

“POLICY BE DAMNED, RESEARCH BE DAMNED”:
A MULTIPLE CASE STUDY OF RESEARCH USE IN UNDOCUMENTED
STUDENT POLICY DECISIONS

by

MARY MILAN DEUPREE

(Under the Direction of Erik C. Ness)

ABSTRACT

States have seen few recent issues regarding higher education as heated and controversial as that of legislation extending in-state college tuition to undocumented students. This multiple case study (NC, SC, GA) explores the “demand-side” of research utilization, examining the extent to which the policymaking environment impacts research use as state policymakers craft undocumented student tuition policies. It also explores the extent to which the Advocacy Coalition Framework (ACF) explains the policy process. Findings suggest political factors largely trump research evidence. Furthermore, respondents indicate higher levels of research use in NC and GA, suggesting the policy environments in those states may more closely represent the ACF’s concept of a “professional forum,” where technical information is more likely to influence policy negotiations. At its core, however, state activity around undocumented student policies may most succinctly be explained by a commitment to maintaining social hierarchies.

INDEX WORDS: Undocumented Student Tuition Policy, State Higher Education Policy, Research Utilization, Advocacy Coalition Framework

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B.A., North Carolina State University, 2006

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DEDICATION

For my beloved husband, the best decision I ever made

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CHAPTER I: INTRODUCTION

CONTEXT

States have seen few recent issues regarding higher education that have been as heated and controversial as that of legislation extending in-state college tuition to undocumented students. Some see the issue as a matter of civil rights, while, to others, the very notion of rights illegal immigrants seems counterintuitive and absurd. In the United States today, undocumented immigrants make up a significant proportion of the population; as of 2008, it is estimated that nearly 12 million undocumented immigrants reside in the United States, accounting for almost a third of the foreign-born population. Of these, an estimated 65,000 undocumented students graduate from US high schools each year (Passel & Cohn, 2008; Dougherty, Nienhusser, & Vega, 2010). Although in 1982 *Plyler v. Doe* addressed the educational rights of undocumented students attending public lower and high schools, the federal legislation did not address the postsecondary opportunities of such students. Since then, multiple generations of adolescent students have certainly benefited from the *Plyler* decision, having attended and graduated from public high schools in the United States (*Plyer vs. Doe*, 1982; Olivas, 2004; Flores, 2010).

These high school graduates, however, are much less likely to go onto college than their documented peers. One key reason for their difficulties in accessing higher education is that they often times do not qualify for in-state tuition rates, which are

usually considerably lower than out-of-state rates. Indeed, across the 50 states in 2009-2010, out-of-state tuition and fee rates averaged \$14,707 for full-time undergraduate students at public four-year colleges, while the average in-state tuition and fees for residents were \$6,257 (Washington Higher Education Coordinating Board, 2010: Tables 5 and 6; Dougherty, Nienhusser, & Vega, 2010). This problem is confounded by the fact that undocumented students tend to come from families with lower household incomes (Rangel, 2001; Mehta & Asma, 2003; Passel, 2005a, 2005b; Dougherty, Nienhusser, & Vega, 2010; Lopez, 2010) and the fact that they are not entitled to federal financial aid (Szelenyi & Chang, 2002; Perry, 2004; Biswas, 2005) or state student aid except in Texas and New Mexico (Fischer, 2004; Dougherty, Reid, & Nienhusser, 2006; Tulsa World, 2007; Dougherty, Nienhusser, & Vega, 2010).

The growing number of undocumented students and their plight in gaining access to higher education have made college access for this population a central issue on many state policy agendas (Dougherty, Nienhusser, & Vega, 2010). Since 2001, 16 states have provisions in place allowing undocumented students who meet certain criteria to qualify for in-state tuition: California, Colorado, Connecticut, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, and Washington (National Conference of State Legislatures, 2013a; Hebel, 2007; Keller, 2007; Krueger, 2006; Olivas, 2010; Dougherty, Nienhusser, & Vega, 2010; Oseguera, Flores, & Burciaga, 2010).¹ Fourteen of the aforementioned states extend in-state tuition rates through state legislation, and two (Oklahoma and Rhode Island) do so

¹ Wisconsin also once had legislation extending in-state tuition rates to undocumented students, but revoked its law in 2011 (NCSL, 2013a).

through Board of Regents decisions (NCSL, 2013a).² Three of the 16 states (California, New Mexico, and Texas) also allow undocumented students to receive state financial aid (NCSL, 2013a). At the other end of the spectrum, three states – Arizona, Georgia, and Indiana – have laws specifically prohibiting undocumented students from receiving in-state tuition rates for postsecondary education, and two states – South Carolina and Alabama – completely prohibit undocumented students from enrolling at any public college or university in the state (NCSL, 2013a). Several other states, including North Carolina, have introduced, but failed to pass, legislation granting undocumented students in-state tuition benefits (Hebel, 2007; Keller, 2007; Krueger, 2006; Olivas, 2008; Dougherty, Nienhusser, & Vega, 2010). The North Carolina Community College System, however, has enacted its own admissions and tuition policies for undocumented students, currently allowing them to enroll at out-of-state tuition rates (NCSL, 2013a).

PROBLEM

Over the past few decades, on average, higher education has received a shrinking share of total state appropriations (Boyd, 2005; Tandberg, 2008, 2010a, 2010b). For both public and private universities, tuition and fees as a percentage of total revenues is increasing dramatically, confirmation that the burden of paying for higher education is falling more and more on students and their families (Baum & Ma, 2007; Heller 2002; Perna, 2005). Indeed, as state appropriations dwindle, students' and families' share of the costs are bound to rise.

² At one point, Oklahoma had in-state tuition benefits by law, but the legislature repealed them in 2007, leaving the decision to the Oklahoma Board of Regents. The Board of Regents still allows undocumented students to receive in-state rates, but the amended state law ended the granting of state financial aid to such students (NCSL, 2013a; Hebel, 2007; Olivas, 2010).

Concern about higher education affordability has emerged as a significant issue in the immigration debates. As is the case for most immigration issues, public opinion is divided on how states should respond in setting tuition policy for undocumented students, and emotions run high. Scholars, working both in academic settings and for non-profit higher education policy organizations, strive diligently to learn more about undocumented student policies and how such policies affect students and states.

Questions loom, however, on whether or not this research evidence actually affects policy change in state legislatures, especially as evidence mounts of the influence of other groups on the policy process, like politically-motivated think tanks (Diamond, 1995; Spring, 2002). The term “research utilization,” coined by Carol Weiss (1977), refers to research-based information and the extent to which it is used by policymakers to craft policy. What types of information do state policymakers most prefer, and when in the policymaking process is it most useful? To what extent do policymakers use research evidence in formulation of policy? Is the research evidence used to directly shape policy or to reinforce predetermined solutions? What are the effects of state characteristics and governance structures on research use? Surprisingly little is known about the influence of research utilization on state policymaking processes, and even less is known about the extent to which state policymakers use research evidence to determine undocumented student policies for postsecondary education.

PURPOSE & RESEARCH QUESTIONS

With my dissertation, I intend to further explore the “demand-side” of research utilization by examining the role of the research information and by investigating the extent to which the policymaking environment impacts research use as state

policymakers craft undocumented student tuition policy. Furthermore, I am interested in the extent to which the Advocacy Coalition Framework explains the higher education policy process. The Advocacy Coalition Framework (ACF) was introduced as a new conceptualization of the public policymaking process in 1988, explicitly incorporating the role of technical information in “policy-oriented learning” and emphasizing policy change (Sabatier & Jenkins-Smith, 1988; Sabatier & Weible, 2007, p.198). The role of research utilization is central in the ACF, which emphasizes “policy learning” and delineates the most favorable conditions for research evidence to influence policymaking (Ness, 2010).

My study will seek to further examine the higher education policy process, focusing specifically on the role of information and research evidence, and will examine four questions: (1) upon which sources of information do policymakers rely in setting undocumented student policy? (2) to what extent does information influence these policy decisions? (3) how do characteristics of the state-level policy environment and locus of decision-making affect the use of research evidence in state higher education undocumented student policy? and (4) to what extent does the Advocacy Coalition Framework explain this policy process?

SIGNIFICANCE & IMPLICATIONS

Findings from this study will have both conceptual and practical significance. Conceptually, this study’s examination of policymaker’s preferred sources of information, the specific use of research evidence, and the role of the policy environment may yield insights unique to higher education and perhaps relevant to other policy sectors, as well. This study may also be of conceptual relevance with regard to the

Advocacy Coalition Framework, particularly regarding types of policy subsystems and the extent of research utilization within each. Whether or not the ACF is found to provide an initial framework for understanding the higher education policy process and how technical information informs “policy-oriented learning,” or instead proves insufficient, failing to adequately explain the enormous role of political concerns in the policymaking process, this study will contribute to the literature nonetheless. Further, this rigorous examination of the ACF will deepen our understanding of the policy process by more fully incorporating research utilization into the framework. The study will also deepen our understanding of research utilization at the state level, offering both conceptual and practical benefits.

From a practical perspective, findings from this research project may help those who aim to influence state policy discussions. If findings reveal non-profits more closely associated with political parties wield more influence on policy decisions than do those without such a connection, for example, this study may call into question the relevance and usefulness of non-profit, nonpartisan organizations for promoting higher education policy change in the states. With a deeper understanding of which sources of information policymakers prefer and why, those individuals and organizations providing information may better understand how research evidence can be most useful in affecting change in the policy process. Additionally, this study will be important for advocates on either side of undocumented student tuition policy issues, offering insights into policymaker decision-making and the role and effect of advocacy coalitions.

CHAPTER II:

LITERATURE AND CONCEPTUAL FRAMEWORK

The literature review for this study takes a tripartite structure. First, I will integrate the extant literature pertaining to undocumented students, including background on federal and state legislation and the effects of in-state resident tuition policies (ISRTs) on college enrollment. Second, to survey the apparent divide between research and policy, I will synthesize pertinent literature on research utilization. The different inclinations and preferences of the research and policymaking communities, the various uses of research and to what extent each is employed, and policymakers' preferred sources of research and other information are all discussed. Thirdly, I will explore empirical support for various factors influencing policy decisions in the states. In addition to this literature, I will also include a discussion of my conceptual framework, which focuses primarily on the Advocacy Coalition Framework developed by Sabatier & Jenkins-Smith (1988, 1993).

UNDOCUMENTED STUDENT TUITION POLICY

Relevant Federal Legislation

Although the Supreme Court has not yet directly addressed the issue of undocumented student access to higher education, the Court has considered the issue with regard to K-12 school access. The landmark 1982 *Plyler v. Doe* Supreme Court decision ruled that a Texas statute prohibiting undocumented students from receiving a free K-12 education was unconstitutional. Since then, all states are required to provide all students

with an elementary and secondary education, regardless of the students' immigration status (*Plyler v. Doe*, 1982; NCSL, 2013b; Feder 2010).

This Supreme Court's decision, however, does not apply to postsecondary education rights. And furthermore, Section 505 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) states, "...an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible or such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident" (NCSL, 2013b; NCSL, 2011).³ Also enacted in 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) states, "An alien who is not a qualified alien is not eligible for any Federal public benefit [including] any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States" (NCSL, 2011).

Currently, therefore, federal law seems to prohibit states from granting undocumented students certain postsecondary educational benefits on the basis of state residence, unless equal benefits are made available to all U.S. citizens, a prohibition commonly understood to apply to the granting of "in-state" resident tuition. To

³ In April 2003, members of Congress sponsored bipartisan legislation, called the Student Adjustment Act, to repeal Section 505 of the IIRIRA. The Act would have allowed some immigrant children the power to gain legal status and would have endorsed states to offer in-state tuition rates and financial aid to undocumented students. In 2003, however, the legislation stalled in committee and has not yet been reintroduced (NCSL, 2011).

maneuver around these restrictive laws, those states that have enacted legislation granting in-state tuition benefits to undocumented students have worded the laws such that it is contingent on high school attendance and graduation, and state residence. Since all legal U.S. residents are also entitled to in-state tuition rates based on such criteria, the states claim that their laws do not violate the federal IIRIRA or PRWORA legislation (NCSL, 2011). In a later section, I will further discuss state legislation in relation to these federal laws.

The DREAM (Development, Relief, and Education for Alien Minors) Act – an act commonly referred to when discussing undocumented student tuition issues – was bipartisan legislation first introduced in 2001. The DREAM Act would grant states the power to offer in-state tuition to undocumented students, and would also provide a pathway for those students who pursue postsecondary degrees to obtain permanent residency. The legislation, which would ultimately set undocumented students on a path toward citizenship, has stalled in Congress several times since its introduction, most recently in 2011 (NCSL, 2011; National Immigration Law Center 2006; Olivas, 2004; Flores, 2010). Though Congress has not yet passed any form of the DREAM Act, the terminology used in the original proposed version has been commonly adopted to describe the multiple in-state resident tuition policies set forth in various states, discussed later (Flores, 2010; Rincon, 2008; Taylor, 2006).

State Legislation

Undocumented immigrants make up a significant proportion of the population in the United States today – almost 12 million as of 2008. Further, an estimated 65,000 undocumented students graduate from US high schools each year (Passel & Cohn, 2008;

Dougherty, Nienhusser, & Vega, 2010). However by 2004, only 48% of undocumented immigrants between 18 and 24 with high school diplomas are attending or have attended some kind of college, as compared to 73% of legal immigrants and 70% of native students (Passel, 2003, 2005a).

Although in 1982 *Plyler v. Doe* addressed the educational rights of undocumented students attending public lower and high schools, the federal legislation did not address the postsecondary opportunities of such students. Since then, multiple generations of adolescent students have certainly benefited from the *Plyler* decision, having attended and graduated from public high schools in the United States (*Plyer vs. Doe*, 1982; Olivas, 2004; Flores, 2010; McLendon, Mokher, & Flores, 2011). These high school graduates, however, are much less likely to go onto college than their documented peers.

One key reason for their difficulties in accessing higher education is that they often times do not qualify for in-state tuition rates, which are usually considerably lower than out-of-state rates. Indeed, across the 50 states in 2009-2010, out-of-state tuition and fee rates averaged \$14,707 for full-time undergraduate students at public four-year colleges, while the average in-state tuition and fees for residents were \$6,257 (Washington Higher Education Coordinating Board, 2010: Tables 5 and 6; Dougherty, Nienhusser, & Vega, 2010). This problem is confounded by the fact that undocumented students tend to come from families with lower household incomes (Rangel, 2001; Mehta & Asma, 2003; Passel, 2005a, 2005b; Dougherty, Nienhusser, & Vega, 2010; Lopez, 2010). Research suggests that student response to financial aid may differ depending on socioeconomic background and may be higher for low-income and minority students (Ellwood & Kane, 2000; Flores, 2010; Heller, 1997; Kane, 1994; St. John & Noell,

1989). Further, in a recent study of college price and response to financial aid, Alfonso (2004) suggests that Hispanic students are more sensitive to college prices than other races/ethnicities. The problem is further aggravated by the fact that undocumented immigrant students are not entitled to federal financial aid (Szelenyi & Chang, 2002; Perry, 2004; Biswas, 2005) or state student aid except in Texas and New Mexico (Fischer, 2004; Dougherty, Reid, & Nienhusser, 2006; Tulsa World, 2007; Dougherty, Nienhusser, & Vega, 2010).

The growing number of undocumented students and their plight in gaining access to higher education have made college access for this population a central issue on many state policy agendas (Dougherty, Nienhusser, & Vega, 2010). States' consideration of legislation extending in-state college tuition benefits to undocumented students has been heated and contentious throughout the last decade. Some consider the notion of granting rights to persons with undocumented immigrant status to be illogical and illegal, while to others it is a simple matter of civil rights, and emotions run high. The United States Congress initiated a new policy context for undocumented students in 1996 with the passage of IIRIRA, which mandates that unauthorized aliens: "shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit...without regard to whether the citizen or national is such a resident" (Feeder, 2006, p. 1; Kobach, 2007; Olivas, 2008; Flores, 2010). It was in this post-IIRIRA context that Texas became the first of 16 US states to pass an in-state resident tuition bill benefiting undocumented students in 2001 (Flores, 2010; NCSL, 2013a).

Generally known as in-state resident tuition policies (ISRTs), close to half of all US states have considered this legislation (National Conference of State Legislators 2006; Oseguera, Flores, & Burciaga, 2010). As mentioned in Chapter 1, presently, 16 states have passed similar “Dream Act” legislation and have current policies in place allowing undocumented students who meet certain criteria to qualify for in-state tuition: California, Colorado, Connecticut, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, and Washington (National Conference of State Legislatures, 2013a; Hebel, 2007; Keller, 2007; Krueger, 2006; Olivas, 2010; Dougherty, Nienhusser, & Vega, 2010; Oseguera, Flores, & Burciaga, 2010). Wisconsin also once had legislation extending in-state tuition rates to undocumented students, but revoked its law in 2011 (NCSL, 2013a). Fourteen of the aforementioned 16 states extend in-state tuition rates through state law, and two (Oklahoma and Rhode Island) do so through Board of Regents decisions (NCSL, 2013a). At one point, Oklahoma had in-state tuition benefits by law, but the legislature repealed them in 2007, leaving the decision to the Oklahoma Board of Regents. The Board of Regents still allows undocumented students to receive in-state rates, but the amended state law ended the granting of state financial aid to such students (NCSL, 2013a; Hebel, 2007; Olivas, 2010). Three of the 16 states (California, New Mexico, and Texas) also allow undocumented students to receive state financial aid, an important policy for such students since the 1965 Higher Education Act requires applicants for federal financial aid be legal U.S. residents. (NCSL, 2011; NCSL, 2013a).

At the other end of the spectrum, three states – Arizona, Georgia, and Indiana – have laws specifically prohibiting undocumented students from receiving in-state tuition

rates for postsecondary education, and two states – South Carolina and Alabama – completely prohibit undocumented students from enrolling at any public college or university in the state (NCSL, 2013a). Several other states, including North Carolina, have introduced, but failed to pass, legislation granting undocumented students in-state tuition benefits (Hebel, 2007; Keller, 2007; Krueger, 2006; Olivas, 2008; Dougherty, Nienhusser, & Vega, 2010; McLendon, Mokher, & Flores, 2011). The North Carolina Community College System, however, has enacted several of its own admissions and tuition policies for undocumented students throughout the past decade, currently allowing them to enroll at out-of-state tuition rates (NCSL, 2013a).

Some have assumed that the ISRT legislation would fare better in less conservative states, but this would not explain the policies in place in conservative states like Texas and Utah and the absence of laws in more liberal locales like Massachusetts and Maryland (Dougherty, Nienhusser, & Vega, 2010; Keller, 2007; Krueger, 2006; Olivas, 2008, p. 116; Stowe, 2007). Indeed, the political responses to undocumented students and to establishing tuition policies that serve them have been varied, and at times surprising. In their 2010 study, Dougherty, Nienhusser, and Vega attempt to better understand state's varying responses to undocumented student tuition policies by exploring two cases – Texas and Arizona – that responded quite differently to the issue. The authors find that how a state responds to the issue of eligibility for in-state tuition for undocumented immigrant students depends, among other things, on the role of social structure and political representation of Latinos, fundamental social values, and basic constitutional arrangements in place (Dougherty, Nienhusser, & Vega, 2010).

Differences aside, the assorted state ISRT laws in the have much in common and almost all states have included three primary provisions. All eligible students must: (1) have attended school in the state for a set number of years (required by all), (2) have graduated from a high school or received a GED in that state, and (3) have signed an affidavit declaring they will apply for legal status as soon as they are eligible (National Immigration Law Center 2006; McLendon, Mokher, & Flores, 2011; Flores, 2010). The policies do, however, have different residency requirements. Most (Texas, California, Utah, Washington, Illinois, and Kansas) require a three-year residency, two (New York and Oklahoma) require two years, and New Mexico requires only a one-year residency (National Immigration Law Center, 2006; Flores, 2010). Access to state financial aid also differs by state, and, again, is a benefit available only in Texas, New Mexico, and California (Flores, 2010; NCSL, 2013). It is also important to note that while this legislation does not exclusively advantage undocumented students of Hispanic origin, this group has indeed been the chief beneficiary of the policies (Flores & Chapa 2009; Flores, 2010; McLendon, Mokher, & Flores, 2011).

