2, the hazard rate is estimated by dividing the number of events in year  $t$  by the risk set in a given year  $t$ . The hazard rate ranges from 0.0 to 0.2, which indicates that the likelihood of an ISRT bill achieving the legislative agenda is relatively low overall. There is also relatively little change in the hazard rate over time (see fig. 1).<sup>19</sup>

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TABLE 2

*Descriptive Information for ISRT Bills Achieving the Legislative Agenda*

Year	States with ISRT bills	Number of Adoptions	Cumulative Adoptions	Risk Set	Hazard Rate
1999	CA	1	1	47	.021
2000		0	1	46	.000
2001	TX	1	2	46	.022
2002	WA, UT, IL, NY	4	6	45	.089
2003	OK, MD, KS, NM, CO, FL, MA, DE, WI	9	15	41	.220
2004		0	15	32	.000
2005	MS, AR, MO, OR, MN	5	20	32	.156
2006	VA	1	21	27	.037
2007	CT	1	22	26	.038

Findings

The results of the multivariate analysis from the Cox proportional hazards model are presented in table 3. Overall, the results show that a concatenation of factors influenced the emergence of ISRT bills in state legislatures from 1999 to 2007. We find significant effects in the hypothesized directions for female legislators and for a state’s foreign-born population. We also detected one unanticipated relationship, that concerning the structure of postsecondary

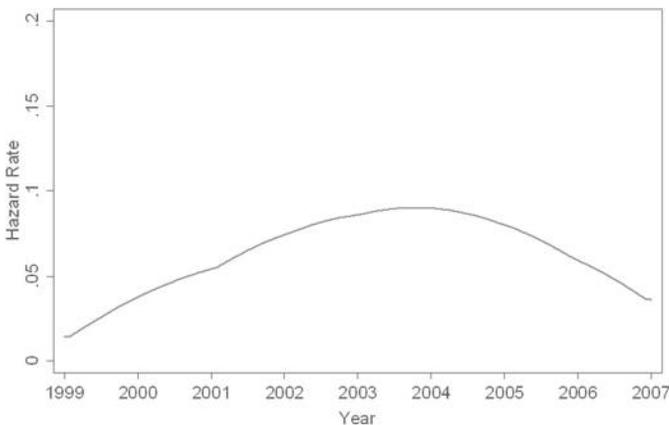


FIG. 1.—Smoothed hazard rate for ISRT bills achieving the legislative agenda

TABLE 3

*Results for Cox Proportional Hazards Model for Agenda Setting of In-State Resident Tuition Policies*

Variable	Coefficient	Exp(Coefficient)
Representational influences:		
% Latino legislators	.01 (.05)	1.01
% Female legislators	.09* (.04)	1.10*
Political influences:		
Electoral competition	2.59 (4.78)	13.33
% Democrat	.02 (2.67)	1.02
% Foreign-born population	.13** (.05)	1.14**
Citizen ideology	-.04 (.03)	.96
Economic influences:		
Unemployment rate	.51 (.29)	1.66
Postsecondary policy influences:		
Average two-year in-state tuition (logged, 2007 dollars)	-.28 (1.05)	.76
Consolidated governing board	-1.64* (.73)	.19*
Interstate diffusion influences:		
Diffusion (no. neighboring states)	.12 (.26)	1.13
Log likelihood	-25.63	
Degrees of freedom	10.00	
No. observations	339	
No. states	47	

NOTE.—Standard errors are in parentheses.

\*  $p \leq .05$ .

\*\*  $p \leq .01$ .

governance in the states. The results revealed no evidence of an effect from Latino legislators, electoral competition, partisanship, ideology, economic conditions, tuition costs, or interstate diffusion.

With respect to our key hypothesized relationship, that regarding descriptive and substantive representation in state legislatures, we find mixed evidence. Although the analysis did not detect a statistically significant effect between Latino legislators and the emergence legislatively of ISRT bills, the results do show that the percentage of female legislators is positively associated with the

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likelihood of such bills achieving the legislative agenda. In light of our rigorous controls for ethnicity and race, as well as other hypothesized influences, we interpret the finding as lending some credence to the proposition that female legislators may be more inclined than their male counterparts to support certain legislation for higher education framed as expanding civil liberties. As noted, the relationship has long had a credible theoretical underpinning, but heretofore it lacked much empirical corroboration.