A Legal Analysis of State Legislation

As mentioned above, federal law seems to prohibit states from granting undocumented students certain postsecondary educational benefits on the basis of state residence, unless equal benefits are made available to all U.S. citizens. This prohibition is commonly understood to apply to the granting of “in-state” resident tuition (Feder, 2010; NCSL, 2011). Specifically, Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) dictates that undocumented students “shall not be eligible on the basis of residence within a State (or a political subdivision) for any

postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident” (Feder, 2010). This provision appears to be designed to prevent states from offering in-state tuition rates to undocumented students at public postsecondary institutions. Additionally, Section 401 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) mandates that an “alien who is not a qualified alien is not eligible for any public benefit” (NCSL, 2013b). This provision is generally assumed to include in-state tuition to postsecondary institutions. Some states, however, have passed laws aimed at making undocumented state residents eligible for in-state tuition without violating these federal provisions (Feder, 2010; NCSL, 2011).

Supporters of ISRT legislation generally argue that since the requirement to receive an in-state tuition rate is based on high school attendance and graduation, not state residency, it is not in conflict with IIRIRA. Opponents, however, claim that the high school attendance and graduation is merely a de-facto residency requirement, and that the ISRT laws are therefore illegal and a violation of the congressional intent reflected in the federal legislation (NCSL, 2013b). Indeed, to avoid the IIRIRA requirements, states have worded legislation granting in-state tuition rates to undocumented students as contingent on high school attendance and graduation, and not based on residency within the state. Put this way, the states argue they are not in violation of IIRIRA or PRWORA since all legal U.S. residents are also entitled to in-state tuition rates based on the same criteria (NCSL, 2011). Such legislation has, however, been challenged in court.

In 2005 and 2006, two cases brought to appellate courts in Kansas and California challenged the granting of in-state tuition benefits to undocumented students (NCSL, 2013b; Feder, 2010). In 2005, *Day v. Sibelius* involved a challenge to a Kansas state ISRT law's violation of Section 505 of the IIRIRA and the Equal Protection Clause of the Constitution. The plaintiffs in this case (non-resident students who attended Kansas institutions at out-of-state tuition rates) failed to prove that the Kansas statute injured them personally, and the case was dismissed. The district court's dismissal was affirmed by a federal appeals court, and the Supreme Court ultimately declined to consider an appeal (NCSL, 2013b; Feder, 2010).

In 2006, a similar case – *Martinez v. Regents* – was brought before a California court to challenge the granting of in-state tuition benefits to undocumented students. Though again the plaintiffs failed to prove that the law injured them personally, this time the California plaintiffs appealed the decision. In 2008, a California appeals court reinstated the lawsuit, overturned the previous decision, and ruled that the California law granting in-state tuition to undocumented students violated Section 505 of IIRIRA (NCSL, 2013b; Feder, 2010). Since then, the case has been heard by the California Supreme Court, and in 2010 reversed the appellate court ruling and upheld the state law allowing in-state tuition for undocumented students who meet certain criteria. Justice Ming W. Chin wrote that the “fatal flaw” in the plaintiff's argument was that the in-state tuition benefit was not actually based on state residence. He argued that since “Congress specifically referred to *residence* – not some form of surrogate for residence – as the prohibited basis for granting unlawful aliens a postsecondary-education benefit,” the California statute did not violate federal law (Keller, 2010). Many still argue that it does

violate the *intent* of the federal law. Nonetheless, this ruling was a big win for states desiring to enact such legislation.

The debate about the nuanced meanings of IIRIRA and PRWORA continue today, but most experts agree that neither law prohibits public institutions of higher education from *admitting* undocumented students who are willing and able to pay out-of-state tuition rates, especially since in 2008, the U.S. Immigration and Customs Enforcement wrote that “individual states must decide for themselves whether or not to admit illegal aliens into their public postsecondary institutions.” Whether states have the authority to grant *in-state tuition* to undocumented students, however, remains unclear. Although the California Supreme Court upheld California’s law allowing in-state tuition rates for qualified undocumented students in 2010, that ruling is only applicable in California. Other states’ court systems can still challenge their own laws (NCSL, 2011).

Summary of Empirical Studies

The research literature on undocumented students includes studies on the politics of in-state resident tuition legislation, investigations of enrollment trends associated with the policies, and case histories and analyses, to name a few. Dougherty, Nienhusser, and Vega (2010) found that most of the existing literature is focused on the legality of in-state tuition policies and eligibility and that studies of the actual political processes leading to policy decisions on in-state tuition eligibility for undocumented students are quite rare. Olivas (1995, 2004, 2007, 2008, 2009) has documented the legal context and conflicts surrounding the undocumented immigrant debates at the postsecondary, state, and federal levels. Rincon (2008) documented the case history of the Texas legislation in historical and legislative detail and Dougherty, Nienhusser, and Vega (2010) explored the cases in

both Texas and Arizona, with an eye to warring coalitions and ways that public policy theories may help explain case histories.

In recent years, other researchers have begun to analyze enrollment trends related to the enactment of ISRT policies (Gonzales, 2007; Flores, 2010; Kaushal 2008).

Gonzales (2007) examines the results from a Texas Higher Education Coordinating Board study of the increased student enrollment in Texas higher education after passage of the ISRT law from 393 undocumented students in 2001 to 3,792 students three years later. Econometrically estimating the effect of ISRT policies on college enrollment rates of undocumented high school graduates using a *differences-in-differences* model, Flores (2010) finds a significant positive effect in the odds of enrolling in college *after* the passage of ISRT policies. Specifically, her results indicate that undocumented students are 1.54 times more likely to enroll (than not to enroll) in college after ISRT laws are passed, compared to the same population in the rest of the United States. She concludes that “foreign-born noncitizen Latinos are indeed more likely to enroll in college after the implementation of the tuition policies than their counterparts in states without the tuition benefit” (Flores, 2010, p. 271).

Considering the aforementioned evidence that suggests undocumented students are more likely to enroll in college in states with ISRT laws, the question of why particular states have taken action (or not) with regard to these policies is an important one. In an attempt to answer this question, McLendon, Mokher, and Flores (2011) employ an across-state, longitudinal analysis of factors influencing legislative agenda setting for ISRT policies. The authors analyze the effects of various demographic, economic, political, and policy conditions on the likelihood of ISRT initiatives reaching

the legislative agenda from 1999-2007. Their event history analysis finds that the percentage of female legislators, “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” (McLendon, Mokher, & Flores, 2011, p. 563).

Findings regarding female legislators and a state’s foreign-born population were in the anticipated directions; the finding regarding postsecondary governance arrangement, however, was unanticipated: that the bills are more likely to reach the agenda in states with consolidated governing boards than in those with less centralized arrangements. Consistent with past empirical work, the trio originally hypothesized that consolidated governing boards would be associated with greater instances of ISRT initiatives because such arrangements would lend states the needed analytic capacity to undertake the development of technically complex policies. Instead they found that such centralized arrangements impede a bill’s potential to achieve the legislative agenda. Also interesting, McLendon, Mokher, and Flores (2011) found no evidence that the presence of Latino legislators, levels of electoral competition, partisanship and ideology, state economic conditions, the cost of tuition, or interstate policy diffusion are associated with the creation undocumented student tuition policies in the states.

RESEARCH UTILIZATION

The term “research utilization,” coined by Carol Weiss (1977), refers to research-based information and the extent to which it is used by policymakers to craft policy. The section that follows will synthesize pertinent literature on research utilization. The different inclinations and preferences of the research and policymaking communities, the

various uses of research and to what extent each is employed, and policymakers' preferred sources of research and other information are all discussed.

Types of Research Use

The classic literature on research utilization in the policymaking process examines the extent to which policy actors (both elected officials and agency officials) rely on research evidence in crafting policy. This information can be used in different ways, and as such, scholars have identified different types of research utilization (Ness, 2010; Amara, Ouimet, & Landry, 2004; Dunn, 1983; Nutley, Walter, & Davies, 2007). Carol Weiss's (1979) typology of research use remains the guiding work especially as abridged from seven types of use to three basic categories: *instrumental* use, *conceptual* use, and *political* use. Instrumental use refers to the direct application of research information to policy decisions. Conceptual use refers to more long-term impacts and the cumulative effects of exposure to a broad range of research on a policymaker's understanding of policy issues. The third type of research utilization is symbolic, or political, use. This refers to the strategic use of information in support of predetermined preferred policies (Weiss, 1979; Ness, 2010). Dunn (1983) further contrasts instrumental and conceptual use, where the former denotes directly observable changes in behavior and the latter refers to changes in the ways that users think about problems. More recent research by Milan and Ness (2012) has identified another type of research use an additional type of research use that may be added to the established three-use typology: *explicit non-use*. In their study, multiple interview participants discussed how often policymakers overtly ignore research evidence that fails to further their agendas, even going as far as to shelve studies that they themselves commissioned.

The “Two-Communities” Divide

For decades, scholars of research utilization have written about the differences between academic and political cultures and the fundamental challenge posed by these “two communities” (Caplan, 1979; Dunn, 1980; Ness, 2010). Snow’s (1959, 1961) guiding work on the topic suggests that the communities have their own goals, norms, and languages and therefore the cultures emphasize different values: academics value theory, methods, and reliability, while politicians value experience and common sense (Ness, 2010). Weiss (1983) points out that although there are sometimes occasions when information is most critical, it is usually outweighed by two other factors that carry higher priorities for policymakers—ideology and interests.

The cultural dissimilarities between academic and policymaking communities pose significant challenges to research utilization. Many of the two-communities studies noted above overwhelmingly emphasize the problem with the “supply side” of research – that it is too technical and fails to focus on relevant current issues. Halperin (1974) focused on the opinions the two groups hold of one another, and suggested that academics see policymakers selfishly seeking short-term results, while politicians see academics as naive to the necessities of the political process. By contrast, studies that explore the “demand side” of research utilization highlight policymakers’ use of research (Weiss, 1977, 1979, 1983) and policymakers’ preferred sources of information, which are not limited to empirical research evidence. New qualitative work by Milan and Ness (2012) suggests that the “two communities” perspective explains the use of research evidence in Pennsylvania, where an academically-minded respondent indicated that research is considered a “dirty word” by elected officials in the state.

Information Sources

Policymakers' preferred sources of information are certainly not limited to empirical research evidence. Just as there are many uses of research information, state policymakers also have multiple sources of information: fellow legislators, research staff, constituents, state and external policy agencies, and think tanks, to name a few (Ness, 2010). Research has revealed legislators' preference for information from constituents (Mooney, 1991; Webber, 1987), non-partisan legislative research offices (Hird, 2005), and state agencies (Hamann & Lane, 2004; Shakespeare, 2008). On the whole, research concludes that policymakers prefer inside sources of information (i.e. legislative peers and staffers) to outside sources (i.e. academics, constituents, media) (Ness, 2010).

In a 1987 study, Webber found "legislative colleagues" to be the information source with the highest rank in both usefulness and frequency of use by policymakers. Examining information use of the legislators a few years later, Mooney (1991) found that legislative sources of information are quite limited overall, with state legislators gathering the vast majority of their information from three sources: fellow legislators, interest groups, and executive agencies. Legislative staff, the media, academic sources, party officials, and others provided relatively little written information of use to legislators.

Guston, Jones, and Branscomb (1997) conducted interviews with 185 legislators, staff, and others in 11 states to examine the supply of and the demand for technical information in state legislatures. The authors applied a market analogy to their study in which consumers of information and analysis are legislators and policymakers and the suppliers of information are the technical experts (Guston & Bimber, 1994). Interview respondents virtually all agreed that legislators need access to technical information.

Overall, the legislature's research office staff ranked as the most important source of information, and executive agencies were almost as important overall and ranked first in Georgia and Louisiana, two states with traditionally strong executives. Lobbyists, personal sources, clearinghouses (like the NCSL), and state universities also ranked highly as important sources of information. Legislators themselves, personal staff (where available), and private universities were only somewhat important. The authors also find that reliance on sources external to the legislature—usually perceived as biased—is related to a lack of professionalization in legislatures.

Guston, Jones, and Branscomb (1997) also investigated barriers to the provision and use of technical information and analysis in state legislatures, grouping their findings into supply-side and demand-side barriers. The primary supply-side barrier is time; staff reported feeling like they do not have enough time to produce information and analysis for legislative use. On the demand-side, there is also a time barrier because legislators are not always able to spend adequate time to formulate intelligent questions and read through all the information that staff and other sources can produce. The authors also find another barrier related to scholarship on the “two communities” mentioned above. They find evidence of a set of attitudinal and intellectual barriers to the provision of technical information and analysis. As put by one Florida staffer, “sometimes [legislators] don't seem real interested in knowing the facts.” Similarly, competing goals provide another demand-side barrier. In discussion of this barrier, one staffer in New York suggested the reelection goal often supplants the good policy goal.

More recent research by Hird (2005) adds a new dimension to the study of research utilization – the influence of nonpartisan policy research organizations (NPROs)

on state legislatures. Many state legislatures underwent considerable changes in the 1960s and 1970s, including the addition of new staff, partly to increase access to information for better decision-making, and in part to provide a counterweight to the informational hegemony enjoyed by many executive branches. Since legislative policy analysis organizations were established partly as a means for legislatures to establish independence from the informational and analytical supremacy of the executive branch, the effectiveness of such organizations has implications for the relative strength and independence of state legislatures themselves. The fact that most state legislatures have at least one NPRO is evidence of the importance of policy analysis to state legislatures.

Hird argues that NPROs represent a particularly rigorous test since the literature on knowledge utilization questions whether they can remain neutral and contribute meaningfully to policymaking. Further, Hird argues that research focusing only on written research reports understates the impact of policy research in the policymaking process. Thus, Hird seeks to buttress his study by including the possibility of more subtle forms of research use in addition to the traditional written policy report that academic policy researchers normally use as a reference point. This article examines two distinct conceptual applications of policy analysis: legislators' assessment of the institutional performance of their NPROs, and the ways in which NPROs affect legislators' research utilization.

Results of a detailed survey of more than 750 state legislators in 19 states show that 88% of respondents rated the importance of constituents as important or always important. The next highest source, however, was NPRO staff. The strong impact of NPROs in providing information and analysis to legislators does not, in the minds of

most legislators, however, translate into policymaking influence. According to legislators surveyed, NPROs rank tenth (among 13) in their influence over policymaking, ahead only of minority party leaders, media, and partisan staff, and trailing far behind majority party leaders and constituents. In contrast to much of the empirical literature on knowledge utilization, Hird finds a consistently significant impact of state NPROs on both legislators' evaluations of their access to information and their assessment of the quality and capabilities of their NPROs. These findings show that even in the highly politicized world of legislative policymaking, nonpartisan policy research still plays an important role in providing information for policymakers.

Stages of the Policy Process

Studies also suggest that policymakers rely on different information sources at different stages of the policymaking process. Examining information use of the legislators in three states, Mooney (1991) found that legislators prefer different sources depending on the stage of the policymaking process: they favor inside sources (i.e. staff and other legislators) during the voting stage, outside sources (i.e. constituents and researchers) during the development phase, and middle-range sources (i.e. interest groups and government agencies) at the policy formulation stage.

What is the Appropriate Role of Research?

With state legislatures making decisions in increasingly complicated and complex policy areas, their capacity to read and analyze research and technical information is more critical than ever before. Legislators need to be able to make informed political decisions, often requiring technical information from unelected experts. So should academics worry that their research is being underutilized? In the past decade or so,

higher education scholars have debated this question and generally fall into two different camps. There are those that believe the gap between research and policy must be closed, and others that worry less, arguing that the purpose of scholarly work on higher education is greater than to only inform policymakers. Pat Terenzini, for example, falls into the first camp. In his 1995 presidential address at the ASHE annual meeting (Terenzini, 1996), he says that in spite of decades of critics arguing that research on higher education is largely unrelated to urgent policy issues, little seems to have changed. Terenzini argues that scholars of higher education have lost sight of their responsibilities as an applied field of study: “Reversing this trend and engaging in more practice- and policy-oriented research is, I believe, both a professional responsibility and a self-interested necessity. In the current financial climate, accountability driven as it is, we cannot expect continued public support for research that does not serve public needs.”

Birnbaum (2000) presents the alternate point of view. In his *Policy Scholars Are from Venus; Policy Makers Are from Mars* article, he questions those who advocate that policymakers should determine higher education’s scholarship agenda and asks: “Is higher education scholarship useful only if it bears fruit, or might it instead serve as fertilizer, insecticide, or some other critical, if less visible, function?” (p. 119). He thinks that the purpose of scholarly work on higher education is greater than to only inform policymakers, so researchers should therefore continue with their own long-term research agendas, rather than try to respond directly to policymakers' current concerns. Birnbaum highlights four misleading assumptions of those who criticize his view, including one in which he points out how unlikely it would be for policymakers to agree on which policy problems are most important and what type research they would find most helpful to

tackle the issues. Birnbaum argues that scholarship on higher education policy and actual policymaking “are, and ought to be, two distinct knowledge-producing activities whose insights may inform, but are not dependent on, each other” (p.127).

Shulock (1999) further explores the paradox that our society invests heavily in policy analysis when numerous empirical studies, political science theory, and world experience all suggest that analysis is not used by policymakers. To shed light on this paradox, she offers a critique of the traditional view of policy analysis and suggests a new theoretical basis for resolving the paradox. Similar to Birnbaum (2000), she presents an alternative view that suggests there are legitimate uses for analysis other than the problem-solving use originally envisioned but apparently rarely attained. In this new view, policy analysis is more a tool of the democratic process than the problem-solving process.

The two views imply different patterns of research use by legislative committees. In the traditional paradigm, policy analysis is an instrument of problem-solving process and is used by decision makers to help make choices among competing policies. From the interpretive perspective, policy analysis is an instrument of democratic process, is used by policymakers, interest groups, and citizens to interpret issues, discover public interest, and justify actions, and is a symbol of rational decision-making. Shulock quantitatively tests her theoretical claim with data on policy analysis use by congressional committees from 1985 to 1994, and her analysis indicates that policy analysis may, in fact, be used in a manner consistent with this alternative. Shulock’s research implies that academia and the policy analysis profession may not need major repairs, as Terenzini and

others have suggested, but simply may need to be assessed by a more appropriate standard.

Moving Forward

The study of research utilization so popular in the 1970s and 1980s has again ascended into contemporary discussions, mainly among scholars of political science and policy. These studies have strengthened the literature, particularly regarding the examination of types of research use and the importance of other information sources for policymakers. However, our understanding of knowledge utilization lacks precision. In a recent essay a program officer with the William T. Grant Foundation discussed their interest in generating more studies that focus on understanding the use of research evidence in policy and practice and how to improve its use and offers some thoughts on fertile ground for future studies, such as what happens to research evidence at each stage of the policy process and more about the roles of researchers, other experts, lobbyists, news organizations, and other policy makers at these different stages. She also mentioned the role of intermediaries as a potential area of opportunity (Tseng, 2007). In addition to Tseng's ideas, scholars of research utilization might want to consider how knowledge use differs between empirical research evidence and other information sources and about how the policymaking setting may influence research use.

INFLUENCES ON THE POLICY ENVIRONMENT

A volume of literature has accumulated around the relationship between a state's policy environment and the policy process. In this section, the effects of different state postsecondary governance arrangements and levels of legislative professionalism are discussed. Additionally, this section calls to attention the dynamics within policy sub-

systems (a term defined mostly in accordance with the advocacy coalition framework), and offers several propositions about the different uses of expert-based information in three types of policy subsystems (Weible, 2008).

Governance Arrangements

It could be said that states and the public colleges and universities within them have a symbiotic relationship. State governments assume the primary responsibility for funding postsecondary education, while the institutions provide the state with a more highly educated and responsible citizenry and boost state and local economies. The relationship, however, could also be cast as paradoxical. A constant tension exists in the state-university relationship between the dual demands of public accountability felt by the states, and the desire for institutional autonomy felt by the higher education institutions (McLendon, 2003; Weerts & Ronca, 2006). But these are oversimplifications; there has always been enormous variation in the ways states govern their higher education institutions and the roles and authority of the key players (governing boards, presidents, faculty, elected officials and state bureaucrats, etc) differ, fluctuate, and evolve (Carnegie, 1982; Graham, 1989; Hearn & McLendon, 2012).

When studying state policy toward higher education, these differences in governance and authority are important to bear in mind. Studying the impact of governing board arrangements is particularly challenging because many confounding circumstances and influences can interfere with board decisions, and especially since board function and authority can vary even among those within similar structural categories (Hearn & Griswold, 1994; Weerts & Ronca, 2006). Nonetheless, the impact of state-level governance is a critical topic for higher education in the 21st century as

states wrestle with expanding access and escalating college costs in a time of declining funds, while working to stifle criticisms of higher education's lack of efficiency, productivity, and accountability.