Continuing with the policy impacts of state political systems, we also find the percentage of a state's population that is foreign born to be positively associated with the likelihood of an ISRT bill arising on the legislative agenda. Large foreign-born populations and their advocates may have provided a crucial source of public support for this kind of initiative benefiting immigrant groups. Conceivably, larger foreign-born populations may have increased the demand for immigrant-tuition policies because of the greater number of potential policy beneficiaries in this demographic group.

We found an unanticipated result, too: ISRT bills are less likely to achieve the agenda in states with consolidated governing boards than they are in states with less centralized forms of postsecondary governance. We initially hypothesized that consolidated governing boards would lend states the needed decision-making and analytic capacity to undertake the development of technically complex initiatives such as ISRT policies. Instead, the more centralized governance structures appear to impede an ISRT bill's movement onto the legislative agenda.<sup>20</sup>

Figures 2–4 illustrate the magnitude of the effect for each of the influential characteristics on the likelihood that a state will position an ISRT policy for adoption.<sup>21</sup> The solid black lines in these three figures represent an “average” state with the mean value for each of the independent variables in the analysis. The dashed lines show, respectively, how the risk of agenda setting for ISRT bills differs for states in the top quartile of the percent of female legislators (fig. 2), states in the top quartile of the percent of foreign-born residents (fig. 3), and states with consolidated governing boards (fig. 4). Figures 2 and 3 indicate that the magnitude of the effect is similar for states in the top quartile of female legislators and foreign-born populations, where there is a considerable increase in the likelihood of an ISRT bill achieving the legislative agenda. Figure 4 shows there is a smaller, negative effect on the likelihood of legislative consideration of an ISRT bill among states with consolidated governing boards.

In summary, we find that the factors that appear to have been driving legislative consideration of in-state resident tuition policies over the past decade include patterns in legislative composition, demography, and statewide governance arrangements for higher education. We find no evidence supporting the view that partisanship prompted legislative consideration of the ISRT measures, nor do we find evidence of state-to-state policy diffusion.

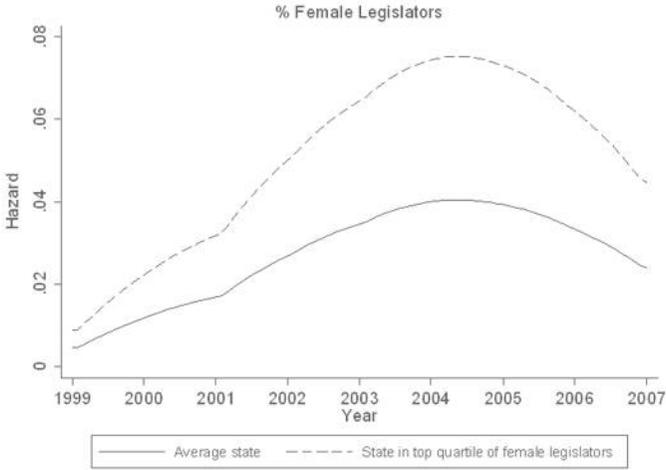


FIG. 2.—Smoothed hazard function of ISRT bills achieving the legislative agenda for an average state (solid line) and a state in the top quartile of female legislators (dashed line).

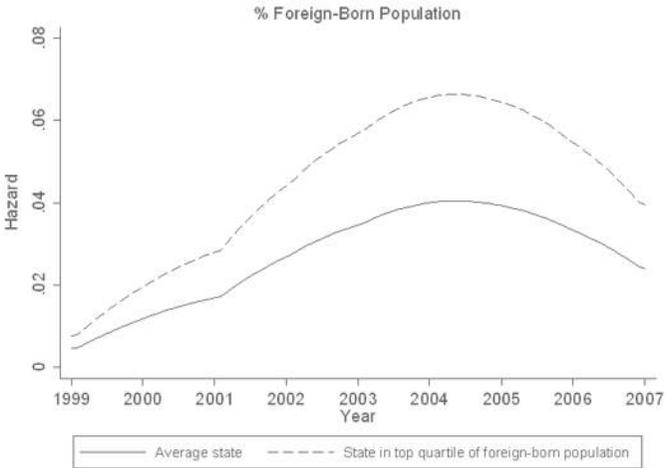


FIG. 3.—Smoothed hazard function of ISRT bills achieving the legislative agenda for an average state (solid line) and a state in the top quartile of foreign-born population (dashed line).

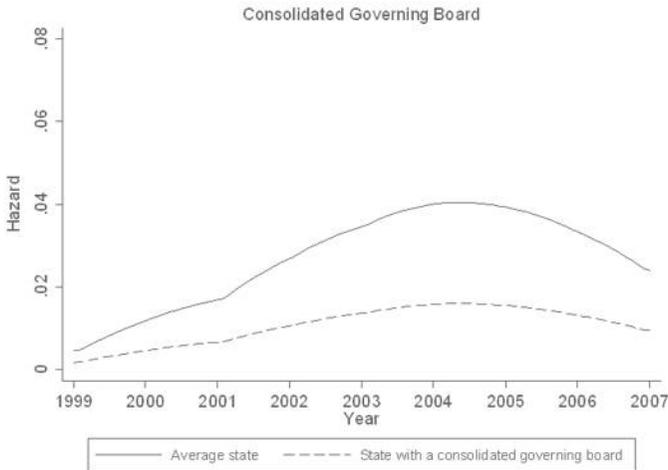


FIG. 4.—Smoothed hazard function of ISRT bills achieving the legislative agenda for an average state (solid line) and for an average state with a consolidated governing board (dashed line).

## Discussion and Conclusion

During the past decade, issues at the intersection of immigration and education have ascended to prominence on the legislative agendas of many states. We have undertaken one of the few empirical studies of factors associated with the emergence of one such highly visible initiative: bills providing in-state resident tuition benefits at public colleges to undocumented citizens. The finding regarding female legislative representation is noteworthy because it contributes to a growing body of research on the representational attributes of state legislatures and legislators as possible drivers of policy outcomes for higher education. In a recent study, for example, analysts found that patterns of alumni representation on legislative appropriations committees helped to determine levels of state financial support for specific public universities. Specifically, the more alumni an institution had on its state legislature’s appropriations committees, the higher the level of public financial support the campus received, all things equal. “In effect,” the authors conclude, “legislators tend to privilege those institutions with which they hold close personal ties” (McLendon et al. 2009, 397).

In light of our findings, and of those reported elsewhere (e.g., Hawes and Hicklin 2006; Hicklin and Meier 2008), we believe there is mounting credibility to surmise that certain “descriptive” attributes of legislators may prompt their

support of specific higher education issues, in addition to legislators privileging the campuses to which they are personally tied. Again, some research reports that female legislators may tend to champion legislation deemed as advancing “women’s interests,” for example, bills intended to promote gender equity and to improve the socioeconomic status of women, as well as interests of other underrepresented groups, as seen in the case of female legislators’ support of legislation that would expand civil liberties and educational opportunities for constituencies other than women alone (Bratton and Haynie 1999; Swers 1998; Thomas 1991). Our investigation appears to lend some support for this view.

On what other kinds of issues might one expect to find the preferences of female legislators—or, for that matter, Latino or black legislators—influencing the legislative agenda or specific outcomes for higher education? Today’s policy landscape for higher education points to a wide array of issues to which researchers could profitably apply the concepts of descriptive and substantive representation, including race-based admissions policies, certain trends and developments in state postsecondary finance, and funding allocations for different sectors or regions of higher education within a state. This line of work, examining the relationship between the characteristics of legislators and legislative outcomes in higher education, clearly could deepen the field’s understanding of legislative behavior as it pertains to postsecondary education.

It is not entirely clear to us why our analysis failed to detect a statistically significant effect between Latino legislators and introduction of the ISRT bills, although a possible explanation is that Latino legislators hold too small a fraction of seats or leadership positions in American statehouses for such an effect to have been identified. Latino legislative representation grew by almost 53 percent between 1996 and 2007 (NALEO), the final year of our analysis. Yet Latinos hold only about 4 percent of the nation’s state legislative seats; in many state assemblies, Latinos do not hold any seats. By comparison, women in 2007 held more than a quarter of the nation’s total seats in state legislatures, or roughly seven times more seats than Latinos (National Conference on State Legislators 2010). Without question, the anecdotal evidence, including extensive press reportage, indicates that in several states, an individual Latino legislator sometimes played a pivotal role in helping focus attention on an ISRT bill. A lone individual can accomplish only so much, however, given the collaborative and the complex processes that lawmaking entails. This condition may have elevated other institutional factors as the statistically discernible ones of influence in the case of ISRT policy.