With the aforementioned caveat that system arrangements can and do vary from state to state, the most common categorization scheme for statewide governance of higher education distinguishes the following three systems, listed in order of centralized authority: 1) consolidated governing boards, 2) coordinating boards, and 3) planning agencies. The main distinction is the level at which the decision-making takes place – at a central system level or at the campus level – thus placing the models along a continuum, ranging from voluntary associations to consolidated governing boards. By sheer numbers, governing boards and coordinating boards dominate in the United States (McGuinness, 1997, 1999, 2005).

Consolidated governing boards are characterized as the most centralized form of higher education governance in a state and that with the highest formal authority, possessing the combined powers of campus/system governance and statewide coordination. In such a system, this single board is granted line item authority and empowered to make all day-to-day management decisions for institutions within a particular system, sector, or state (although sometimes some of these decisions may be delegated to institutional boards) (Berdahl, 1971; Hearn & Griswold, 1994; McGuinness, 1997; McLendon, Heller, & Young, 2005; McLendon, Deaton, & Hearn, 2007). A review of the literature reveals several of the primary functions of consolidated governing boards: appointing institution officials; allocating resources among institutions; setting tuition and fee policies or establishing policies by which tuition and fees are set;

authorizing or terminating academic programs; appointing faculty and setting faculty personnel policy; and advocating the interests of institutions before state government (Berdahl, 1971; McGuinness, 1997; McLendon, 2003).

Coordinating boards, sometimes referred to as “intermediary” or “buffering” agencies within a state (Hearn and Griswold, 1994; McLendon, 2003), are overlaid on existing institutional governance structures and responsible for integrated postsecondary planning. The coordinating board category is divided into two types – regulatory and advisory – and the extent of a board’s authority varies depending on the designation, with regulatory coordinating boards yielding more power. The regulatory coordinating board is sometimes said to represent another branch in the state administrative structure, and as such, tends to advocate for state need (McGuinness, 1997, 2005; McLendon, 2003).

In contrast to consolidated governing boards, coordinating boards lack line item authority over individual institutions. Regulatory coordinating boards are usually responsible for centralized academic and fiscal decisions for a state and usually have institutional budget approval authority and degree program approval and termination authority (McLendon, 2003; McGuinness, 2005; McLendon, Heller, & Young, 2005). Advisory coordinating boards are much more limited in their coordination, generally relying on persuasion as opposed to coercive power and merely making recommendations about academic programs and budgets. They also often serve in data collection and analysis and financial reporting (Berdahl, 1971; Hearn and Griswold, 1994; McGuinness, 1997, 2005; McLendon, 2003; McLendon, Deaton, & Hearn, 2007). Put simply, these coordinating boards can have policy authority but do not have absolute

authority to govern institutions, focusing instead on system needs and advancing state agendas (McGuinness, 1997; Weerts & Ronca, 2006).

Planning agencies, similar to advisory coordinating boards, have limited authority and serve primarily as master planning functions. Like advisory coordinating boards, their role is mainly analytical in nature, collecting data, producing reports, and reviewing academic programs or institutional budget requests and providing recommendations (McLendon, 2003; McGuinness, 2005).

Although states may vary dramatically regarding how they choose to structure higher education governing boards, as seen above, they all are intended to oversee colleges and universities for the public good. That said, there are advantages and disadvantages to each form. Proponents of consolidated governing boards assert that an advantage is the cumulative (“cartel-like”) weight they leverage when advocating higher education’s interests to government officials (Zumeta, 1996; McLendon, 2003; McLendon, Deaton, & Hearn, 2007). Indeed, a recent empirical study by Tandberg (2008) has shown that consolidated governing boards serve more effectively as interest groups for higher education. Advocates also argue that the non-partisan professionals that staff such a system would increase technical knowledge and research utilization in the management of postsecondary education in the state (McLendon, Heller, & Young, 2005). A common disadvantage of consolidated governing boards is related to one of its strengths – their close alignment with campuses may not ingratiate the members with executive and legislative staff (Weerts & Ronca, 2006).

Alternatively, proponents of coordinating boards argue that members are better able to legislators and the private sector and that they are less likely to become engulfed

in campus matters (Weerts & Ronca, 2006). Champions of this board structure further acclaim its neutral, third party capabilities for balancing the institutional desires for autonomy with valid public interests (Berdahl, 1971; McLendon, 2003). Critics, however, see the board's ability to identify with governmental needs as a negative for higher education (Graham, 1989; McLendon, 2003). Others worry that this relationship is further detrimental because it makes the boards vulnerable to political fluctuations and thus less stable (Berdahl, 1971; Glenny, 1959). Also to their disadvantage at times, coordinating boards often lack a strong influence over campuses, occasionally resulting in undesirable institutional action (Hines, 1988; Weerts & Ronca, 2006).

Empirical evidence, though tenuous, suggests a relationship exists between these different structures and research use in decision-making. The common assertion is that the governance arrangement in place in a state has an impact on the nature or number of policies adopted, and in fact, one remarkably consistent finding across nearly all of these studies is the significance of governance structure on state policy behaviors. Hearn and Griswold (1994), McLendon, Heller, and Young (2005), McLendon, Hearn, and Deaton (2006), and Doyle (2006), for example, all found that governance structures impact state adoption of higher education finance and accountability policies (McLendon, Deaton, & Hearn, 2007). Although the directions of the effects vary depending on whether finance, accountability, "innovation," or regulatory policy domains are studied, there is consistent evidence that governance structure indeed matters.

Such research has focused on an array of state policies, including finance policy (Hearn, Griswold and Marine, 1996; Weerts & Ronca, 2006), various policies defined as "innovations" (Hearn and Griswold, 1994; McLendon, Heller and Young, 2005), policies

toward private higher education (Zumeta, 1996), and regulatory restructuring and reform policy (McLendon, Deaton, & Hearn, 2007). Each of these studies is discussed in detail in the following subsections.

Finance Policy

Hearn, Griswold and Marine (1996) were interested in the determinants of state tuition and aid policies. They posited that different state approaches to finance policy were a function of three different influences: geography, socio-demographic characteristics, and the nature of a state's governance structure. Hearn and his colleagues hypothesized that more centralized governance arrangements (consolidated governing boards and coordinating boards) would be associated with higher levels of tuition and aid in public institutions (innovative policy) than would the least centralized model, the planning agency. They based this hypothesis on the idea that more centralized arrangements may lead to more innovation since professional staffs serving on them might act as instruments for new ideas and viewpoints and for sustained policy debate. Hearn, Griswold and Marine found a significant connection between governance arrangement and tuition levels, but in the opposite direction than expected; the planning agency, rather than the consolidated governing board, was associated with higher tuition levels. However, they did find that strong coordinating boards were associated with high-tuition/high-aid policies in states, lending some support to their original hypothesis (McLendon, 2003).

In their qualitative study, Weerts and Ronca (2006) seek to better understand differences in higher education governance and authority by examining contextual differences between states and campuses that varied significantly in their support or

receipt of higher education appropriations during the late 1990s. The cross-case analysis provided evidence that research universities governed in coordinating board systems are likely to receive lower appropriations than those under a single governance system.

“Innovative” Policy

Hearn and Griswold (1994) analyzed the impact of statewide governance arrangement on eight different academic, financial, and teacher education policy innovations in the 50 states. Following the same logic as Hearn, Griswold and Marine (1996), Hearn and Griswold (1994) again posit a “centralization-innovation hypothesis” – that states with more centralized board structures would adopt more innovative policies for higher education because professional staffs serving on them act as vehicles for new ideas and allow for greater policy production capacity (McLendon, Heller, & Young, 2005). After employing regression analysis, the authors find the significance of governance arrangements to be a stable pattern yet not always in the expected direction. States with consolidated governing boards and strong coordinating boards were more likely to innovate in all of the academic policy areas, while states with weaker coordinating boards or planning agencies were significantly more likely to establish alternative certification requirements for teachers. Evidence from Hearn and Griswold (1994) suggests that the influence of governance arrangements on higher education policy decisions may depend on the type of policy innovation under consideration. One limitation of the study, however, is that it fails to control for political influences on government innovation, instead choosing to focus on economic and organizational explanations of the phenomenon (McLendon, Heller, & Young, 2005)

In an effort to build on Hearn and Griswold's (1994) work, McLendon, Heller, and Young (2005) revisited the question of governance centralization and postsecondary policy innovation in the states. Using a pooled, cross-sectional time-series dataset and longitudinal analysis, they tested the impact of governance arrangements (as well as state social, economic, and political characteristics, and interstate "diffusion" pressures) on six postsecondary financing and accountability policies adopted by state governments from 1981 to 1998. McLendon, Heller, and Young hypothesize, again, that states with more highly centralized governance systems will be more likely to adopt postsecondary policy innovations, admitting that although empirical support for such a hypothesis may be tenuous, much of the classic literature of the postwar era implies that such a relationship should exist. The analysis revealed no evidence of a relationship between governance centralization and accountability policy innovation. Centralized board arrangements were found, however, to be positively—albeit, very weakly—associated with finance policy innovation, including adoption policies such as broad-based merit scholarship programs, college savings programs, and prepaid tuition plans (in contrast with the earlier study). This offers weak support to the "centralization-innovation" hypothesis.

Policy toward Private Higher Education

Zumeta (1996) investigated the relationship between governance arrangements and an assortment of policies affecting the private sector. Conceptually framing his study in the political economy literature, Zumeta argued that the consolidated governing board's "cartel-like" nature might lead states with this type of governance arrangement to favor the interests of public universities at the expense of general public interest in developing and utilizing the private sector. After first developing a typology of six state

policy positions toward private higher education, Zumeta found that states which take a “laissez-faire approach” toward private higher education tended to employ statewide governing boards. Considering the growing demand for access to higher education in many of these states, the author interpreted this finding to suggest that these laissez-faire-oriented states might consider developing policies that more actively utilize the private sector. He suggests that one way to effect this change would be for these states to adopt other governance arrangements with “a less narrow, public-sector-only focus than is typical of the consolidated board...” (p. 46).

Governance Reform Policy

In the quarter century, states have busily reformed their approaches to public postsecondary governance. Past scholarship has traditionally focused on how governance is structured and the effects of different arrangements on state policy and on colleges and universities. McLendon, Deaton, and Hearn (2007) chose to explore *why* states adopt the governance arrangements they do, an important question since the previous research indicates that how states govern higher education “matters.”

The authors examine several established explanations for governance reform such as public demand for increased accountability, rising college costs, burgeoning enrollment pressures, program duplication, and the economic conditions of states. They also propose a new explanation that they term the “political instability hypothesis,” based on a premise laid out by McGuinness (1997) that states where there is greater fluctuation and instability in political arenas will be more likely to reform statewide governance arrangements. To lend credence to this assertion, McLendon and his colleagues note other empirical studies that have linked governance reforms at least 10 states with

changes in those states' macropolitical environment (Bastedo, 2005; Leslie & Novak, 2003; Protopsaltis, 2004).

Based on their “political instability hypothesis” and higher education literature mentioned earlier suggesting that coordinating boards are acutely vulnerable to political fluctuations and are inherently less stable than other forms (Berdahl, 1971; Glenny, 1959), the authors hypothesize that states employing coordinating boards will be more likely to enact governance changes. After employing event history analysis techniques, McLendon, Deaton, and Hearn found no evidence linking governance reform to governance structure (or to a state's economic characteristics or to regional diffusion dynamics, for that matter). The analysis did uncover that “political instability,” in the form of vacillating gubernatorial leadership and legislative party control, is the primary driving force behind the structural shifts, suggesting that governance reform is a phenomenon driven by political conditions.

Despite the great progress made recently in studying the relationship between types of statewide governing board and assorted postsecondary policy patterns in the states, there still are not enough empirical studies to determine the extent to which different governance structures may be associated with campus- or state-level outcomes. Governance arrangements seem to “matter” at the state level, but there is no distinct pattern. More research is needed to buttress and reconcile the existing literature. More knowledge of the effects of government arrangements on higher education policy innovations would be quite helpful in the years ahead as higher education faces new and continued challenges, creating a need for new thinking and new approaches to old problems.

Legislative Professionalism

Similar to governance structure, it is also probable that variation in the professionalization level of state legislatures influences the use of information in the policymaking process. Squire (2007) developed an index to measure legislative professionalism in the states based on the extent to which state legislatures reflect the U.S. Congress with regard to: days in session, compensation, and number of legislative staff. This index yielded three classifications: professional legislatures, characterized by long sessions, high pay, and many staff positions; citizen legislatures, which have shorter sessions, lower pay, and fewer staff positions; and hybrid legislatures which fall in between. Hird (2006) suggests that capacity for research utilization in professional legislatures is enhanced by staff members in education committees, individual legislators, and non-partisan legislative research agencies. On the other hand, citizen legislatures may actually rely more heavily on state agencies or outside sources of information due to their smaller staff capacity.

Policy Subsystems

Calling attention to the dynamics within policy sub-systems, Weible (2008) generates propositions about the different uses of expert-based information in three types of policy subsystems. He suggests that the use of “expert-based information” varies depending on the policy sub-system type, which he abridges into three: unitary, collaborative, and adversarial. The first, a unitary policy subsystem, includes a single, dominant coalition that is similar to an iron triangle (Freeman, 1955) or a policy monopoly (Baumgartner & Jones, 1993) where conflict is low. The second type, a collaborative policy subsystem, involves cooperative coalitions where conflict is at

intermediate levels. The third is an adversarial policy subsystem, characterized by high conflict among competitive coalitions.

Coalitions are defined mostly in accordance with the advocacy coalition framework (ACF) developed by Sabatier & Jenkins-Smith (1993) by compatible policy core beliefs and by similar coordination patterns. The three subsystem types vary from high compatibility in beliefs for unitary subsystems where opponents are largely nonexistent, to low compatibility in beliefs for adversarial subsystems where coalitions are very competitive, and to intermediate levels of compatibility where coalitions continue to disagree but agree enough to cooperate in collaborative subsystems. Policy-oriented learning (an ACF term) is easier within a coalition where members share similar belief systems than between coalitions where opponents likely disagree.

Weible further presents two sets of propositions about the use of expert-based information in policy subsystems: (1) The political use of expert-based information will be highest in adversarial subsystems, (2) The instrumental use of expert-based information will vary from the highest in collaborative, to an intermediate level in unitary, and to the lowest in adversarial policy subsystems, and (3) Learning will occur within coalitions or among experts with similar analytical approaches in all subsystems and will most likely occur across coalitions or across experts with dissimilar analytical approaches in collaborative subsystems (2008, p. 628-629). Again, the coalitions Weible refers to are defined mostly in accordance with the advocacy coalition framework developed by Sabatier & Jenkins-Smith (1993), and that framework is explained in detail below.

GUIDING THEORY: ADVOCACY COALITION FRAMEWORK

The political science and public policymaking frameworks and the political determinants of education policy have been virtually ignored by scholars of higher education policy until very recently (McLendon & Hearn, 2007). We know much about the effects of state education policy, but not much about what determined that policy. It makes sense to understand the political contexts in which states make particular policy decisions regarding higher education.

The policymaking process involves multiple actors from various levels of government and from interest groups, as well as researchers and journalists, each with potentially different ideas, values, goals, and policy preferences interacting over extended time spans. The process almost always includes competing predilections, technical disputes over evidence, considerable goal conflict, and large amounts of time and money. In consideration of the overwhelming complexities associated with policy formulation and implementation, scholars have developed multiple frameworks, theories, and models to simplify the policy process in hopes of gaining insight on the route taken to policy change (Sabatier, 2007; Sabatier & Jenkins-Smith, 1993). Advocacy Coalition is one such framework and is likewise concerned with understanding the role of science in the policy process.

The Advocacy Coalition Framework

The Advocacy Coalition Framework (ACF), first developed by Paul Sabatier and Hank Jenkins-Smith and published in *Policy Sciences* in 1988, was introduced as a new conceptualization of the public policymaking process, explicitly incorporating the role of technical information in “policy-oriented learning” and emphasizing policy change

(Sabatier & Jenkins-Smith, 1988; Sabatier & Weible, 2007, p.198).⁴ The role of research utilization is central in the advocacy coalition framework, which emphasizes “policy learning” and delineates the most favorable conditions for research evidence to influence policymaking (Ness, 2010). This framework attributes both policy change and stability to the role of policy coalitions and their strong belief systems (Ness, 2010).

Among the first to highlight the role of information in the policy process, the ACF adds researchers, policy analysts, and journalists to the three traditionally identified primary actor triangle – elected officials, government agencies, and interest group leaders – who ally and strategize together in coalitions to influence policy. The framework focuses primarily on the interaction of competing advocacy coalitions within a policy subsystem, where Sabatier and Jenkins-Smith (1988, 1993, 1999) assert the majority of policymaking takes place. Policy learning amongst coalitions is more likely to occur when conflict is at intermediate levels, when there is a professional forum available for information exchange, when multiple coalitions have access to technical information to engage in debate, and when discussions focus on secondary aspects of their belief systems, as opposed to core beliefs (Sabatier, 2005; Sabatier & Weible, 2007; Weible, 2008).

The role of research utilization is central in the ACF, which emphasizes “policy learning” and delineates the most favorable conditions for research evidence to influence policymaking (Ness, 2010). As mentioned above, such “policy-learning” is more likely to occur when a professional forum for information exchange is available. The presence

⁴ The Advocacy Coalition Framework Smith (ACF) was first developed by Paul Sabatier and Hank Jenkins- (Sabatier & Jenkins-Smith, 1988; Jenkins-Smith, 1990), and was later expanded and modified by Sabatier and Jenkins-Smith (1993, 1999) and Sabatier and Weible (2007).

of a professional forum to facilitate the exchange of information is particularly important in this framework since it emphasizes the importance of technical information in modifying the belief systems of policy participants (Sabatier & Weible, 2007). It is also particularly important when the ACF's discussion turns to negotiated agreements as paths to policy change (see p.42). In that literature, nine prescriptions regarding the characteristics of successful "professional fora" come to light. They include: (1) an incentive to negotiate seriously, (2) coalition composition that includes all relevant stakeholders, (3) leadership by a "neutral" chair, (4) consensus decision rule, (5) funding from different coalitions, (6) duration and commitment, (7) the importance of empirical issues (and not trying to change core beliefs), (8) the importance of trust building, and (9) few and unattractive alternative venues (Sabatier & Zafonte, 2001; Sabatier & Weible, 2007).

The ACF differs from other depictions of the policy process mostly in its view of the individual (Schlager, 1995, 2007). While rational choice frameworks suggest that people make decisions based on material self-interests, the ACF purports that policy participants develop policy preferences based on a set of preexisting beliefs (three tiers: deep core beliefs, policy core beliefs, secondary beliefs) and that they make choices and view information and situations through perceptual filters related to those beliefs. Because of these filters, competing coalitions are likely to view the same information differently.

Sabatier and Jenkins-Smith stress the challenge and unlikelihood of changing any of these normative beliefs, but assuage that because of their narrow scope, secondary beliefs require less effort to change. The ACF argues that policy actors seek to ally with

people who hold similar belief systems, especially with those who also have formal authority or resources, to increase their likelihood of achieving their preferred policy solutions within their subsystem (Sabatier & Weible, 2007; Weible, 2008). Coalitions can thus be defined as groups of people with compatible policy core beliefs and with similar coordination patterns (Sabatier & Jenkins-Smith, 1993). Advocacy coalitions form when these people engage in “a nontrivial degree of coordination,” and tend to be homogenous and stable over time (Sabatier & Weible, 2007, p. 196).

Like other members, experts join a coalition based on shared beliefs, but also because their information is likely to buttress a coalition’s arguments. Particularly in unitary and adversarial systems (Weible, 2008), they become members of coalitions because their information will be largely ignored otherwise (Sabatier, 1987). From the alternate perspective, coalitions seek out experts for membership because of the value of their information for making and implementing decisions. Owing to the usefulness and legitimacy they bring to coalitions, experts often become central members, and also central adversaries for the rival coalitions (Weible, 2008).

Since it is unlikely that coalition members will change their policy beliefs voluntarily, change must be precipitated by an exogenous source. The initial versions of the ACF identify two paths to belief and policy change: policy-oriented learning and perturbations external to the policy subsystem. Policy-oriented learning refers to changes in beliefs or problem perceptions as a result of new information. This change typically results only after years of receiving new persuasive information, and is unlikely to influence deep core or policy core beliefs. On the other hand, external perturbations, or “shocks,” can happen much more quickly (Sabatier & Weible, 2007, p.198). Examples

of such perturbations include changes in economic conditions, changes in public opinion, regime change, policy decisions from other subsystems, or disaster. The framework further asserts, however, that while these shocks are a necessary condition for policy change, they alone are not sufficient. Consistent with all aspects of advocacy coalition, these external events lead to policy change most often when they have made an impact on policy belief systems (Sabatier & Weible, 2007).