Yet, at a broader level, we see immense value in future research on the policy impact of Latinos in higher education. Clearly, Latinos represent a growing force in American politics, especially at the state level, where astonishingly little is known empirically about the roles they play in policy formation for education. This is a glaring research gap, particularly so in light of wide-

spread changes that lately have occurred in state policy for higher education (Morphew and Eckel 2009), ones that in certain respects may have disadvantaged many Latinos with respect to college access and finance. A better understanding of how Latino legislators view their representational roles, what factors influence their representational activities, and the extent to which these conditions shape Latino legislative engagement in the formation of public policy for higher education remain noteworthy research goals.

One interesting question surrounds what happens when immigration swells in areas of the nation with little or no current representation of Latino legislators. The expansion in the 1990s of Latino immigration in the South and Midwest has been well documented. Less well scrutinized are the consequences of this growth from a representational standpoint. In some states immigration is proceeding much faster than the growth of ethnic representation in state elective offices. How does the growth of foreign-born inhabitants in states with little existing descriptive representation influence policy making in arenas such as higher education? To what extent are Latinos well served by “majority-dominated” legislatures? How well served are blacks in states with proportionally less representation by black elected officials? Although these questions are long-standing in the field of American politics, they have been too little studied within the K–12 and higher education policy arenas. We foresee a robust research agenda emanating from them.

A noteworthy nonfinding of our study involves partisanship and partisan strength in state legislatures. Because of the decentralized nature of educational policy making in the United States, state legislatures are the principal governmental decision arenas for higher education. Yet, as a field of study, higher education has only recently begun producing systematic insights into the functioning of these institutions and the ways in which partisanship shapes policy formation for postsecondary education at the state level. We would grant that the relationship between partisanship and legislative outcomes for higher education is by no means clear cut, and that myriad conditions may mediate partisanship’s effects.<sup>22</sup> Yet, we would also note the accumulation of recent empirical evidence that seems to argue for such a relationship, at least for some issues (e.g., Archibald and Feldman 2006; Hicklin and Meier 2008; McLendon et al. 2009; Tandberg 2010a, 2010b). Better understanding the conditions under which partisanship can influence state policy for higher education must remain a priority in the ongoing development of a subfield of higher education policy and politics (McLendon 2003a)

There is a related question about how legislative design can shape postsecondary policy. As noted at the outset of our investigation, the 50 states represent an almost ideal laboratory for studying policy outcomes because of the states’ constrained variance on many dimensions of theoretical interest. One dimension on which little research exists is across-state variation in legislative structures. The structure

or design of legislative bodies can vary with respect to, for example, member composition, committee configuration, and “professionalism” (i.e., the analytic and decision capacity of legislatures). As is the case with the study of individual legislators, few empirical insights into these structural relationships exist in the arena of higher education. How does variation in committee jurisdictions for higher education (e.g., a joint K–12/higher education committee or separate ones) influence political access or the mobilization of interests resulting in the setting of the state policy agenda for higher education? Moving beyond agenda setting, how does state-to-state variation in the professionalism of legislatures, or in the channels of mobility and leadership development within legislative bodies (or lack thereof, as may be the case in term-limited states), influence lawmaking for higher education? These questions align well with the core interests of legislative scholars, and they have been systematically explored in study of many policy domains.<sup>23</sup> Pursuit of these kinds of questions in the areas of K–12 and higher education would sharpen the field’s conceptual and analytical insights into the forces shaping policy formation.

The future terrain of legislation pertaining to in-state resident tuition policies is unclear. Recent activity in some states points to legislative repeal of the policies (e.g., Oklahoma) and also to growing direct protest on the part of some citizens against policies that provide benefits to undocumented immigrants (e.g., the recent controversial referendum in Arizona). Meanwhile, the California and Kansas laws have been challenged in state and federal courts but remain intact. The deep budget crisis confronting most states may have dampened interest in any initiatives that require additional capital outlays. Future research could examine efforts at legislative rollback of the policies, perhaps by melding EHA techniques with roll call data, bill histories, and interviews to shed light on the underlying dynamics of policy formation. Although such an approach would impose notably heavy data collection burdens, it would permit researchers to examine more closely the dynamics of policy formation at both the micro and macro levels within statehouses and to tether more closely the “insider” politics of these institutions with the preferences and activities of citizens and groups “outside” legislatures.