Assumptions Implicit in the Advocacy Coalition Framework

Developing their conceptualization of the policymaking process, Sabatier and Jenkins-Smith make several assumptions, the first of which is related to the model of the individual they have chosen. While individual decision-making is assumed to be boundedly rational, as in the case with other theories of the policymaking process, the ACF also assumes that these rational decisions are made solely on the basis of a set of normative beliefs and that actors are driven to transform those beliefs into policy (Sabatier & Weible, 2007). Continuing with this assumption, the framework does not outright preclude the possibility of people acting altruistically. Further, these are assumed to be boundedly rational people choosing to act within the context of advocacy coalitions and so collective-choice level decisions and coordinated activity are assumed, as well. Yet coalitions themselves are not assumed to exist; rather their existence must be verified by an empirical identification of the coalition's common belief system and coordinated strategy (Schlager, 1995). That individual policy actors will tend to form coalitions as the best way to affect change, however, *is* assumed. Dissent and disagreement among members of a coalition are not discussed, as beliefs of policy participants are assumed to be stable over long spans of time.

The unit of analysis selected by Sabatier and Jenkins-Smith – the subsystem – also supposes several assumptions. First of all, with this unit they implicitly suggest that policy problems are well enough defined to be categorized into these subsystems. The originators extend this assumption, arguing that because of the complexities of the policy system, policy participants must specialize into the subsystem if they hope to influence policy change. Associated assumptions are that specialists – researchers, policy analysts, and consultants – join the set of policy actors and are able to sway the belief systems of others with the technical information they provide (Zafonte & Sabatier, 2004; Sabatier & Weible, 2007). All of these aforementioned assumptions include fundamentally tacit macro-level conjectures that interest groups are strong and well-organized and political parties and bureaucracies are weak, and that since policy change does occur, policy subsystems come to be dominated by one advocacy coalition while other minority coalitions struggle to have their policy preference realized.

Modifications Introduced by Sabatier & Jenkins-Smith

Since their initial proposal over two decades ago, Sabatier and Jenkins-Smith added to the analytical purchase of their framework with several important modifications (1993, 1999). In their 2007 analysis of the ACF for *Theories of the Policy Process*, Sabatier and Weible clarify these modifications to the framework, increasing its credibility and allowing it to explain more of the realities of the process. Derivative of literature on policy processes in the United States and placed in the context of American pluralism, one large criticism of the original framework concerned its applications to less democratic societies, like European corporatist regimes and authoritarian regimes in developing countries. One addition, therefore, to the ACF was a new set of variables

called “coalition opportunity structures” to mitigate the context within which coalitions operate (Sabatier & Weible, 2007, p.199). This new category includes variables related to the openness of the political system and the degree of consensus needed for policy change. Governing systems shape and can constrain policy subsystems, and the advocacy coalitions operating within them, so this new feature invites critical institutional characteristics into the framework, thus adding to its analytical purchase.

A second addition incorporates a much-needed typology of coalition resources used by participants to affect policy change. While the original framework did acknowledge that coalitions have both common belief systems and resources, most of the focus was on the former. The importance of resources to advocacy coalition success was minimized, and the explanatory power of the framework was diminished. The new typology includes and discusses six resources – formal legal authority to make policy decisions, public opinion, information, mobilization of troops, financial resources, and skilled leadership – but unfortunately still most likely underestimates the importance of formal authority and power, and certainly money, and makes no mention of how class, status, or gender relate to the acquisition or use of resources. In fact, the ACF makes no mention of those latter elements, whatsoever. Furthermore, the ACF might consider placing less emphasis on the instrumental and conceptual uses of information as a resource, and more on its *political* use, which happens when policymakers use information to bolster an already-preferred policy solution (Weiss, 1977, 1979). The ACF could also increase its explanatory power by discussing at which stage in the policy process coalitions use information, and other resources, to reach their desired policy preferences.

In a third modification to the existing framework, Sabatier and Jenkins-Smith realize two alternative paths to major policy change in addition to exogenous shocks to the subsystem, thus adding to the analytical purchase of the ACF. Internal subsystem shocks can lead to policy change by bringing new information to light, highlighting policy failures or vulnerabilities, and focusing public opinion, potentially shifting the balance of power among coalitions within a subsystem. Secondly, the ACF incorporates a path to negotiated agreement making it more relevant to situations in which new policy is advocated and created by previously clashing coalitions, without a preceding internal or external shock (Sabatier & Weible, 2007). Competing advocacy coalitions reach such a “policy stalemate” when they grow tired of continuing with the status quo and prefer to compromise (Sabatier & Weible, 2007, p. 206).

Even with these modifications, however, the explanatory power of this theory could be further improved; several elements endogenous to the theory remain unexplained and many of the assumptions are likely erroneous. First, the aforementioned assumption of a single policy arena – the subsystem – oversimplifies the usual policymaking process, which in reality usually consists of multiple interacting and connected systems and nested subsystems. Additional analysis of these trans-subsystem dynamics and networking properties of advocacy coalitions and consideration of how the ACF might fit within the context of policy diffusion frameworks would increase the analytical purchase of the theory for explaining the policy process and policy change (Weible, 2005).

Greater clarification of *how* exactly advocacy coalitions come together and *how* they strategize to affect policy change is also unaddressed. More variables need to be

conceptualized that explain how coalitions form and how they behave. If individuals act collectively within coalitions, as is assumed, the ACF then needs to be able to explain how this translates into desired policy outcomes. In addition to these collective action problems, more is needed on coalition composition. The framework's model of the individual as beholden to his or her belief systems fits well with the theory of coalition formation and with warring coalitions. Situations in which coalition members themselves may disagree, however, needs more explanation. Unexplored questions remain with regard to how coalitions maintain membership over time, if/how coalition defections occur, and how coalition homogeneity may be destabilized by individual self-interest. And finally, though Sabatier and Jenkins-Smith defend their revisions to the ACF as consistent with the original principles of the theory, along with the authors of this chapter I wonder if the analytical purchase of the ACF becomes inherently damaged by constant modification and creation of "a moving target to criticism" (Sabatier & Weible, 2007, p.208).

Other Recent Developments

Recent years have seen additional modifications in and recommendations for the development of the ACF, particularly related to subsystem dynamics and membership classifications. ACF's unit of analysis has traditionally been the subsystem. More recent work by Jones and Jenkins-Smith (2009), however, expands ACF beyond the subsystem, to a more macro-level and less self-contained policy model.⁵ In a later article, Jochim and May (2010), agree and expand the subsystem to a "policy regime," arguing that this

⁵ Jones and Jenkins-Smith (2009) argue that ACF should focus on other macro-level dynamics, as well. They contend that public opinion, underutilized in ACF applications, is the foundation of the policy system and that it can precipitate shifts in the policy topography.

level of analysis is more appropriate since policy issues typically encompass more than one subsystem. Weible (2008) also augments the ACF with regard to a more macro-level approach to subsystem dynamics. While the traditional ACF predicts conflicts occur between coalitions within a policy subsystem, he argues that conflict also occurs between coalitions from different policy subsystems.

Many other contemporary developments have centered on coalition membership. Early versions of the advocacy coalition framework assumed that all coalition members interacted with one another, but this assumption has been upheld as unrealistic (Nahrath, 1999; Schlager, 1995). Instead, it is more probable (and still consistent with the basic principles of ACF) to assume that participation and coordination among members will vary based on the relationship between a given issue and the members' beliefs and resources. Coalition members, consequently, are now often classified more formally as either auxiliary or principal members (Hula, 1999; Silva, 2007; Weible, 2008; Zafonte & Sabatier, 2004). Principal members are fundamental to the coalition's activities, while auxiliary members are peripheral to a coalition's core network and coordinate with only a few other members. This reformed definition of coordination arrangements within coalitions "continues to assume that policy core beliefs are the glue that binds coalitions together but now assumes that some members will anchor the coalition as central participants whereas others will serve auxiliary members on the periphery" (Weible, 2008, p. 623). Weible and his colleagues continued to add to the ACF literature on coalition membership the following year. Weible, Sabatier, and McQueen (2009) examined over 80 applications of the ACF spanning almost 20 years and found that coalitions are largely stable, especially among "principal" members. Coalition defections

do occur, however, and coalitions are not necessarily standardized in their beliefs. Some coalition members can vary in their core and secondary beliefs and sub-coalitions also sometimes exist. These findings by Weible, et al., in particular, help resolve some of my aforementioned concerns with the realism of the ACF theory.

Interestingly, Schlager (2007) points out that over the last several years, the different policy process theories have begun to resemble one another, perhaps even to the point where they may belong under a single label. Schlager contends that that such label would most fittingly be entitled the Advocacy Coalition Framework, albeit with some modifications. First of all, Schlager would insist that an arrow be drawn directly connecting relatively stable system parameters to the policy subsystems. Secondly, the model of the individual would need to include more dimensions than only beliefs and resources in order to accommodate the many varied models of decision-making. And finally, and most obviously, it would require a name change.

What's Left Out: Explanations Minimized by the ACF

In addition to the several endogenous elements absent from or unexplained by the ACF mentioned in a previous section, the framework also minimalizes other exogenous explanations and alternatives. Three examples are most notable. First of all, the ACF concerns itself with policy change within a subsystem over a long period, usually a decade or more. Such a focus disregards theories of the policy process, like the Multiple Streams Framework, where serendipity and chance play a major role. Even though appearance on a legislative agenda may be the result of years of strategy and influence, it does not guarantee policy change as an outcome. This is most likely because chance, indeed, does play a role. It is important to also note, however, that the framework's focus

on policy change seems to disregard the inherent stability of the policy process, and undermines its explanatory power.

The second minimization relates to the model of individual and how individuals make decisions. The ACF purports that policy participants develop policy preferences based on three types of preexisting normative beliefs. The ACF precludes the alternative scenario, championed in most institutional rational choice theories, that people act in pursuit of their own material self-interest (e.g. money, power, welfare concerns). Policy actors often make decisions based on political strategy as opposed to their personal belief system, sometimes even to the detriment of ‘good’ policy. The framework excludes such political decision-making, implicitly undermining its importance.

Thirdly, and related to the underestimation of politics, is the underestimation of power. While public opinion consistent with ACF, power and politics might not be. Although there are places for power in the ACF model (coalition resources, regime change as a shock trigger), the importance and influence of power may be more than the ACF currently indicates. This is true for the power associated with formal positions and authority, but even more so when one considers the power dynamics of social hierarchies. With the framework’s assumption that advocacy coalitions can influence policy change no matter their composition, the ACF screens out the work of sociologist C. Wright Mills (1956) on the power-elite, which would argue that the interwoven interests of the most powerful people in a society – those with money and social and political capital – dominate and ordinary citizens are powerless to influence change. A framework that accounted more appropriately for power and notions of Mill’s power-elite would have to include race, class, and gender characteristics as coalition resources. Work by Daniel

Elazar (1984) also supports the notion that state policy decisions may be informed by a political culture seeking to protect the social and economic hierarchy. Such theories do not align with the principles of the ACF and remain contending alternatives. Nonetheless, the Advocacy Coalition Framework would provide a better theoretical guide to understanding the complexities of the public policymaking process if the model of the individual was amended to include the possibility of self-interested decision-making and the time span modified to allow for serendipitous or chance policy change.

The ACF and Higher Education

To conceptually apply ACF to a higher education study, the presence of long-standing, competing coalitions needs to be determined. As an example, coalitions may differ at the deep core belief level over the role of individuals and society, with a hypothetical *meritocratic* coalition believing in hard work and pulling one's self up by the bootstraps while an opposing *egalitarian* coalition might believe that society should play more of an equalizing role. At the policy core level, the meritocratic coalition would support quality, excellence, and individual responsibility in higher education and would struggle with the egalitarian coalition that supports broad access to college and affordable education. Continuing with this example, these two aforementioned coalitions may disagree over need vs. merit aid policies at the secondary belief level. The meritocratic coalition would likely be in support of merit-aid policies as an incentive for academic achievement or perhaps "user pays" policies, with no tax burden for others. Those in the egalitarian coalition, on the other hand, would likely argue that state resources should go to the needy or perhaps even that higher education should be publically funded.

This dissertation intends to explore the extent to which the Advocacy Coalition Framework explains a particular aspect of the higher education policy process and will attempt to frame competing coalitions in a manner similar to that above. The role of research utilization is central in the ACF, which emphasizes “policy learning” and delineates the most favorable conditions for research evidence to influence policymaking (Ness, 2010). My study will seek to further examine the higher education policy process with regard to undocumented student tuition policies, focusing specifically on the role of information and research evidence.

While the ACF certainly provides the initial framework for understanding the higher education policy process and how technical information may inform policy discussions and decision-making and “policy-oriented learning,” it alone is likely to be insufficient because it fails to adequately explain the enormous role of politics in the policymaking process. Policymakers have connections to partisan organizations, politicians seek campaign support and aim for reelection, and what’s more, even those who write the empirical research and policy studies have their own goals, aims, and needs.

These aforementioned factors cannot be discounted and there are literatures that explore the rise of the counterintelligentsia and importance of the median voter to policy decisions, for example. Median voter theory (Black, 1948; Congleton, 2002; Downs, 1957) explains how oftentimes politicians tailor their platforms and policy votes in the legislature to satisfy the median voter, in hopes of reelection. Other literatures discuss the influence of non-profit organizations that are closely tied to partisan politics, as well as to campaign financing for elected officials. More than a thousand different think tanks

operate in the United States today, the largest and most well funded of which are conservative think tanks that spend hundreds of millions of dollars to facilitate the exchange of conservative ideas and shift public policies to the right (Ableson, 2002; Ableson & Lindquist, 2000; Diamond, 1995; Spring 2002). Though there are fewer think tanks overtly labeled as liberal, many that are identified as non-partisan are perceived as promoting liberal agendas. This dissertation is indeed be framed by tenants of the Advocacy Coalition Framework, but aims to incorporate these other perspectives, as well, to uncover the extent to which different coalitions and different sources of information inform higher education policy decisions.

CHAPTER III:

RESEARCH DESIGN

This section outlines the broad research strategy, case selection strategy, data collection and analytical techniques, and limitations of the study.

DESIGN STRATEGY

Given this study's aim to deepen our understanding of how policymakers utilize various information sources in the crafting of higher education tuition policy for undocumented students, this dissertation follows a qualitative research design. Most often, qualitative research seeks to answer the question what or how or to what extent, instead of why, as is the case here (Creswell, 1998, 2009). Since this dissertation seeks to investigate an issue through one or more cases in a bounded system and will collect and analyze multiple sources of information, the case study method of inquiry is most appropriate (Creswell, 2007). More specifically, this dissertation utilizes a comparative case study design, which as opposed to single case studies, allows for analytic replication within and between cases and thereby produces more robust conclusions (Yin, 2003).

CASE SELECTION

Qualitative research requires a purposeful sample (Creswell, 2009). Following the qualitative research design notion of *purposive sampling* and by employing Yin's (2003) "theoretical replication logic," I selected three states (North Carolina, South Carolina, and Georgia) for this dissertation along six dimensions: current undocumented

student tuition policy, locus of decision-making, governance arrangement, legislative professionalism, geographic region, and political/socio-economic context (see Table 1). To select the dimensions, I relied on literature from higher education and public policy scholars regarding influences on the policy process, as well as on assertions from Advocacy Coalition Framework. The three cases are fairly similar with regard to each dimension with widest difference in locus of the decision-making for the state's undocumented student tuition policy. This strategy grants a focus on the locus of decision-making while controlling for all the other dimensions listed and better allows me to examine the effect of the decision-making location on research use as states craft undocumented student policies.

Table 1: Dimensions of Theoretical Replication for Sample States

	South Carolina	Georgia	North Carolina
Current Undocumented Student Policy	Prohibited from enrolling (2008)	Out-of-state tuition; banned from 5 most selective (2010)	Out-of-state tuition for CCs (2009)
Locus of Decision	Legislature	Board of Regents	State Board of Community Colleges
State Governance Structure	Regulatory Coordinating	Governing	Governing
Legislative Professionalism	Citizen	Citizen	Hybrid

The three cases remaining after the criteria were applied to the population were North Carolina, South Carolina, and Georgia. The three states are similar with regard to current undocumented student tuition policy (all regressive policies), governance arrangements (generally strong, with two governing boards and one regulatory coordinating board), legislative professionalism (generally low levels, with two citizen

legislatures and one hybrid), geographic region (bordering states in the South), and they have roughly the same political/socio-economic context (NCSL, 2013; McGuinness, 2005; Squire, 2007). The key difference is the locus of the decision-making (the legislature in South Carolina; the Board of Regents in Georgia; the State Board of Community Colleges in North Carolina), which is the dimension highlighted as a focus in my third research question. In the sections that follow, I describe in detail the six dimensions used to determine case selection: current undocumented student tuition policy and the locus of that decision-making, state governance structure, level of legislative professionalism, geographic region, and political/socio-economic context.

Undocumented Student Tuition Policy

States vary dramatically in their attitudes toward undocumented students. Currently 16 states have policies granting undocumented students in-state tuition at public colleges and universities, 3 states ban them from receiving in-state tuition rates, and two have policies that prohibit undocumented students from even enrolling at public colleges and universities in their states. Most states in the US, however, still do not have an established policy at all. Of the cases studied here, Georgia bans undocumented students from receiving in-state tuition rates, but does allow them to enroll at out-of-state rates. As of 2010, however, any of the 35 institutions in the University System of Georgia that has not admitted all academically qualified applicants in the two most recent years is prohibited from enrolling undocumented students. This rule is most likely to affect undocumented students seeking attendance to the state's five most selective institutions: University of Georgia, Georgia Tech, Georgia State University, Medical College of Georgia, and Georgia College and State University (NCSL, 2013a). South

Carolina, as of 2008, prohibits undocumented students from attending any colleges or universities in the state. Though it has been introduced, the state of North Carolina has not passed and legislation on this issue. The North Carolina Community College System, however, does have a policy and has changed its policy toward undocumented students five times since 2001. As of 2009, undocumented students who can attend if they pay out-of-state tuition.

Postsecondary Governance Arrangements

McGuinness (2005) outlines three common governance arrangements for statewide coordination of higher education – consolidated governing boards, coordinating boards, and planning agencies – listed here in order of centralized authority. Empirical evidence, though tenuous, suggests a relationship exists between these different structures and research use in decision-making. Many scholars (e.g. Hearn & Griswold, 1994; Hearn, Griswold & Marine, 1996; McLendon, Heller, & Young, 2005) have argued that the non-partisan professionals more likely to staff a consolidated governing board would increase technical knowledge and research utilization in the management of postsecondary education in the state. Following a similar logic, these studies posit a “centralization-innovation hypothesis” – that states with more centralized board structures would adopt more innovative policies for higher education because professional staffs serving on them act as vehicles for new ideas and allow for greater policy production capacity. Research by McLendon, Heller, and Young (2005) revealed evidence that centralized board arrangements were positively—albeit, very weakly—associated with finance policy innovation, offering weak support to the “centralization-innovation” hypothesis.

Based on this research, I assume that states with stronger governing boards are more likely to represent what the Advocacy Coalition Framework literature considered to be a “professional forum”, where technical information is more likely to be shared and to influence policy negotiations. Conversely, states without such boards are likely to behave more in line with what I term a “political forum,” where decisions are more likely to be made arbitrarily or with regard to political agendas. Acting in underhanded ways or in accordance with secret backroom political agendas breeds mistrust, a characteristic which is the antithesis to that of professional forums (Leach & Sabatier, 2005; Sabatier & Weible, 2007). In this study, North Carolina and Georgia have a consolidated governing board and South Carolina has a regulatory coordinating board. Though these are all strong governance arrangements, I hypothesize that Georgia and North Carolina will have higher levels of research use since their undocumented student tuition policies were developed outside of the legislature, which would be more associated with a “political forum.”

Legislative Professionalism

Similar to governance structure, variation in the professionalization level of state legislatures also likely influences the use of information in the policymaking process. Squire (2007) developed an index to measure legislative professionalism in the states based on the extent to which state legislatures reflect the U.S. Congress with regard to: days in session, compensation, and number of legislative staff. This index yielded three classifications: professional legislatures, citizen legislatures, and hybrid legislatures, which fall in between. Hird (2006) suggests that capacity for research utilization in professional legislatures is enhanced by staff members in education committees,

individual legislators, and non-partisan legislative research agencies. Or instead, citizen legislatures may actually rely more heavily on state agencies or outside sources of information due to their smaller staff capacity. When negotiating policy decisions, the ACF asserts that successful professional forums focus on the importance of empirical issues and use researchers (and technical information) to help resolve conflict between competing coalitions in the policy process (Sabatier & Weible, 2007). Thus, one could assume that more professionalized legislatures, with their increased capacity for research utilization, represent more closely the characteristics of a “professional forum.” Each of the states included in this case study have relatively low levels of legislative professionalism; Georgia and South Carolina have a citizen legislatures, and North Carolina is a hybrid.

Geographic Region and Political/Socio-economic Context

Finally, the three states are relatively the same with regard to geography, citizen ideology, political/socio-economic context. Past studies of state higher education funding have produced mixed results regarding the effect of party control and citizen ideology. In their fixed-effects analysis of state funding trends, Archibald and Feldman (2006) found party control of the legislature and the governor’s party affiliation both to influence higher education appropriations, with Democrats positively associated with funding levels. More recent studies confirm these findings (Tandberg, 2008; McLendon, Hearn, & Mokher, 2009). Findings on the influence of the ideological propensity of a state’s citizenry are mixed. McLendon, Hearn, and Mokher (2009) found no evidence that a state’s citizen ideology influences state higher education appropriations. Others, however, have documented a relationship between liberalism and increased state spending on

higher education (Archibald & Feldman, 2006; Doyle, 2007). This element is also important to the study in terms of the power and influence of other policy organizations and think tanks operating in each state.

DATA COLLECTION

According to Yin (2009), the success of the case study lies in its use of multiple sources of evidence. Yin (2009) identifies six different sources of evidence, of which three – document analysis, observations, and interviews – will be used in this study. This multiple case study relies primarily on interview data from various policy actors. In addition, archival document sources will include: legislative bills, legislative committee meeting minutes, transcribed legislative hearings and testimony, governmental policy reports, national and regional organization reports, correspondence from legislators, state agency officials, and campus leaders, scholarly publications, and local and national newspaper articles. Two of the states also presented opportunities for participant observation. The bulk of evidence, however, comes from interview data. This section outlines the identification of interview informants, the interview protocol, the collection of archival materials, and the relevant observations.

Identification of Informants

I identified interview participants for my dissertation in two ways. I first identified *targeted informants* based on preliminary archival document analysis, and secondly, additional informants were recommended to me through the *snowball procedure* of asking the target participants to identify other key actors in this policy process at the end of their interviews. Eligibility for *target informants* was based on identification from the document analysis as those persons most integral to setting undocumented student tuition

policy in each state. I was able to identify this group based on their formal position and through local media coverage. The different data sources used to identify these informants include: newspapers; websites of government agencies, including higher education governing boards, state legislatures, and offices of the governor; and, conversations with individuals familiar with the sample states. Again, the invited participants' publicly available job description and/or official responsibilities would have to point to a general inference that they likely played a substantive role in the formulation of the state's undocumented student tuition policy.

The second stage of identifying interview participants followed the *snowball procedure* recommended by qualitative methodologists (Lincoln and Guba, 1985; Erlandson et al., 1993). This technique identifies those individuals that may not have been mentioned in public accounts of the undocumented student tuition policy process by asking already-identified informants to recommend other individuals who played a role in the policy process. In an attempt to ensure that diverse viewpoints were represented, the interview participants were also asked to identify individuals that may offer a different perspective on the policy process.

Most similar studies of research utilization to date have focused exclusively on proximate policymakers. Though this group is certainly important and was included in the data collection, the analysis was expanded to examine the policy environment in a more comprehensive way. To conduct the interviews, I visited state capitals and interviewed 7-12 key policy actors involved in undocumented student tuition policy decisions in each of the three states across four categories of involvement: governors and

senior policy staff, legislators and aides, state higher education agency leaders, and campus and system leaders.

Table 2: Distribution of Interview Participants

	Georgia	South Carolina	North Carolina
Governors and Staff	2	2	0
Legislators and Staff	3	4	6
State Agency Officials	2	0	1
System & Campus Officials	5	1	5
TOTAL	12	7	12

The pool of interview participants (see Table 2 above) reflects the diverse policy environments in the three states. It also reflects the locus of the decision-making, with those groups most acutely involved in the undocumented student policy process being the most heavily interviewed, as well. It is also important to note that in Georgia, “State Agency Officials” refers to the Board of Regents of the University System of Georgia, in South Carolina, it refers to the South Carolina Commission on Higher Education, and in North Carolina, it refers to both the University of North Carolina Board of Governors, and the North Carolina State Board of Community Colleges. In Georgia, I interviewed two members of the Governor’s staff, two legislators and one legislative aide, two members of the Board of Regents, and five senior administrators of the University System of Georgia. In South Carolina, I interviewed former Governor Mark Sanford and his senior policy advisor and Chief of Staff, Scott English, three legislators and a staff attorney, and one senior administrator for the South Carolina Commission on Higher Education. In North Carolina, I interviewed six legislators, one member of the North Carolina State Board of Community Colleges, two senior administrators for the North Carolina Community College System, and three senior administrators for the University

of North Carolina System. Although this study only includes seven South Carolina respondents, fewer actors were involved and the data reached saturation. Additionally, since this particular legislative policy process played out so publically in the media, archival documents abound.

Interview Protocol

I employed a *semi-structured* interview protocol in order to explore consistent themes between participants while also allowing for follow-up questions on topics important to each interviewee. Though a semi-structured protocol does follow an *a priori* protocol, it also allowed the interview to remain fluid so that I could capture the emerging themes. The interviews for this dissertation followed a semi-structured protocol of eight open-ended questions (see Appendix B), with relevant probes, which I crafted based on the core conceptual elements of the literature on research utilization and Advocacy Coalition Framework (Rubin & Rubin, 1995). I also allowed for exploration of new topics of importance to the participants to emerge (Mertens, 2005; Rubin & Rubin, 2005). Interviews span approximately 30-60 minutes and, with participants' permission, were audio-recorded. All respondents were sent a waiver of consent outlining the purpose of the study and clarify the degree of confidentiality (see Appendix C). Each interview participant was given the option of confidentiality through the use of pseudonyms or, if they chose, could be identified by name or title. The interview location was left to the respondent's preference and most often occurred in the participant's office. Every effort was made to conduct interviews in person; however, two telephone interviews were conducted. In addition to having the interviews fully transcribed, I also collected extensive field notes during the face-to-face interviews on emerging themes and

descriptions of the mood and tone of the interview. These interviews were very helpful in allowing me to gain a deeper understanding of policymakers' preferred sources of information and the influence of the environment on policy discussions in these states.

Archival Documents

Although this multiple case study relies primarily on interview data from various policy actors, archival documents are another large source of data and were relied upon heavily. Descriptive information about each state provides a big picture of the context behind the decision-making process regarding setting of in-state tuition policies in the states.

Archival documents played a large role the initial data collection plan as one way in which to identify informants and guide the development of interview protocol, as well as also providing additional sources of evidence to support informant's recollections and to provide additional details of the policy process. Archival document sources for this dissertation, totaling over 1000 pages, include: legislative bills, legislative committee meeting minutes, transcribed legislative hearings and testimony, governmental policy reports, state agency reports, national and regional organization reports, reports from the Attorney General, federal and state law briefs relating to undocumented student tuition policies, correspondence from legislators, state agency officials, and campus leaders, scholarly publications, and local and national newspaper articles. In North Carolina, *Study on the Admission of Undocumented Students into the North Carolina Community College System*, a comprehensive report commissioned by the North Carolina Community College System was one that proved particularly useful in consideration of that case.

Observations

Upon arriving in both Georgia and North Carolina to conduct interviews, I was presented with several opportunities to observe events directly related to this dissertation topic, and data collected in those situations further informs this study. The observations also serve as another source of data and are used to corroborate interview and archival data (Yin, 2003). In Georgia, I was invited by a Board of Regents member to attend a private dinner at the Ritz-Carlton that included eight Regents, and several spouses. In addition to attending and observing the May 2013 Board of Regents meeting the next morning, I was also invited “back-stage” before the meeting opened to observe the Regents and USG administration as they prepared for the meeting. Upon arriving at the USG offices for the meeting that morning, I saw many student protestors outside protesting Georgia’s undocumented student tuition policy. At a break in Board of Regents meeting, Chancellor Hank Huckaby agreed to a meeting with several of these students, which I was granted permission to observe and record. In North Carolina, my visit to interview policymakers coincided with an “UndocuGraduation Ceremony” organized by the group College Access Para Todos. This event occurred on the lawn outside the legislative office buildings in downtown Raleigh, and I was able to observe and record several student speeches and a key-note speech by my NC Representative Paul Luebke, a primary sponsor of a House resolution supporting immigration reform. Due to the comprehensive nature of the data collected for this dissertation, particularly with regard to the interviews and archival document information, I was able to reach saturation with the data.

DATA ANALYSIS

Data collection and analysis should happen concurrently in qualitative research; thus, analysis begins with the first interview (Creswell, 2009; Merriam, 1988). The data analysis process for the qualitative interviews and for document analysis will be both deductive and inductive. To induce emergent themes from the data collected in each state, I employ the pattern matching technique (Miles & Huberman, 1994; Creswell, 2009). I coded the transcripts and my field notes, identify patterns, and then examine those to come up with broad categories or themes (Creswell, 2009). The thematic categories induced will be flexible and may change as additional interviews are conducted (Mertens, 2005). Emergent themes for this study include frustration over federal inaction and social power imbalance.

As a deductive approach and to consider how the conceptual lenses explain phenomena of the policy process in each of the three states, I developed an analytical framework, consisting of operationalized elements of core concepts related to the research utilization and ACF literature (Yin, 2003; Miles and Huberman, 1994). The five dimensions of the analytic framework are: (1) evidence of “two communities” divide, (2) effect of political and organizational structure, (3) types (and role) of sources of information (4) use of research information (or “expert-based” or “technical” information as it would be termed in the ACF literature), and (5) coalition and subsystem dynamics. The five dimensions of the analytical framework, along with operationalizing questions, are outlined in Appendix D.

I coded interview transcripts, archival documents, and observation transcripts and field notes using both this framework and other emergent themes. Within each sample

state, analysis was conducted in three stages: (1) background context regarding state politics and the higher education system; (2) narrative chronological account of the undocumented student tuition policy process; and finally, (3) case analysis of data from interviews, observations, documentation, and archival materials. My analysis includes both within-state and cross-state examination. I primarily follow the analytic framework for the state chapters, and then include emergent themes in the cross-case analysis. In addition to looking for themes within and among states, I will seek to identify patterns that tie those themes to differing loci of decision-making identified in Table 1. Once analyzed, data will be kept for no longer than five years before being destroyed (Creswell, 2009; Sieber, 1998).

VERIFICATION OF THE DATA

Creswell (2009) makes several recommendations for increasing the credibility (consistency) and validity (accuracy) of a qualitative research study; I employ many of these. I utilize four validity strategies to increase the integrity of my study, as well. First, I triangulated my different data sources (multiple interviews and archival documents) to justify my themes. Second, I used member checks to assure accuracy by affording interview participants the opportunity to comment on the findings. Third, I have presented any discrepant views that may be negative or run counter to the identified themes. And finally, I have attempted to convey my findings with a thick description. Generalizations for a case study reflect the intrinsic interest of the reader, but are based on the richness of the description of the case (Mertens, 2005; Stake, 2000). Therefore, to also increase generalizability, I have provided a thick written description of each state's political, social, economic environment and higher education governance structures.

Yin (2009) also suggests several actions a researcher can take to protect her study against threats to validity and reliability. First, to ensure *reliability*, I developed a case study protocol prior to the collection of the data to ensure that I maintained the study's original intent. Secondly, to ensure *construct validity*, I have incorporated multiple sources of data and maintained a chain of evidence so other researchers could deduce how the original conclusions were reached. Third, to ensure *internal validity*, I have employed pattern-matching techniques. And finally, to ensure *external validity* and help with generalization, I designed this multiple case study, which is more generalizable than single case studies tend to be.

LIMITATIONS

In developing this study I strategically tried to keep costs to participants low, to make the methods as strong as possible, and to address the most likely challenges up front. However, weaknesses are expected with any research study, and I identify three here. First, my interview questions ask participants to remember past events, and their memories may not be accurate. Second, it is important to remember in studies such as these that there may be unknown political motivations in play and answers provided by interview participants may reflect and be biased by these motivations. Again, I have attempted to control for these latter limitations by triangulating interview data with other archival documents. Finally, a third limitation relates to data collection. As with any study, always one limitation is the scope of data collected and the extent to which saturation is reached. In Georgia and South Carolina, I am confident saturation was reached and that additional interview participants would not have added new findings to this study. Although this study includes only seven interview participants in South

Carolina, there was saturation among those seven, and each person a respondent encouraged me to speak with because of his involvement in the policy process was indeed interviewed. In North Carolina, one possible limitation is that there were no interview respondents from the Governor's office. For reasons revealed in Chapter VI, an interview with Governor Beverly Perdue, in particular, would have strengthened this study. Nevertheless, interviews with the 12 North Carolina respondents revealed consistent data.

CHAPTER IV:

GEORGIA: “A CLASSIC POLITICAL COMPROMISE”

INTRODUCTION

In 2008, the Georgia legislature banned undocumented students from receiving in-state tuition to attend public higher education institutions in the state. Two years later, the hot-button issue caught fire again when an undocumented student received a simple traffic violation, bringing media attention to the state and the issue. After much pressure from the legislature and state citizens to completely bar undocumented students from all public state institutions, the Board of Regents agreed on a compromise policy in 2010 effectively prohibiting undocumented students from attending Georgia’s five most selective institutions. The Georgia Case illustrates a higher education system’s influence on research use, the weight of public opinion and the power of a political compromise.

Three sections comprise this chapter. The first section summarizes the governmental and educational structures in Georgia. The second section outlines Georgia’s narrative chronology regarding policies affecting undocumented students attending postsecondary education in the state and receiving in-state tuition rates. This section relies heavily on interview data, sometimes presented in large segments, and archival documents for background and corroboration of interview data. The final section presents an analysis of the Georgia case by utilizing the five dimensions of the analytic framework drawn from research utilization literature and the Advocacy Coalition Framework.

GEORGIA IN CONTEXT

Before discussing the case narrative and the findings related to research utilization in undocumented student tuition policy decisions in Georgia, this section provides case context. This mainly descriptive summary aims to provide background context about governance and politics in Georgia, and some information about demographics and socioeconomics as they relate to higher education.

State Government

In this section, I describe briefly the governmental structures in place in Georgia, including a description of the executive and legislative branches, their leaders, and composition of the membership of the general assembly. This description of the characteristics and formal powers and of the executive and legislative branches provides context that allows for a greater understanding of influences on the policy environment that may play a role in the state's actions regarding undocumented students.

George Ervin "Sonny" Perdue III served as Georgia's Governor from January 2003 until January 2011. Interestingly, since Georgia is commonly considered to be a conservative state, Perdue was the first Republican governor to serve in Georgia since 1872 during Reconstruction. Until his election, Georgia had Democratic governors for 130 years – the longest single party domination of a governorship in the nation's history. Governor Perdue's agenda in office focused on education, health care, job creation, and safety. John "Nathan" Deal succeeded Perdue as Governor in January 2011. Also a Republican, Governor Deal had previously held one of Georgia's U.S. House of Representative seats from 1992 to 2011. Deal articulates his primary goal as "making Georgia the No. 1 place in the nation to do business." His online biography touts that in his first term he has "cut state taxes, eliminated state agencies, reduced the state

government workforce, saved HOPE from the brink of bankruptcy, championed education innovations, [and] cracked down on illegal immigration” (Governor Deal, n.d.).

Although there is no formal cabinet system in Georgia, the governor nonetheless appoints eight cabinet-level officials, as well as lay members of several statewide boards and commissions. Several executive departments in Georgia, however, are headed by elected officials who are independent of the governor. Most state agencies are formally headed by policy-making boards, and not by the governor or a single person appointed by the governor (like the Board of Regents, discussed more below). Terms of office for these boards are often staggered to prevent any one governor from appointing the majority of the membership.

According to Beyle and Ferguson (2007), the overall personal and institutional power of the office of the Georgia governor was scored at 7 on a 10 point scale. By combining indices other researchers have used to measure of governors’ formal and informal authority over higher education into one assessment and examining 33 states, Christakis (2009) found Georgia to rank high on both types of authority (17 of 33 on formal authority, and 7 of 33 on informal authority). As a result, Georgia is considered one of the top few states with regard to “maximum-power governors.” Christakis (2009) explains that these governors “possess substantial statutory authority with respect to budget and appointment power... [and] exert substantial informal influence on budget, appointment, and policy matters concerning public higher education in their state” (p.105). In Georgia, the state system of higher education – the University System of Georgia – is closely overseen by the governor through the budget process. Despite being

granted only modest formal powers by the state constitution, Georgia's governor is able to exercise a good deal of authority over higher education issues through the budget process since he draws up the state's budget and serves as "state auditor on a two-man budget committee" (Richardson, Bracco, Callan, & Finney, 1999; Christakis, 2009). Indeed, even though the Georgia governor has a limited appointment authority, he gains much formal influence from his budget authority. And furthermore, the Georgia governor compensates a lower appointment authority with a very high informal influence on the appointment process. A quote from a Georgia respondent in Christakis' study speaks to this:

The governor and other politicians do not take the time to understand higher education nor the issues. The Board of Regents are all political (wealthy) appointees (for 7 years) and they are in the governor's back-pocket so his influence does not appear to be as strong as it actually is... Even if his intentions are good (and I think this governor's are) the lack of understanding and the politics make for game-playing and very bad results. (p. 107)

This response mirrors comments I heard in research for this dissertation; in a back-room observation, one member of the Board of Regents referred to another as "the governor's man... the governor's friend, confidante." Additionally, Board of Regents meeting minutes from October 2010 reveal that the governor is unhappy when his preferences were not regarded. Governor Perdue's comments regarding his disappointment regarding the expansion of engineering offerings are summarized in the minutes as follows:

The Governor also discussed the historical relationship between the Board of Regents and the Office of the Governor. When appointing members of the Board of Regents, the Governor believed and believes that there was a mutual understanding that the Regents and the Governor would work together to advance education in Georgia. Toward that end, the Governor has steadfastly supported the Board and the University System. The Governor expressed concern, however, that this understanding recently has not been honored as in the past and that the Regents and the Governor are not communicating as hoped.

The Governor reiterated his long-held expectation that members of the Board of Regents take a statewide view on questions of educational excellence and avoid seeing things from a parochial or institution-specific viewpoint. While the Governor is committed to the constitutional independence of the Board of Regents, the Governor noted the undeniable fact that the Governor and the legislature have final say over the University System budget. Thus, the Governor suggested that the more appropriate characterization of the relationship between the Board and the Governor might be one of interdependence.

With respect to the questions before the Board regarding proposals for expansion of engineering offerings, the Governor regrets that he was not appropriately consulted. (USG Board of Regents, 2010, p. 1-2)

These examples, both from Christakis' study and from this dissertation, speak to Moos and Rourke's (1959) belief that formal appointment power is subject to occasional misuse by governors for political gains. Such "packing the board" undercuts the constitutional independence of the university system and can be an attempt by governors to hold state institutions under strict control. Indeed, the supporting literature suggests that governors sometimes handpick board members to bring the university system or a particular college campus under partisan control (Christakis, 2009).

As with the governorship, Democrats historically held majority control of the Georgia General Assembly. Control shifted, however, in 2002 when the Georgia Senate became majority Republican for the first time since 1870, and in 2004, Republicans gained control of both houses. In 2008, when the Georgia legislature banned undocumented students from receiving in-state tuition, the state had had 34 Republican Senators and 22 Democratic Senators and 107 Republicans and 72 Democrats in the House (CSG, 2008). Two years later, when the Board of Regents passed their policy, Georgia still had 34 Republican Senators and 22 Democratic Senators, and the Democrats had gained two seats in the House, making the numbers 105 Republicans and 74 Democrats (CSG, 2010). And for reference, today (and at the time interviews were

conducted for this dissertation) the Republican control has strengthened, with the Georgia Senate ratio at 38 Republicans - 18 Democrats, and the House at 119 Republicans - 60 Democrats (CSG, 2013). Both Senators and Representatives serve two-year terms in Georgia (Squire & Hamm, 2005). In terms of legislative professionalism, Georgia ranks 37th in the country, which is below the median of all states (Squire, 2007). The General Assembly is in session for an average of 3.5 months a year, and is assisted by 605 permanent staff members in the capital and in home districts. Legislators make an average base compensation of \$17,000 a year, with an estimated maximum compensation of \$34,000 a year, in most cases meaning they hold other professional jobs in addition to their service in the state legislature. With a total of 236 available seats, the Georgia General Assembly is 23 percent female, 22 percent Black, and one percent Latino (Hamm & Moncrief, 2012).