Yet another consideration relates to ongoing Congressional deliberations over the DREAM Act, which has failed at adoption every year since the early 2000s. If enacted, the legislation’s tuition-discount provisions would allow undocumented students who attend college or serve in the U.S. military to move toward citizenship (Olivas 2004). Future research might examine the political dynamics that shape immigration policy in the nation’s foremost legislative institution, Congress. If the DREAM Act again fails to become enacted, state legislatures will likely remain the best venue for advocates of expanded opportunity for undocumented students, although, as we have noted, the prospects for such seem dimmer today in many states than they did just a few years ago.

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One further line of inquiry relates to the implementation mechanics at the level of individual colleges and universities. The ultimate success of ISRT policies depends to a very large extent on how individual institutions choose to implement their provisions and on how states choose to monitor compliance. For instance, although California has an ISRT policy, the policy's implementation has varied quite a lot across institutions. Recent multivariate and case study research on ISRT policies at four- and two-year institutions in different states has identified a wide range of institutional responses and effects (Flores and Horn 2009; Oseguera et al. 2010). These implementation stories are often contingent on subsequent changes in the policy itself, on variability in the interpretation of directives from state or campus generals counsel, and on the varied implementation capabilities of certain institutions, namely, limited capabilities in the case of many community colleges. What we envision, therefore, is a broad range of systematic research spanning important "stages" of the policy process for in-state resident tuition policies, extending from policy formation (agenda setting) through policy enactment and revision, and ultimately, policy implementation and evaluation.

For now, the period from 1999 to 2007 represents perhaps a distinctive era in the development of state policies providing one kind of educational benefit to undocumented students. The legislative activity we have studied is important because of the implications it holds for the tens of thousands of students each year who stand to benefit from the tuition subsidies and because of the opportunities it affords researchers in understanding better the conditions under which legislatures formulate new policies at the intersection of immigration, representation, and college access.

## Appendix A

TABLE A1

*Mean and Standard Deviation of Independent Variables in Analysis of Agenda Setting of In-State Resident Tuition Policies*

VARIABLE	1999		2007	
	Mean	SD	Mean	SD
Representational influences:				
% Latino legislators	2.92	6.69	3.67	7.34
% Female legislators	22.43	7.69	22.87	7.15
Political influences:				
Electoral competition	-.10	.08	-.09	.06
% Democrat	51.84	14.63	52.90	14.28
% Foreign-born population	6.27	5.55	7.93	6.09
Citizen ideology	50.54	13.40	53.47	15.89
Economic influences:				
Unemployment rate	4.02	.92	4.44	.95
Postsecondary policy influences:				
Average two-year in-state tuition (logged, 2007 dollars)	7.53	.43	7.82	.37
Consolidated governing board	.40	.50	.36	.49
Interstate diffusion influences:				
Diffusion (no. neighboring states)	.04	.20	1.94	1.31

NOTE.—Number of observations = 339. Number of states = 47.

TABLE A2

*Correlation Matrix of Independent Variables in Analysis of Agenda Setting of In-State Resident Tuition Policies*

Variable	% Latino Legislators	% Female Legislators	Electoral Competition	% Democrat	% Foreign-Born Population	Citizen Ideology	Unemployment Rate	Average Two-Year In-State Tuition*	Consolidated Governing Board	Diffusion†
% Latino legislators	1.00	...	...	...	...	...	...	...	...	...
% Female legislators	.29	1.00	...	...	...	...	...	...	...	...
Electoral competition	-.08	-.15	1.00	...	...	...	...	...	...	...
% Democrat	.05	.00	.14	1.00	...	...	...	...	...	...
% Foreign-born population	.52	.40	.04	.14	1.00	...	...	...	...	...
Citizen ideology	.07	.34	.02	.47	.32	1.00	...	...	...	...
Unemployment rate	.15	-.08	.18	.16	.14	-.01	1.00	...	...	...
Average two-year in-state tuition*	.54	-.01	.04	-.09	-.29	.30	-.23	1.00	...	...
Consolidated governing board	-.17	.08	-.13	-.30	-.15	-.16	-.10	-.09	1.00	...
Diffusion†	.12	.07	.00	-.06	.04	-.05	.14	.13	-.03	1.00

\* Logged, 2007 dollars.

† Number of neighboring states.

TABLE A3

*Sensitivity Analysis of Results for Hazard Model of Agenda Setting of In-State Resident Tuition Policies, by Type of Model Specification*

VARIABLE	TYPE OF MODEL SPECIFICATION			
	Cox Proportional Hazard	Piecewise Constant Hazard	Discrete Logit Link	Discrete Clog-Log Link
Representational influences:				
% Latino legislators	.006 (.046)	-.003 (.039)	.004 (.042)	.003 (.039)
% Female legislators	.093* (.043)	.077* (.036)	.097* (.042)	.094** (.036)
Political influences:				
Electoral competition	2.590 (4.780)	2.197 (4.182)	2.726 (4.461)	2.521 (3.624)
% Democrat	.018 (2.670)	.015 (.023)	.019 (.026)	.020 (.024)
% Foreign-born population	.135** (.052)	.119* (.045)	.144** (.053)	.133** (.046)
Citizen ideology	-.038 (.030)	-.031 (.029)	-.039 (.027)	-.038 (.024)
Economic influences:				
Unemployment rate	.510 <sup>+</sup> (.293)	.438 <sup>+</sup> (.257)	.532 <sup>+</sup> (.290)	.483 <sup>+</sup> (.267)
Postsecondary policy influences:				
Average two-year in-state tuition (logged, 2007 dollars)	-.284 (1.055)	-.321 (.994)	-.393 (1.180)	-.337 (1.181)
Consolidated governing board	-1.635* (.730)	-1.398* (.651)	-1.746 <sup>+</sup> (.958)	-1.753 <sup>+</sup> (.941)
Interstate diffusion influences:				
Diffusion (no. neighboring states)	.119 (.256)	.112 (.222)	.123 (.275)	.099 (.280)

NOTE.—Standard errors are in parentheses.

<sup>+</sup>  $p \leq .10$ .

\*  $p \leq .05$ .

\*\*  $p \leq .01$ .

Notes

1. DeLaet (2000) argues that the permissiveness of previous immigration legislation, albeit discriminatory in some respects, was a product of the 1960s civil rights legislation emphasizing fairness and equity. Newton (2008) documents a move toward more restrictive legislation beginning soon thereafter and evidenced most clearly in the 1990s.

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2. The 10 states are Texas and California (adopted in 2001), followed by New York and Utah (2002), Oklahoma, Illinois, and Washington (2003), Kansas (2004), New Mexico (2005), and Nebraska (2006); Flores (2010).

3. There are several noteworthy exceptions, such as Chavez and Provine's analysis of state legislation regulating immigrant populations in 2005 and 2006. As we noted, however, there have been few empirical multistate studies on this topic.

4. The Texas Comptroller (2005) also estimates the positive economic impact of undocumented immigrants in Texas, including contributions to government revenues and state employment.

5. Another interesting question involves the factors influencing states to enact an ISRT bill. We have chosen to study the conditions associated with legislative agenda setting because, while there is scant empirical research on this question, the data with which to study it are robust.

6. Most of the extant literature focusing on municipal government employs qualitative modes of inquiry (notably, single-case study designs) and aims toward theory generation or elaboration rather than on quantitative approaches to theory testing of the kind that we pursue in this study.

7. One irony involves U.S. labor law. While the awarding of state tuition breaks may result in a better-educated workforce, it affects neither one's citizenship status nor one's eligibility to work legally in the United States. That is, noncitizen students who gain postsecondary credentials and degrees are not entitled to work in the United States without a federal law designating such as permissible. The granting of citizenship status for this purpose, the provisions of which are contained in the Development, Relief, and Education for Alien Minors (DREAM) Act, has been hotly debated in Congress over roughly the same span of time as that during which ISRT policies emerged in the states. Some states may have anticipated passage of federal legislation granting an option for citizenship (Olivas 2007). Because Congress has yet to pass the law, ISRT policies remain the only form of financial support for postsecondary education for this group of individuals.