Higher Education Governance

Students wishing to pursue higher education in Georgia may choose from among the state's 31 public institutions, 25 technical colleges, with 31 satellite campuses, or the 25 independent institutions comprising the GICA, and as well as many others. The state's public system of higher education has two-part structure. The Board of Regents for the University System of Georgia is a consolidated governing board with oversight for all 31 public institutions within the state, but with no oversight over the technical college system, which is governed by the Technical College System of Georgia.⁶

⁶ The Department of Education oversees public K-12 education in Georgia. The State Department of Education is led an elected state superintendent of schools and is governed by the State Board of Education. There are 13 board members—one from each congressional district—appointed by the governor (Venezia, et al, 2006). There is not a statewide state office of secretary of education.

The University System of Georgia (USG) is governed by the Board of Regents. The Board of Regents functions as a single consolidated governing board over 31 public institutions in the state. The board was created in 1931 as part of a reorganization of the state government and with this act, public higher education in Georgia was unified for the first time under a single management and governing authority. The Board received constitutional authority in 1943 to plan and coordinate a consolidated budget and program approval for institutions of higher education in the state (Venezia, et al, 2006; USG, 2013).

The governor (with the consent of the senate) makes appointments to the Board of Regents. Members of the board serve seven-year terms and a sitting governor may reappoint regents to subsequent terms. Today the Board of Regents is composed of 19 members, five of whom are appointed from the state-at-large, and one appointed from each of the state's 14 congressional districts. Regents donate their time and expertise to serve the state; the position is a voluntary one without financial remuneration. The Board elects a chancellor, who serves as its chief executive officer and as the chief administrative officer of the University System of Georgia. In 2011, the Board appointed Henry "Hank" Huckaby as Chancellor of the University System. Prior to his selection as Chancellor, Huckaby served as a Georgia House Representative. He was preceded by Erroll Davis, who served as the System Chancellor from 2006 to June 2011 (Venezia, et al, 2006; USG, 2013).

The Board of Regents oversees the 31 colleges and universities that comprise the University System of Georgia. Prior to 2012, there were 35 institutions within the USG, but in the fall of 2011, Chancellor Huckaby announced the consolidation of eight

campuses within the system into four universities. The consolidation of these institutions began in 2012 and included the Georgia Health Sciences University consolidating with Augusta State University. As the first land-grant institution and one of the oldest public universities in the country, the University of Georgia is considered the states' flagship university. There are four public research universities in the state (University of Georgia, Georgia Tech, Georgia Regents University, and Georgia State University), four comprehensive universities (Georgia Southern University, Kennesaw State University, University of West Georgia, and Valdosta State University), 10 state universities, and 13 state colleges. In the spring of 2013, the 31 institutions overseen by the Board enrolled 295,408 students. Georgia's community colleges fall under the purview of the University System, but the state's technical colleges are governed separately – by the Technical College System of Georgia (Venezia, et al, 2006; USG, 2013; TCSG, 2013).

While many of the state colleges in Georgia do grant associate degrees, the Technical College System of Georgia (TCSG) is the primary avenue whereby the state confers associate and certificate degrees. TCSG oversees the state's technical colleges, adult literacy programs, and a several other of economic and workforce development programs. The technical college system is governed by the State Board of the Technical College System of Georgia, which is an independent governing board comprised of 24 members, with 14 representing each of the congressional district and 10 members serving at-large. Twenty-five technical colleges and 31 satellite campuses comprise the TCSG system. Ronald W. “Ron” Jackson has served as the TCSG Commissioner since 2008

(TCSG, 2013).⁷

And finally, the Georgia Independent College Association (GICA) is a membership association for the private institutions within Georgia. The association works on behalf of 25 member institutions - 23 four-year and 2 two-year – on public policy, research, fundraising, and collaborative programs. The GICA is governed by a Board of Directors comprised of a Council of Presidents and a Council of Business and Civic Leaders. Some independent institutions in Georgia, including Emory University, are not affiliated with the GICA.

Cost and Demographics of Higher Education

Georgia faces challenges ahead for higher education with an aging population, regional and racial disparities in educational attainment, and dwindling state support. Georgia is the eighth most populous state. Like that of the rest of the United States, the racial composition of Georgia's population has changed in the last couple decades, largely because of the influx of Hispanics. Since 1990, Georgia's Hispanic population share increased more than fivefold, from 1.7 to 9.2 percent in 2012 (Cornwell & Mustard, 2006; US Census, 2012). Still, Georgia has the third highest black population share at 31.2% in 2012, compared with an overall U.S. population that is only 13.1% black (US Census, 2012).

Across the board, Georgians have enjoyed increasing access to higher education, but this achievement is mitigated by the gaps in attainment by race and geography.

Among Georgia adults aged 25-64, for example, nearly 60% of Asians and over 40% of

⁷ The Technical College System of Georgia grants admission to undocumented students, who pay about four times as much as Georgia residents. "We are open enrollment and do not really have situations where a student would displace another," spokesman Mike Light said. "No one is being denied a seat in a classroom" (Diamond, 2010a).

white citizens have a postsecondary degree, compared with only 29% of Black and 18% of Hispanic Georgians (A Stronger Nation, 2012). Taken together, about 38% of the working-age population holds at least a two-year degree. If the state continues to increase attainment at the current rate, the state will have a 43% college attainment rate in 2025 – far short of the Lumina Foundation’s “Big Goal” of 60% (A Stronger Nation, 2012). This is particularly important since, according to analysis by the Georgetown University Center of Education and the Workforce, 58% of the jobs in Georgia will require some higher education by 2018 and the state will need to fill about 1.4 million job vacancies, with 820,000 of those requiring postsecondary education credentials (A Stronger Nation, 2012).

With regard to state appropriations to higher education, across the nation state shares of higher education funding have steadily fallen. The pattern is similar in Georgia, though much less dramatic. Relative to other states, Georgia still remains a relatively high-subsidy, low-tuition state (Cornwell & Mustard, 2006). But, as the narrative in the next section evidences, it isn’t a low-tuition state for everyone. Georgia state law prohibits undocumented students in the state from receiving in-state tuition rates for higher education.

NARRATIVE HISTORY OF EVENTS AND POLICY ACTORS

Before discussing the findings related to research utilization in undocumented student tuition policy decisions in Georgia, this section provides narrative chronology of how tuition for undocumented students came to be on the Board of Regent’s agenda in 2010. Georgia’s policies regarding undocumented students were determined in two stages. In 2008, the Georgia General Assembly passed a law prohibiting undocumented

students from receiving in-state tuition rates for higher education. Then in 2010, following an incident regarding an undocumented student at Kennesaw State University, a Board of Regents decision banned undocumented students from attending the state's most academically competitive institutions. Before describing the seminal events and actors in each of these stages, this section first provides the necessary immigration context as background to the undocumented student tuition policy debate.

Georgia Senate Bill 529 (2006)

Georgia was the first state to pass a law aimed at comprehensively addressing immigration policy: In the spring of 2006, Georgia passed Senate Bill 529, called The Georgia Security and Immigration Compliance Act, led by Senators Chip Rogers, Bill Hamrick, John Douglas, Nancy Schaefer, and Mitch Seabaugh, among others, and adopted by a unified Republican government. Governor Perdue signed the Act into law on April 17, 2006, to take effect on July 1, 2007 (GA S.B. 529, 2006; Odem, 2008; Monogan, 2013). “That was the first anti-immigration legislation in the country. You know, people talk about Arizona, SB1070, blah, blah, blah, but we were actually the first one” a legislative official explained (Legislative Official 1). A omnibus bill, SB 529 covers a wide variety of immigration topics, including employment verification, human trafficking, public benefits, identification, tax withholdings, state enforcement of federal immigration and ethics for immigration assistance services (GA S.B. 529, 2006; Duong, 2008). Section 9 of the bill provides the piece relevant to higher education in Georgia. A key provision requires verification of legal U.S. residence for public benefits where residency is a requirement and where the individual requesting the benefit is over 18 years old. The section also states, however, that “verification of lawful presence under

this Code section shall not be required” for certain exceptions, including:

For postsecondary education, whereby the Board of Regents of the University System of Georgia or the State Board of Technical and Adult Education shall set forth, or cause to be set forth, policies regarding postsecondary benefits that comply with all federal law including but not limited to public benefits as described in 8 U.S.C. Section 1611, 1621, or 1623. (GA S.B. 529, 2006, Section 9, p. 12)

This law, in effect, ordered the Board of Regents to make certain that universities do not give public benefits to illegal immigrants that are prohibited under federal law. USG Chancellor Erroll Davis and the USG legal team concluded that the lower, taxpayer-subsidized in-state tuition rate counted as such a benefit, and Davis ordered the (then) 35 institutions under his purview to stop giving undocumented students this benefit (Diamond, 2010a).

Georgia Senate Bill 492 (2008)

In May 2008, Georgia passed Senate Bill 492, again under a unified Republican government. The legislation was sponsored by Senators John Bullock and Seth Harp and by Representative Bill Hembree in the House (GA S.B. 492, 2008). Interestingly, though all sponsors are Republicans, Senator Bulloch, the bill’s primary sponsor, was a popular member of the Senate known for his immigrant-friendly views and for often partnering with the shrinking Democratic caucus on immigration issues. But Bulloch represents a district in south central Georgia, an area rich in agriculture that offers some possibility of a pick-up for Democrats (Galloway, 2012). The bill’s primary purpose regarded amending the criteria for Georgia’s HOPE Scholarship. SB 492 increased the Georgia residency requirement for the HOPE from 12 to 24 months for students who did not graduate from high school as a Georgia resident. Changes were made regarding the

treatment of post-secondary coursework taken while in high school, for purposes of the HOPE Scholarship and HOPE Grant eligibility (GA S.B. 492, 2008).

Most important for this dissertation, however, Georgia SB 492 prohibits illegal aliens from obtaining in-state tuition rates. As it is written in Section 1 of the statute:

Noncitizen students shall not be classified as in-state for tuition purposes unless the student is legally in this state and there is evidence to warrant consideration of in-state classification as determined by the board of regents. Lawful permanent residents, refugees, asylees, or other eligible noncitizens as defined by federal Title IV regulations may be extended the same consideration as citizens of the United States in determining whether they qualify for in-state classification. International students who reside in the United States under nonimmigrant status conditioned at least in part upon intent not to abandon a foreign domicile shall not be eligible for in-state classification. (GA S.B. 492, 2008, Section 1, p.3)

From this bill's effective date of July 1, 2008 onward, it became illegal for undocumented students in Georgia to receive an in-state tuition rate, based on state law. This legislation is the major reason the University System of Georgia is unable to offer in-state tuition rates to undocumented students, no matter the circumstances. In May 2013, USG Chancellor Hank Huckaby tried to explain this to student protestors, wanting to know why exceptions cannot be made: "We're a state institution. We're governed by the laws of the state of Georgia, and that's why we can't do it. We don't have the authority to act unilaterally outside of the state of Georgia's policies and laws."

Jessica Colotl's traffic violation

After the 2008 law passed, the immigration policy window closed for a time in Georgia, although nationally there remained an intense climate of debate over immigration law. Then in March 2010, a fluke traffic violation by an undocumented college student at Kennesaw State University (located about 20 miles north of Atlanta) provoked media attention and brought the hot-button topic back to the limelight.

Twenty-one-year-old Jessica Colotl, a native of Mexico and an illegal immigrant, was arrested by campus police on March 30 on two traffic violations (she was stopped for a minor traffic violation and then also charged with driving without a license), taken to jail, and later turned over to federal immigration agents. She spent 37 days in a detention center in Alabama before Immigration and Customs Enforcement officials granted her a one-year reprieve to finish her degree. Colotl was brought to the United States illegally by her parents when she was child (Diamond, 2010b; Brumback, 2011).

Following her arrest, it was released that Kennesaw State officials mistakenly charged her in-state tuition. Officials at the university said they were unaware of her immigration status and moving forward, she will be charged out-of-state tuition. Pursuant with Georgia law and USG policy (at this point), Georgia's public colleges may admit undocumented students but they must be charged out-of-state tuition, which is about three times as expensive. Following the Colotl incident, the USG Board of Regents ordered all institutions to take inventory of how many undocumented students they had and to review student records and by August to make sure everyone was charged the correct tuition rate (Diamond, 2010b).

In light of the Colotl incident, immigration policy became a key theme during the 2010 gubernatorial election, and Georgians debated whether undocumented students should be allowed to attend the state's public colleges, with both sides using Colotl as an example of what's wrong with the current system. Advocates for tighter restrictions on undocumented students argued in letters to the editor and complaints to the USG that illegal immigrants like Colotl shouldn't be allowed to attend state schools and should be deported. Advocating stricter enforcement of immigration laws, D.A. King, founder of

the Dustin Inman Society and widely-perceived by those interviewed for this dissertation to be strongly anti-immigrant, said he thinks “it's grossly unfair to the real immigrants who have followed the rules to come here legally” (Diamond, 2010b; Brumback, 2011). Other advocates and students argue it would be better if illegal immigrants didn't return to college campuses. Though James Dutton, student body president at Georgia State, said he certainly does not begrudge anyone wanting their college degree, he worried undocumented students take seats away from those in this state and country legally. A University of West Georgia student David Bachman echoed this sentiment: “They want to use our system, our public system, but they are here illegally and have broken the law,” Bachman said. “It's not fair to everyone following the law to allow them in. We need to crack down on this” (Diamond, 2010b). Other, more immigrant-friendly citizens also spoke out, calling on Congress to pass legislation that would provide an easier path to legal citizenship for illegal immigrants brought to this country as minors by their parents, through no fault of their own (Diamond, 2010b).

Soon after the Colotl incident, several conservative state senators urged the Board of Regents to bar undocumented students from any public institution, and insisted that institutions check citizenship status of all students. Many of the Regents were (and are) frustrated that the federal government has put states in a situation where institutions are charged with enforcing federal law and bearing the additional cost of verification. Frustrations aside, the Board of Regents formed a “Special Committee on Residency Verification” to further investigate the legal options available to the state (Russell, 2011). In the meantime, some elected officials demanded that undocumented students be barred from public college (Diamond, 2010a). Indeed, several Georgia legislators pledged to

introduce legislation that would bar illegal immigrants from attending Georgia's public colleges. At that time, the three remaining candidates for Georgia's next governorship supported that position (Diamond, 2010b).

Special Committee on Residency Verification

A 2008 letter from the U.S. Immigration and Customs Enforcement -- the most current guidelines -- stated that federal law does not bar illegal immigrants from attending public colleges and that each state "must decide for themselves whether or not to admit illegal aliens" (Diamond, 2010b). Before making any new decisions, the Board of Regents established a 13-person "Special Committee on Residency Verification" solely to investigate residency and tuition involving undocumented students in the state. A senior administrator said that establishing such a committee was pretty rare: "That's pretty rare. I mean, we have standing committees, but we had this special committee. That doesn't happen often (Higher Education Official 3). The committee members included five Regents: Larry Ellis, Felton Jenkins, James Jolly (chair), William "Dink" H. NeSmith, Jr., and Larry Walker; four USG presidents: Dr. Mark Becker (Georgia State University), Dr. Virginia Carson (South Georgia College), Dr. Martha Nesbitt (Gainesville State College), and Dr. Lisa Rossbacher (Southern Polytechnic State University), and University System Office staff members: John Fuchko, chief audit officer, Burns Newsome, vice chancellor for Legal Affairs and secretary to the board, Amanda Seals, executive director for Government Affairs, and Mendi Spencer, chief of staff for Academic Affairs (Diamond, 2010a; USG, 2010; USG, 2013).

The Regents understood that the admission of undocumented students into Georgia's public colleges needs to be addressed: "That is the big question somebody

needs to answer," a regent and committee member Felton Jenkins said (Diamond, 2010a). Larry Walker, another regent and member of the committee, believed a solution must be found that quells public outrage over illegal immigrants and suggested including a statement on all applications that false swearing could result in a fine or jail time (Diamond, 2010a). Walker continued: "In the atmosphere we're in today, with people as irate as they are about non-residents getting benefits, that's an added possibility for us to consider to firm our application forms up and to do what we've got to do" (Diamond, 2010a).

Though Colotl's case had sparked public concerns that Georgia's higher education system was overrun with illegal immigrants whose education was subsidized by legal taxpayers, a study commissioned by the committee found that less than one percent of the state's public college students were illegal immigrants (Brumback, 2011). They found only 472 students⁸ in the state who could not provide proof of legal residency, and these were mostly enrolled at two-year colleges (Russell, 2011). Debate continued, and finally the state attorney general weighed in, stating that admitting undocumented students into public colleges is not barred by federal law (consistent with the 2008 Immigration and Customs Enforcement letter), but that in-state tuition is a public benefit and thus is prohibited (Russell, 2011). At this point, to assure compliance with Georgia law, providing an in-state resident tuition policy for undocumented students was out of the question. Questions of admission, however, remained on the table.

According to an interview respondent, "one thing that really did get a lot of discussion in 2010 among the committee members was the issue of undocumented

⁸ This number is later reported in the media and in USG reports as 501 students. The number 501 will be used in this dissertation moving forward.

students attending institutions that have competitive admission.” This is how he explained the thought process of the Board of Regents with respect to admission:

I mean, all of our institutions have their own personalities, and they're all unique, but for these purposes, there are really two types of institutions within a public system. There are those that have -- and this is probably an unfair adjective, non-competitive admissions. And in those cases, the Board of Regents sets the admissions requirements. You have to have this score on the SAT and you have to have this -- and you must take these certain classes in high school. And so if you're an applicant for one of those schools, you measure yourself simply against those fixed standards, and you're either in -- If you meet those standards and you can afford tuition, you're in. ...The other five are different. Because there are only so many seats, and when you apply to the University of Georgia or Georgia Tech, there are only so many seats, and so it becomes a zero sum game. If I'm in, you're out. If you're in, I'm out. I think the Board of Regents said, if people who are otherwise qualified are not going to be admitted to the University of Georgia, we are not going to bounce a lawfully present citizen in favor of an undocumented student. And so that's when the Board of Regents came to develop the policy that says, undocumented students are not eligible for admission to those five.

Respondents generally indicated that the Regents wanted undocumented students to be able to attend USG institutions and were not in favor of a complete ban. At the same time, however, they wanted to be fair to lawfully-present Georgia residents.

Board of Regents Policy Decision (2010)

A final report presented to the Board of Regents on October 13, 2010 found that only 501 students, less than 0.2 percent of the 310,000 students enrolled in the 35 USG institutions that fall, were undocumented students. And all of those students paid out-of-state tuition, as is required by Georgia law (USG, 2010; Hebel, 2010). Although the number of undocumented students was indeed found to be small, in October 2010, Georgia became the second state to ban admission to public four-year institutions, albeit with a compromise policy that applies only to the state's most selective institutions.

The compromise policy, which took effect in the fall 2011 semester, denies admission to undocumented students at any public colleges that have had to turn away academically qualified applicants in the past two years (Russell, 2011). The policy decision dictates that all applicants undergo several new steps designed to help USG institutions properly classify students for tuition purposes (USG, 2010). The Special Committee on Residency Verification, meeting as a Committee of the Whole, outlined these new steps in four recommendations at the October 2013 Board of Regents meeting in Atlanta (USG, 2010). They include:

1. Applications for Admission: False Swearing

The addition of language prominently displayed on all applications that outlines the legal penalties for “false swearing,” or knowingly providing incorrect information on the application forms. The language reads:

I understand that any material false statement made knowingly and willfully by me on this application, or any documents attached hereto may, in accordance with OCGA 16-10-71, which provides that upon conviction, a person who knowingly commits the offense of false swearing shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than five years, or both, subject me to prosecution in a court of law. Additionally, I further understand that any such false statement may subject me to immediate dismissal from the institution.

Further, I certify that, to the best of my knowledge, the information submitted on this application is true and complete.

USG officials indicated that this provision would serve to better educate individuals about the process of applying to college. (USG, 2010; USG Board of Regents, 2010, p.26-27).

2. Applications for Admission: Tuition Status Declaration

The addition of language on all applications that, for the first time, requires every applicant for admission to state whether he or she is entitled to attend the institution at the in-state tuition rate and whether or not he or she is seeking in-state tuition. This aimed to help institutions make a decision on whether or not additional residency verification is necessary (USG, 2010; USG Board of Regents, 2010).