8. A majority of the foreign-born population in the United States is of Latin American origin, with some states documenting higher percentages of individuals from Latin America as a percentage of their foreign-born populations. In Texas, for example, 76 percent of all foreign-born individuals identified as of Latin American origin, while the rate is 55 percent in California.

9. For example, the ISRT bill in Texas, where Hispanics make up the large majority of the 20 percent of state residents who are foreign born, passed with only one dissenting vote (Rincon 2008).

10. One sees parallels between ISRT legislation and the bilingual education movement of the 1970s and 1980s, which saw Latino leadership tap into a growing Latino political awareness (Lopez 1995). Yet one also sees important differences in the histories of the two sets of policies. Whereas the beneficiaries of bilingual programs in many states have included both citizen and noncitizen children, ISRT policies primarily benefit undocumented individuals. Interestingly, since the early 2000s, school systems in California, Massachusetts, and elsewhere have retracted various provisions enabling bilingual education. Such efforts often have been pursued through referenda rather than through legislative repeal of statute.

11. The act of hearing a bill before a committee almost universally follows several important actions that indicate a bill has attracted serious institutional attention, including having received (a) in-depth analysis by the legislative fiscal-review unit, (b) rigorous assessments of the legislation's nonfiscal effects, (c), the support of leadership in placing the bill on the committee's calendar, (d) public airing of the leg-

isolation by those proposing it, and (e) public debate by legislators on the merits and potential liabilities of the proposed legislation.

12. Swain (1993) and others have argued that in principle white and male officials should be able to represent racial minorities and women equally as well as so-called descriptively representative officials; see Preuhs (2007) for a summary of these arguments. For us, the evidence supporting a relationship between descriptive representation and increased policy responsiveness seems reasonably persuasive, and it remains our core theoretical interest.

13. Between 1996 and 2007, the ranks of Latino state representatives swelled from 156 to 238, an increase of 53 percent (see Casellas 2009; Preuhs 2007).

14. See Preuhs (2007) for a discussion of the nonlinear relationship involving Latino populations, Latino incorporation into legislatures, and state policy responsiveness.

15. We tested for the effect of black legislators, using data we obtained from the Joint Center for Political and Economic Studies (<http://www.jointcenter.org/DB/index.htm>), but the indicator was not statistically significant, and it did not improve our modeling.

16. The foreign born variable used in our analysis contains some number of naturalized citizens who can vote. This, in combination with the influence that others who cannot vote may exert over members of their families who can, yields our reasoning.

17. We note the existence of research calling into question the assumptions underpinning this view. Peri (2009, 1), in a recent study, finds “no evidence that immigrants crowded-out employment and hours worked by natives. At the same time we find robust evidence that they increased total productivity, on the one hand, while they decreased capital intensity and the skill-bias of production technologies, on the other.”

18. We tested this hypothesis because the debate nationally over promoting college access among underrepresented populations has focused on the need for greater student subsidies to help offset rising college costs. We concede the possibility that ISRT policies also may have been likely to advance in states with lower average tuition levels at two-year colleges because of the lower costs to the state in granting undocumented students access to college.

19. The figure illustrates the smoothed hazard rate, which approximates a weighted average of the hazard estimates over time. The Epanechnikov kernel function (with Stata’s default setting for automatic bandwidth selection) is used for weighting; this is an iterative process that gives more weight to hazard estimates closer to each discrete time point.

20. Whether the relationship arises from the analytical and informational facets that are distinctive to ISR policy making or from the misalignment between these boards’ interests and the provisions of the policies or from something else remains an open question warranting further inquiry.

21. We created graphs in Stata using the *stcurve* function to illustrate the hazard rate estimated from the multivariate model for states with hypothetical values on key covariates, holding other factors constant.

22. Barrilleaux et al. (2002) point to four such mediating influences: district-level competition, differences in the constituency bases of party support, the governing party’s margin of control, and whether the party pursues policy commitments consistent with its true preferences or adjusts its positions strategically in an effort to attract voters. Despite these qualifications, the empirical evidence for a relationship between party strength/control and some policy outcomes in states is distinct (e.g., Alt and Lowry 2000; Barrilleaux et al. 2002; Yates and Fording 2005).

23. See Casellas (2009) for discussion of a closely related question: the extent to

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which ethnic composition of a legislative district affects the chances that a Latino candidate will be elected and the mediating role that legislative design can play in those elections.

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