3. Admissions Policy For Undocumented Students

A policy requiring that USG institutions must verify the lawful presence in the United States of any applicant that is admitted to ensure that no lawfully present Georgia citizen is denied admission in favor of a person not lawfully present. The Board adopted the following as Policy 4.1.6 of The Policy Manual of the Board of Regents:

4.1.6 Admission of Persons Not Lawfully Present in the United States

A person who is not lawfully present in the United States shall not be eligible for admission to any University System institution which, for the two most recent academic years, did not admit all academically qualified applicants (except for cases in which applicants were rejected for non-academic reasons).

Students who note they are seeking in-state tuition will be subject to additional verification by the institution (unless they are also applying for federal financial aid, which has its own stringent verification processes). All Board of Regents members present at the meeting voted in favor of this policy action, except for Regents Jenkins and Tucker, who voted against the proposal (USG, 2010; USG Board of Regents, 2010, p.27; USG Board of Regents, 2013).

4. Policy on Verification of Lawful Presence

A policy that any person not lawfully present in the United States shall not be eligible for admission to any USG institution which, for the two most recent academic years, did not

admit all academically qualified applicants. In order to ensure no person who is unlawfully present receives a benefit or privilege reserved for lawfully present Georgia residents, the Board adopted the following as Policy 4.3.4 of The Policy Manual of the Board of Regents:

4.3.4 Verification of Lawful Presence

Each University System institution shall verify the lawful presence in the United States of every successfully admitted person applying for resident tuition status, as defined in Section 7.3 of this Policy Manual, and of every person admitted to an institution referenced in Section 4.1.6 of this Policy Manual.

Again, all Board of Regents members present at the meeting voted in favor of this policy action, except for Regents Jenkins and Tucker, who voted against the proposal (USG, 2010; USG Board of Regents, 2010, p.27; USG Board of Regents, 2013). The Admissions Policy For Undocumented Students (number 3 above) is the policy decision most commonly associated with the Board of Regents 2010 policy decisions regarding undocumented students.

As evidenced by both the media reports and the interviews with Board members collected for this dissertation, Board members were frustrated that they were in a situation to be making such decisions, lamenting that these issues should have been handled at the federal level. Regent James Jolly, chair of the special committee, stated: “We are an educational agency in the business of preparing individuals for careers requiring knowledge and skills; we are not in the immigration business, nor are we equipped to serve as the immigration authorities” (USG, 2010). In an interview for this dissertation, another regent commented candidly on his frustrations:

I say to you, this should have never been our problem to start with. It's not a problem for the Board of Regents. It's, frankly, not a problem of the Georgia General Assembly. It's a problem of the US Congress and should have been dealt with in Washington, and they didn't know how to handle it, so they passed it to us.

And not only that, but they had the great benefit of letting it come to us and then criticize what we did. I mean, you know, they win both ways.

Another respondent echoed this sentiment:

It's the old strategy. You've seen the bumper sticker: "stuff" rolls downhill. And they just kept rolling it down the hill and it bumped into us.

Regent Jolly admitted, however, that the new policies "do strengthen our ability to ensure proper tuition classification for all students – a process and a commitment the System has undertaken and met since being formed in 1931" (USG, 2010).

Regent Jolly also noted that committee successfully addressed the three concerns it set out to address: (1) that the University System was being swamped by thousands of undocumented students, (2) that Georgia taxpayers were subsidizing their education through in-state tuition, and (3) that they were taking seats away from Georgia residents (USG, 2010). Jolly said that the summer 2010 "review of all students over the summer by our institutions answers the first two concerns" since it found only 501 undocumented students enrolled in USG institutions, all paying out-of-state tuition (USG, 2010). The third concern regarding undocumented students denying college seats to qualified Georgians, is, clearly, also addressed, since they are no longer permitted to enroll in Georgia's most selective institutions.

The practical effect of the new admissions ban at these institutions, however, is minimal. In practice, the changes only affect a few immigrants and institutions. In the fall 2010 semester, only 27 undocumented students were enrolled at the five affected selective institutions, which are the University of Georgia, Georgia Tech, Georgia College & State University, Georgia State University, and the Medical College of Georgia. The list of colleges affected by the ban could change yearly as college

selectivity changes (Hebel, 2010; Russell, 2011). While in effect the ban does not change much in Georgia, the policy did help to quell the concerns voiced by some Georgia residents and lawmakers. And an unseen effect of the Board of Regents policy may have been that it kept the legislature at bay, convincing them that an even tougher immigration policy was unnecessary; USG Chancellor Hank Huckaby commented that “I think the Board's actions may have prevented further bans.”

There were many elements in play during the decision-making process. One goal was simply for the Board of Regents to be able to make a policy. As explained by an administrator within the USG:

This was being talked about in the legislature in 2010, like you said. How was it that the Board of Regents came to be the group that made -- That has the policy, as opposed to it being a state legislature issue? The Board governs the university system by constitution, and so some of the things that we constantly try to do, even -- it doesn't matter the issue. It could be immigration. It could be budgeting or whatever. We try to say, can we please do it through policy first before you implement a law... So we are always advocating over there, let the board do its work. You know, we've been pretty successful, but you've got categories. On this particular issue, you had one or two, or three, or a handful of legislators who were very adamant. They wanted something done, and they wanted to force it on the Board of Regents.

This also related to another reason the Regents adopted the policy that they did: because they knew if they failed to act punitively toward undocumented students, the decision would be taken from their hands. In fact, several conservative legislators tried take the Board of Regents policy a step farther, introducing an ultimately unsuccessful bill that would have prohibited illegal immigrants from enrolling at all of Georgia's state colleges and universities (Brumback, 2011). As a USG administration put it, the Board of Regents policy achieved their political objectives:

When the Board of Regents -- When Jim Jolly put forward the four

recommendations --From a political standpoint, that achieved our political objectives, because it said to most members of the General Assembly, and it said to the governor, the lieutenant governor and the speaker, the Board of Regents has handled it. They developed a reasonable policy, and we believe that reasonable policy is being enforced and adhered to. It's an educational issue.

Another USG administrator recounted similar motivations:

That's the reason why the board wanted to create a policy that allowed us to educate students, but at the same time, satisfied a need with our policy holders across the street that could, you know, make something a law.

Simply put by a member of the Board of Regents: "It was a classic political compromise." And this compromise policy achieved two things: it kept the decision at the system-level, where it belongs constitutionally, and it protected some access to postsecondary education for undocumented students. The regents interviewed for this dissertation said they are "proud" of their policy and think it makes "good sense." One commented: "I mean, we've got 31 institutions, there are 5 of them that they can't [attend], but there are 26 that can. That says come on, join us up, doesn't it?"

The University System of Georgia is in compliance with current federal and state laws, which allow for undocumented individuals to be enrolled, if academically qualified, but prohibits them from receiving any federal or state benefits. In-state tuition, subsidized by the state, is such a public benefit, and thus undocumented students must pay out-of-state tuition (USG, 2010). Today, according to the Report of the Attorney General on Public Benefits (2012), issued each year since 2006 in compliance with the Georgia Security and Compliance Act:

Public post secondary education shall be considered a public benefit unless with respect to students whose lawful presence is not verified all of the following criteria are met:

The Board of Regents certifies that an unverified student is paying out-of-state tuition and that said tuition completely offsets the cost incurred by the Board to provide that education; and

The Board of Regents certifies that in those institutions that admit students on a competitive basis no legal resident applicants were denied admission as a result of the admission of the unverified student; and
The Board of Regents certifies that neither the unverified student nor his or her family receives and payments or assistance from wither a federal, state, or local agency or from federal, state or local appropriated funds in connection with the student's education. (p.6)

Although much of this rhetoric began with a USG Board of Regents Policy, it is now part of Georgia law, as well. A senior legal official at the University System of Georgia explained: "The Attorney General essentially codified our policies to law. That was the effect. ... Now it's state law, and so the Board couldn't change it if they wanted to." Until this report of the attorney general is amended, admitting undocumented students to the state's most selective colleges is out of the Board of Regent's hands.

CASE ANALYSIS

Having outlined the chronological narrative of the undocumented student tuition policy process in Georgia, this section analyses the influences and events of the case against the five dimensions of the analytical framework. (Refer to Appendix D for a summary chart of the framework.) Patterns uncovered in qualitative analyses shed light on the research questions regarding policymakers' preferred sources of information, the role of research evidence in undocumented student tuition policy decisions, and how Georgia's unique characteristics and governance structure affect coalition formation and research utilization by policymakers in the state.

Evidence of "two communities" divide

Policymakers in Georgia, on the whole, do not seem to operate within a culture that values theory and evidence, instead gravitating toward non-research information and valuing experience and real-world solutions. As one higher education agency official

explained, “researchers, the scholars, they have the enviable position of being able to reach the scholarly answer, but it might not necessarily be the answer that you can survive. It might not work in the real world.” In this particular policy situation in Georgia, the real-world solution that was going to work was a political compromise. He continued:

It was a classic political compromise. It made good sense, really. I mean, I'm proud of it. I mean, I'm not opposed to political compromises. I grew up in that. I think that's what makes the world -- I think that the Congress of the United States was more inclined to political compromises we'd be a lot better off... And the truth of the matter is, if we had read scholarly papers and as a result of that said, well, the scholars say that this should be of no concern, and we say, well, the scholars say, the researchers say, that the bottom line is to be of no concern. So they know what they're talking about, so legislature and the public, this is of no concern. I mean, you can't -- Good luck with that.

Considering the public and legislative outcry that the Regents take action regarding the undocumented students, the matter had to be dealt with accordingly, no matter what was recommended in scholarly articles and policy reports.

The lack of research use may be even more extreme in the legislature and governor's office. A gubernatorial official reported that he never takes academic work with him when he's heading to talk with legislators about an issue:

That wouldn't go across very well. I mean, my typical audience is a state rep or state senator who would probably say, you know, oh, those people aren't from Georgia. You know, that's DC talk, so that wouldn't go over well. You know, they're more concerned -- I mean, because they can't really sell that to their constituents, so that stuff doesn't really help. ... So I was an undergraduate political science major, and I remember there were a couple of courses where it's very, very -- a science of political science heavy. And, you know, no offense to -- not to bash my school or my degree, but I've never used it. You know, I've never used that thinking. ... That hasn't been used. It's more real world.

A legislative aid agreed, and expressed a similar viewpoint:

The majority, or the vast majority of your legislators aren't academics. They're

common people. They speak a common language, and so what you're talking about with scholarly journals and things like that, the common person doesn't really use that. It doesn't speak to the common person.

These attitudes evidence the “two communities” perspective in the research utilization literature, which suggests that academic and political communities have different norms and languages and that the two cultures emphasize different values (Snow, 1961).

Several interview participants recognize that different languages could present a problem for legislators regarding the supply of research materials. From the perspective of policymakers in Georgia, there are two problems with academic research: it is too technical for a non-scholar to understand, and it is oftentimes not relevant to the problems facing the state. With regard to the first problem, a higher education agency official commented:

That's over all our heads. ... That's for your professors, and your colleagues, and your academics. That's not a condescending statement. That's the electricity that feeds academia. But give us, you know, executive summaries. ... the pluses and the minuses, the old Ben Franklin thing, you know, that Franklin would divide up the pluses on this side and the minuses up, and whichever side gets the most, that's the way, you know, that I tend to do it.

Respondents related persistent, and likely accurate, complaints that academics do not write in such a way that policymakers can understand and absorb the recommendations for policy change. Though several respondents admitted that sometimes academic research is over their heads, the larger issue seems to be its relevance to contemporary issues. A USG official explained that when research is not used in policy discussions, it is usually because it is not relevant to the decision they need to make: “I would say it's probably more that it may not necessarily be relevant to a decision. It may be more -- It just may be more remote and not really practical toward being able to, you know, make a

decision around.” This respondent admitted, however, that the extent to which research is used may depend on the subject matter:

And certain policy areas lend themselves to that more than others. ... you know, like if you're trying to figure out how to manage your space more efficiently, well, you're probably going to be looking at, you know, people that do campus planning and what they write. You know, kinds of things. You know, if we're looking at, again, putting -- aligning our degree offerings with where we think employment trends are going, you know, you're going to look at economic stuff, and there's a lot of that written. But those are a bit more technical decisions than maybe the one of student tuition where that was maybe more of a values thing.

Consistent with the tenants of the Advocacy Coalition Framework, this response suggests that some issues lend themselves more to research use and persuasion by technical information than others. Decisions that relate to a person’s core beliefs and values, like immigration, are harder to influence and change. This concept is discussed further in a subsequent section in this chapter.

Types (and role) of sources of information

According to Georgia interview participants, including both those who consume the information and those who supply it, policymakers in the state relied on multiple sources of information during the decision-making process, including: federal and state law; agency and institution reports; “how other states were dealing with it,” the media, “always the AJC because they’re our home paper”; and constituents/stakeholders, among others. Respondents indicated that policymaker’s preference, however, is for “less scholarly research and more figures and data driven [information].” Another respondent echoed this inclination: “They like numbers. They like raw numbers, percentages, and things like that.” In general, Georgia interview participants suggested that the largest influencers are constituents, fiscal considerations, and public opinion.

With respect to this dissertation regarding undocumented student tuition and admissions policies, however, the USG Board of Regents were primarily interested in two types of data: numbers-type data and legal information. A regent explained that this information was generally provided by the USG staff:

We didn't suggest to them what kind of material to get. We asked them questions, and in order to answer our questions, they went and got materials.... Burns Newsome [the USG Vice Chancellor for Legal Affairs], I would say, more than anybody.

And, again, the questions they were interested in finding the answers to generally involved numbers and law. First, a regent explained, “we wanted to know how many undocumented students there were. Were they paying the proper tuition? We wanted to know what kind of problem we were dealing with.” Collecting this data was a joint effort by the institutions, the USG student affairs office, and the USG legal office, a senior system administrator explained, and it “led to that eventual ability to put a piece of paper in front of the committee that said out of 310,361 students, there's 501 students that this affects.” Multiple respondents indicated that having that 501 number in front of them was a very helpful piece of information, because it provided the Regents “the ability to say some of the pre-conceived notions are just that, preconceived notions” – the state of Georgia was (and is) not really being overrun with undocumented students, as many citizens and legislators were crying was the case.

Legal considerations were just as important; the Regents wanted to know where they stood with respect to federal and state law. A legally-trained USG administrator recounted the concerns:

Most of our early considerations were legal, and from there, it was really a discussion about are we in compliance with the law... I mean, there were lots of questions. One was about tuition status. The federal law, as we understood it

says -- still says -- that the default position on in-state/out-of-state tuition is that undocumented students have to pay out-of-state tuition, and the law says, but a state can, by statute, and so in other words, the Board of Regents can't do it, General Assembly -- A state can, by statute, change that. And a number of states have said, undocumented students can come here and pay in-state tuition. Well, our General Assembly hasn't, and so -- And so, you know, the committee discussed that, but we explained that's a -- you know, the Board of Regents -- We don't have the discretion, and I will tell you that there was slim to no chance that the Board of Regents would allow undocumented students to pay in-state tuition, but it was a discussion point, and we said we really -- We don't have the discretion under federal law, because state if going to allow an undocumented student to pay in-state tuition, it would be the General Assembly that would allow that. And there was no chance of that.

It was very important to the Board to understand these issues, no matter what decision they were going to make. In this case, they did not have the authority to allow undocumented students to attend at an in-state rate; that was a decision only appropriate for the state legislature. They did, however, have the authority, under state and federal law, to decide whether or not undocumented students could attend Georgia institutions, and if so, which ones. According to Chancellor Hank Huckaby, they then made “the decision that they felt that would stand the test of state law and the advice of the attorney general.” Interestingly, a USG administrator commented that although this began an issue of law for the board members, it did not turn out to be what mattered most. He said: “It started, and this is not an unusual pattern, this started principally on questions of law, and sometimes the politics swamp the law, and the final chapter in this certainly hasn't been written.”

Indeed, politics and public opinion can be very influential. While the Board certainly wanted to establish a policy that would keep them in good legal standing, in the final analysis, there were other deciding factors. Politics and values played the determining role. A regent admitted that the USG probably provided them with “a lot

more material than we ever used.” He challenged, however, that this should not to be judged too harshly:

I don't think that means that the process didn't work correctly. I think it worked very correctly. I think we got down to the heart of the matter and we dealt with it. We asked some questions. We got answers to the question. And there's a political component to this, too. I mean, you've got people on both sides of the issue and a lot of pressure.

His colleague agreed, and commented further: “it was more the court of public opinion. What the barometric reading was in the public of Georgia had more ruling on it than anything else.” And that is probably true – except for maybe personal values. Regents also rely on their “gut” when it comes to issues of morals and values, of which this is considered to be one, explained a system administrator:

And they said, you know, for every undocumented student who is admitted to Georgia Tech, there probably is a lawfully present student who was not admitted, who would otherwise be in. So that was the -- It was a value judgment, mostly. And there was some data associated with that, but not much. I mean, mostly the decision was generated by that sort of value judgment.... It was primarily a gut reaction.

In the final analysis, a regent explained, “you vote your conscience.”

Use of research information

Considering the findings mentioned above, it is not surprising that my interview data suggest that research, in the academic sense, is not a preferred source of information, nor does it play a large role in ultimate policy decisions in Georgia. Though it is tough to say decidedly whether or not it influenced this particular policy decision regarding undocumented students, there is evidence of conceptual use of research within the University System of Georgia, and with the Board of Regents. A higher education official explained that the System’s “office of media and publications does a daily service to staff and the regents where we send out five days a week, you know, here's the --

Here's the first paragraph of these stories,” including articles from the AJC, the Huffington Post, UGA’s Red and Black, InsideHigher Ed, and others. When asked whether or not the Board read these, she responded:

They're sent daily, and you know, knowing our regents, they probably are reading them. I've worked for several state agencies, and (laughs)... This board really gets their hands dirty. Very -- For a volunteer board, they do give a lot.

The interview data leaves no doubt that the staff of the University System are regularly reading academic research and benefiting from its “enlightenment” function.

Considering how closely they work together, some of this is bound to influence the decisions of the Board at times.

With regard to the general assembly and the governor’s office, however, such conceptual use was not mentioned, interestingly. This may be related to scholarship on the “two communities” mentioned above. And indeed, there is evidence in Georgia of a set of attitudinal and intellectual barriers to the use of technical information and analysis. Or, it may be that they just care more about the politics than the policy. When asked about research use in the legislature, a legislative aid commented that it’s “not necessarily what they're interested in. They're interested in helping the constituents and getting re-elected... At the end of the day [the constituents] are why they’re here.”

Interview respondents within the general assembly and within the higher education system both mentioned time as a barrier to research use. A regent mentioned, “we’re all volunteers” in response to questions about reading research. And referring to her work with the legislature, a gubernatorial official commented:

They don't have the time, again, too, because they're dealing with the whole breadth of policy issues that are available. So they are often asking for, you know, what are the talking points on this, what is the executive summary, don't

use acronyms, (laughs), put it all in plain language, which is not necessarily a strength of some research – of most research.

These comments speak to Guston, Jones, and Branscomb's (1997) study, which investigated barriers to the provision and use of technical information and analysis in state legislatures, grouping their findings into supply-side and demand-side barriers. The primary supply-side barrier is time; staff reported feeling like they do not have enough time to produce information and analysis for legislative use. On the demand-side, there is also a time barrier because legislators are not always able to spend adequate time to formulate intelligent questions and read through all the information that staff and other sources can produce. Though both apply, it is the latter demand-side barrier that is most relevant to policymakers' situations in Georgia.

Although both types of policymakers mention a lack of time in interviews for this dissertation, the key difference in the levels of research use between the legislature and the Board of Regents may be staff power. As an example, compare these three comments. From a Regent:

I study the executive summaries. We're all volunteers. We're volunteers, and we've got millions of dollars' worth of payroll on the staff with the university system of Georgia, and I expect them to give us the salient points, but no, I'm not going to read that much. I'm going to read the executive summary.

And these, from two legislative officials – one Representative and one Senator:

We don't have staff, you know, we're part-time legislature. We have one secretary for eight representatives, so (laughs).

My wife helps me. She's a retired realtor. She kind of -- She's my chief of staff at home, chief of staff here. She keeps up with the data. We don't have really any staff. We do -- We share administrative assistants at the Capitol.

Just comparing these comments – with politics and constituencies aside – the difference here is not dedication or intelligence. The difference the staff power of the Board of

Regents compared with the low-level of legislative professionalism in Georgia. Another reason that respondents indicated higher levels of research use in the Board of Regents than the general assembly may relate to the latter's short session. In Georgia, "we're in session for how long? 40 days, right? Oh, which is forever (laughs)," joked a higher education official. In that amount of time it is no wonder legislators are not interested in reading all the research on such a list of issues of importance to the state.

Another interesting finding is that while the political use of research was mentioned by interview respondents in both settings, those within the legislature mentioned it more commonly, and more emphatically, than did respondents within the USG. When political factors are mentioned within the Board of Regents and the USG administration, it was more in the context of political compromises, political responsibilities, and political relationships, than to do with the manipulation of research data for a political end.

Effect of political and organizational structure

Georgia's political climate played an enormously large role in the development of the state's admissions and tuition policies for undocumented students. By most respondent's definitions, this particular issue was more closely related to immigration policy than to higher education policy, and as such, the political – and partisan – nature of the decision-making process is undeniable. "You know, I don't think anybody would be surprised to say that this was not only an educational issue, this was a political issue," a higher education official stated. Though some argued that higher education was also a contentious political issue, this was not common. All respondents, on the other hand, considered immigration a hot-button political issue. To one regent, the extreme outcry

over a matter that affected only about 250 people, to his calculations, could only be rooted in politics and ideology:

And the interesting thing to me, we had roughly 315,000 students. Unless you know, would you care to guess how many were undocumented? 501. 501 out of 315,000. Now this didn't mean that they were here illegally, it just meant they were undocumented. Probably half of those were here legally, they just didn't have all the documents. So it was say 250 out of 315,000 that we made this huge -- Which, you've got to know that it's political. It's a political problem.

Others regarded the issue as political in nature due to the importance of constituents, stakeholders, and public opinion. Relatedly, the partisan nature of tuition benefits for undocumented students shaped the debates. When asked whether or not he believed the issue to be partisan, a legislative official stated, “Undocumented students, no doubt. Higher education policy, not so much.” Another legislative official agreed: “this has turned into a partisan issue, you see – and sad to say that immigration has drawn a line in the sand against Republicans and Democrats.”

The political and organizational structures in place in Georgia factored into 1) the locus of the decision-making, 2) the political compromise that dramatically influenced the policy’s characteristics, and 3) the issue’s eventual departure from the policy agenda. To begin, political and structural elements at play in Georgia affected the origin of the policy. Formally, of course, the Board of Regents is constitutionally granted the power to govern higher education in the state and to set relevant policies related to that governance. “The Georgia constitution gives to the Board of Regents the right to manage and govern higher education in Georgia,” an exasperated USG official understood. That, however, did not keep a conservative faction within the legislature from wanting to control this by state statute, rather than by Board of Regents’ policy. The Board of Regents, though, wanted to make the decision as they believed was their

duty. A senior higher education official in the System office explained:

The Board of Regents is a strong governing board, and we want to protect that. I mean, we want to nourish it, protect it, keep it strong... At the same time, we want to discharge our responsibilities and deal with these issues in such a manner, doing in a forcefully enough way that the decision makers, the governor, the members of the General Assembly will have confidence in the board... We wanted to do the right thing, and we wanted to do the right thing educationally. We wanted to do the right thing culturally. We wanted to do the right thing from a historical standpoint. But we also wanted to do the right thing that achieved a political goal. And that was, let the Board of Regents determine this.

This undoubtedly factored into the USG's and Board's decision to establish a policy quickly after the Jessica Colotl incident sparked a heated public debate: "we were going to take care of it, and I think the timing was deliberate. October, you know, because the legislature starts in January, so you want to be able to say, we've already done this" (Higher Education Official 6). While a senator admitted to me that, indeed, "the Board of Regents, they had their own autonomy. Constitutionally, they have that right to do that," he couldn't help flexing his muscles: "but we have the right to make a law, and also, cut funding, and that usually gets their attention." The extent to which this threat rings true is unclear, and is discussed below.

A second way political and organizational structures in place in Georgia affected decisions regarding undocumented students is related to the political compromise (compromises?) that dramatically influenced the policy's characteristics. There is little doubt that pressure from public opinion and conservative factions within the Georgia Senate affected the Board's decision to establish a policy that restricted access to undocumented students. Without such action, it seems clear from document and interview data that the general assembly would have enacted a full-on ban. The extent to which the Regents are influenced by the governor and beholden to the money the state

provides is unclear, but the evidence from interview data suggests that there is a connection and could be political compromises in that regard, as well. When I asked him how he would characterize the extent to which the political climate in Georgia influences decision-making, a senior USG replied carefully, but knowingly:

The Board of Regents is a part of state government. We are not apart from state government. The approximately \$2 billion that we get from the state, there is no way to replace it. Now, yes, the entire budget is \$6 billion, but you take away that first 2 billion, there's no way to get the other . You know, I mean, if we didn't get that base 2 billion, there wouldn't be tuition. There wouldn't be contracts and research grant money coming in. There wouldn't be auxiliaries. ... So anybody that would advocate the university system, oh, the university system is just -- you know, they're just left alone, and there they are, and you know, they're making all these *pure* decisions (laughs) -- I mean, we're a part of state government.

Though not explicitly stated, this certainly implies that the Board's relationship to the executive and legislative branches of government affect decision-making regarding policy. So, too, does this gentleman's response when asked explicitly about any potential Board of Regents allegiance to do what the governor:

I mean, well -- first of all, the constitution doesn't have any qualifications of what it takes to be a regent. It just says the governor shall appoint one regent from each Congressional district and five members from the state at large. I would think if you go to any state in the country where the governor appoints the regents, you're going to see some similarities. The governor doesn't -- you know, the governor doesn't spend two years of his or her life sacrificing all that from their family and, you know, have that much fire in their belly to get elected and then say, well, I'm just going to -- I'm just going to -- You know, I'm just going to let things work themselves out.

Again, he replied cautiously, but his meaning was clear: the governor chooses like-minded individuals that he suspects will implement policies he desires. A couple regents all but admitted this was the case. One commented that the "big difference in the regents and the state legislature is you don't have to run for the job on the Board of Regents. And

there's really just one person you have to please on the Board of Regents in your final analysis, and that's the governor.” And a second said, referring to the previous governor,

Sonny Perdue:

We had a governor who would call us over to the governor's office, to the principal's office. ... The other governor would call us over and sort of tell us how we should vote, and then you had to say, when I can't vote my own conscience, I don't need to be on this board.

Though multiple respondents echoed this sentiment expressed in the statements above, the feelings were not unanimous across the board, and the extent to which the governor influences higher education decision-making remains ambiguous. Even the second regent mentioned above, though he admitted to pressure by the governor, did not cede that is changed his opinion or his desire to vote his conscience. A senior USG official expressed a similar, perhaps more realistic view of the relationship:

And I think most governors appoint, and I think this governor is doing it. I think they appoint people that they feel like reflect their broad, basic values and they will do a good job, who will be -- I mean, and how that plays out on a particular issue can vary, but, you know, they don't -- They don't have time to, every day worry about what's going on in the Board of Regents... for the most part they appoint like-minded people, but not lock-step. I mean, you know, human beings just aren't cut out that way.

This more middle-of-the-road explanation is likely the most accurate based on collation of respondents opinions, but again, the precise extent to which the governor influences Board policy remains open to debate.

Finally, a third way the political and organizational structures in place in Georgia factored into admissions and tuition decisions for undocumented students relates to the

issue's eventual departure from the policy agenda.⁹ According to Georgia policymakers, this happened in three relevant ways. First, the issue faded from the limelight partially because of the short duration of the legislative session, which ended, and also because of the unique rules for introducing and passing bills from one term to another. When I asked a higher education official why the legislature's 2010 bill to ban undocumented students from higher education in the state, which was being considered concurrently with the Board's formulation of their policy, was ultimately dropped, he explained:

Well, when that term was over – it never got passed during the term, and then it kind of just fizzled. So you have a two year term in Georgia, and so something that was introduced the first year could carry over into the second year if it doesn't pass, and that happens a lot, and if it doesn't pass in the second year, then it dies. And then it has to be introduced again, start anew.

Another reason the hot-button issue faded from public attention related to the new administration in the state; in January 2011, a couple months after the Board's policy was established, Governor Nathan Deal took office, and in May Hank Huckaby was announced at the new chancellor of the university system. A USG administrator commented:

We haven't heard much about the policy since this is all been done. It hasn't been part of a new administration. You know, we changed governors as well. And some of the legislators have changed, too, so I mean, sometimes if somebody is no longer there, then the issue kind of dies down.

And thirdly, the 2012 election ultimately silenced many of those calling for harsher regulations. Two regents discussed with me how it may have brought a political reality to light for conservatives. One stated he thinks "that since the presidential election,

⁹ In other words, what was once a hot-button issue influenced by public opinion, eventually faded out thereby reducing the likelihood of policy change. This is connected to ACF's external event parameters and is discussed further below.

Republicans are not as hot on this issue. I think they've -- I think they've been taught a lesson about it.” The other suggested this was because “early, when they realized where the votes are going, if they're going to pocket some votes they better not be so far over [on the Right].” An astute senior administrator with the University System explained it best:

I mean, the reality is, and this, I think is a good thing, people think this is a bad thing. I think it's a good thing. It's how our system is supposed to work. I think people -- I go back to it. People read the 2012 election as somehow, some way being -- referendum is the wrong word, but certainly, people are taking out of that election a message that this anti-immigration stuff, that most people are not for that. I think everybody has taken that message out. Let's face it, that's an obvious statement. And as a result, they stopped talking about it. The people who were talking about it and pushing it -- And because I think people -- You know, let's face it, I think people in politics thought, hey, that's a good issue. We'll ride it. It'll be good for us, and then they realized, that's not a good issue. We better shut up. ... They get some gauge on where generally the public is and they go, oh, we're not going there anymore. ... And I think that's largely what has happened on that issue, and why we didn't hear a peep on it this session.

The 2012 presidential election evidenced the collective voice of the country, which was much more immigrant-friendly than some may have expected. Career politicians got the message.

Coalition and subsystem dynamics

Many people and groups were mentioned by interview respondents, as well as in document analysis, as being involved on undocumented student tuition policy process in Georgia, including: the Board of Regents, “18 were involved, some to a greater, some lesser extent;” the USG administration; Republican legislators (never any mention of Democrats); the Governor; the Attorney General; the media; the Dustin Inman Society and D.A. King; the Georgia chapter of the American Civil Liberties Union; the Chamber

of Commerce; Hispanic Organizations, including Galileo; and students and faculty, among others. A higher education official explained the competing sides of the issue like this:

There are groups advocating policies on both sides of this question... There are folks in Georgia who believe -- still believe -- believe and still believe that undocumented students should not be eligible to attend public institutions. There are folks who disagree with that and they believe that -- most of the attention has gone to the students who were brought here as children, who made no decision to come to the United States themselves, but that anybody should be able to attend a public institution if they're domiciled in Georgia.

The major players in policy process, however, were much fewer in number than the list above, and include the Regents (particularly the Special Committee on Residency Verification), USG administration (particularly the legal staff), certain legislators, and the state attorney general. Another person that seemed to play a reasonable-sized role was D.A. King, mentioned without provocation in nine of 12 interviews. Referred to by a regent as “a gadfly type” and “very, very right wing,” King is the President of the Dustin Inman Society, an ultra-conservative group “dedicated to educating the public and our elected officials on the consequences of illegal immigration, our unsecured borders and the breakdown of the rule of law in our Republic” (Dustin Inman, 2013).¹⁰ Though his website refers to his group as a “coalition” coincidentally, multiple respondents remarked that he generally worked alone, with a higher education official commenting, “he's not a network. It's basically him.” According to a higher education official, King “led the

¹⁰ Dustin Inman was a sixteen-year-old American boy, and “one of the un-counted thousands of Americans who have needlessly lost their lives because government in America refuses to secure American borders or enforce American immigration and employment laws.” He was killed in a traffic accident in 2000; the other car was driven by an illegal alien (Dustin Inman, 2013).

charge on a lot of it. He's really one of the main ones and some of the members of the assembly consider him an authority, subject matter expert on [immigration matters].” A legislative official also mentioned his relationship with conservative legislators:

D. A. King has been the really outspoken and really the mastermind behind SB529 in 2006, behind HB87 in 2011. You see, so he has – and it’s sad that he’s only one man and you have, you know, got the ears of a lot of legislators.

Although he was not involved directly with the ultimate Board of Regents Policy decision, King undoubtedly played a role in stirring up the media and his friends in the general assembly.

There is evidence of more than one group or person working together at times – for example, D.A. King and a faction of conservative legislators mentioned above. Additionally there is much evidence that indicates multiple policy actors had the same desired policy outcome – for example, the ACLU and student protestors. An article in the *The Chronicle of Higher Education* stated that, “the Georgia chapter of the American Civil Liberties Union had urged the regents to vote against the admissions ban, which also prompted some students and others to protest outside the regents' meeting” (Hebel, 2010). There is, however, little evidence to suggest that these groups work together, as a coalition, to achieve a common policy goal. A senior administrator with the University System explained:

I don't know that there's any strong network of groups that had formed to quote, you know, “advocate” around undocumented students going to college in Georgia. I think it was a relatively small group of people who sort of seized the moment in the process and pushed that issue along. And so, I don't think there was any big, you know, organized effort around doing it. And there were some student groups, you know, I think it was more individual students.

A gubernatorial official seconded this opinion:

You know, I don't know if they fell neatly into kind of two camps, and I don't know honestly how much association building there was on either side. From my

perspective it was more individual groups that felt a certain way that were not coalition building among each other for the most part. I think, you know, again, that particular decision, I think, was just so heavily politicized.

And furthermore, there is certainly no evidence of longstanding coalitions with regard to higher education. As put by a legislative aid, with regard to higher education, “everybody is kind of on the same team.” A higher education official also said that with regard to higher education, there is not a longstanding coalition that always deals with higher education, instead it is more fluid, and “varies from issue to issue.”

In a very abstract way, one could make the argument that there are coalitions in Georgia that differ at the deep core belief level over the role of individuals and society, with one coalition believing in hard work and limited government while an opposing, more egalitarian, coalition might believe that society should play more of an equalizing role. At the policy core level, the first coalition would support individual responsibility in higher education and immigration and would struggle with the egalitarian coalition that supports broad access to college and, to this country. Continuing with this example, these two aforementioned coalitions may disagree over undocumented student tuition policies at the secondary belief level. The first coalition would likely be in support of restrictive policies while those in the egalitarian coalition, on the other hand, would likely argue that state resources should go to help those undocumented students who were brought here through no fault of their own. But this would be at a very abstract, theoretical level, and again, was not particularly supported by interview responses. In fact, some interview respondents did say that the issue seemed to be more politically and selfishly motivated than ideologically motivated. A Regent commented:

Another interesting thing, to me, is that you never know on this issue what a particular individual's politics are going to be on it. You're think that this is a

conservative Republican and he's going to be, or she's going to be very much opposed to illegal immigration. That's my mind set. I start down the road thinking that, and all of a sudden they're not, and I'll get to thinking about it. Well, the reason they're not is they use a lot of -- I don't know what the proper term is, foreign people, for labor. So you get fooled by that, and I'm not going to call the person's name, but I got fooled in this. A person that I thought would be very much, very much a conservative on this issue was, in fact, a moderate on the issue. I don't know [why], but I've got a theory about it. In their part of the state, a lot of illegal immigrants are just undocumented people who work in the industries there. And a lot of Hispanics work there. And so it's more political than ideological.

Policymakers in Georgia equated the issue more with politics and self-interest than with ideology.

And though there is more evidence to suggest longstanding coalitions competing over immigration beliefs than higher education issues, again, there where was not any indication of thoughtful coordinated activity in Georgia. As mentioned above, while multiple groups may have desired the same policy outcome with regard to admissions and tuition policies for undocumented students, there is little evidence to suggest they worked together to achieve a shared policy objective. According to the ACF, coalitions can be defined as groups of people with compatible policy core beliefs and with similar coordination patterns. Advocacy coalitions form when these people engage in “a nontrivial degree of coordination,” and ally and strategize together to influence policy (Sabatier & Weible, 2007, p. 196; Sabatier & Jenkins-Smith, 1988, 1993, 1999). The ACF attributes both policy change and stability to the role of policy coalitions and their strong belief systems (Ness, 2010). Since coalitions were not well developed in Georgia around undocumented student tuition policy, this theory does not adequately explain the policy process.

With respect to Georgia, the ACF overestimates the role of coordinated activity, as explained above. There are other ways that the ACF does not apply to this case, as well. In contrast to the absence of collective action in Georgia, however, this case revealed a profusion of ways that politics, public opinion, and power affected policy change. With regard to the role of politics, a legislative official commented that:

Primarily it was a political decision. It was something that, from what I know, and what I understand, is that it was a decision that was made to make sure that access to Georgia scholarship money and at Georgia institutions was available to residents -- legal residents of Georgia. That's what it boils down to, to my understanding.

A member of the Board of Regents said as much:

My feeling is that the regents weren't real exercised about this. This was not a big deal to them, and we were trying to -- It was a political matter. We had to address it in some fashion and get it off our plate... I don't think there was anybody on the Board of Regents that was real upset about it one way or the other. We were looking for a political solution that would cool everybody off and we could go on to something that we thought was more important.

It is likely, thus, that the ACF underestimates these elements with regard to policy processes.

In other ways, however, the ACF does a great job of explaining the undocumented student tuition policy process in Georgia. It provides a good model with respect to (1) public opinion, (2) the unlikelihood of changing deep core beliefs, and (3) policy change through “shocks” to the system.¹¹ As an example of the role of public

¹¹ I chose to use the word “shock” here because that is how the ACF labels external perturbations to the policy subsystem. According to the ACF, examples of such shocks include changes in economic conditions, changes in public opinion, regime change, policy decisions from other subsystems, or disaster (Sabatier & Weible, 2007). I recognize that “shock” may be a problematic word choice because there is disagreement among sociologists and economists about what exactly constitutes a shock. I have, however, decided to continue using the word throughout this work since it most closely reflects the ACF’s definitions.

opinion, a regent said that the state's undocumented student tuition policy was "the vogue issue for a while.... It was on the Today Show. It was on the CNN, and the state legislators were hearing about it. They were getting pressured about it." Consistent with ACF, the shock of public opinion likely sparked the politics mentioned above.

There was some disagreement among respondents about whether the undocumented student tuition and admissions issues were, in fact, higher education issues, or rather more related to beliefs about immigration. This ambiguity is not surprising since the unit of analysis selected by Sabatier and Jenkins-Smith – the subsystem –supposes several assumptions, first of which is that policy problems are well enough defined to be categorized into these subsystems. Considering, however, that the final decision-making with regard to these policies in Georgia had more to do with personal values and deeply-held beliefs, than it did research evidence, the data would indicate that this issue was more likely associated with immigration beliefs, which are held more deeply than are secondary beliefs about higher education policy. With regard to deeply-held core beliefs concerning illegal immigrants, a senior administrator at the USG explains the unlikelihood to persuading someone to change their view:

I think most people, you know, whether it's conscious or not, they select information which reinforces what they already believe. That's just how we are, and very few people are persuaded by data to change their mind.... I don't think you persuade people with data or information. ... Because no amount of data is going to convince them otherwise. If they feel passionately about something, that something is right or wrong, they're not -- For whatever reason, they feel that way. They're not going to look at the data, so you really -- you know, you can't have a data argument with somebody who is having a values argument. It just doesn't work, and frankly, vice versa. I just don't think there's very many people in the world who arrive at a decision based on about -- and I'm not talking about whether or not to buy a business or buy a car, you know? I mean, I'm talking about fundamental sort of issues like, you know, undocumented students or whatever. That are -- That are broad, sort of social issues or whatever. Those aren't data issues. They're value issues. And, you know, if you -- If you feel very

strongly about something, and I'm sitting here throwing numbers at you, yeah, a lot of it, you don't care.

Indeed, the literature on the ACF suggests that policy participants develop policy preferences based on a set of preexisting beliefs (three tiers: deep core beliefs, policy core beliefs, secondary beliefs) and that they make choices and view information and situations through perceptual filters related to those beliefs. Because of these filters, competing coalitions are likely to view the same information differently. With regard to the importance of values in decision-making concerning deeply-held core beliefs in Georgia, the ACF helps to explain the policy process. Policy learning amongst coalitions is more likely to occur when discussions focus on secondary aspects of their belief systems, as opposed to core beliefs, which are much less likely to be swayed by new information (Sabatier, 2005; Sabatier & Weible, 2007; Weible, 2008). Because this case regarding tuition policy for undocumented students was so closely tied with immigration issues, it is unclear whether or not technical information could have affected the decision-making process for other higher education policy issues.

A third way that the ACF provides a model for explaining the undocumented student tuition policy process in Georgia relates to policy change through “shocks” to the system. Since it is unlikely that coalition members will change their policy beliefs voluntarily, policy change must be precipitated by an exogenous source. Literature on the ACF identifies multiple paths to belief and policy change. One of these is perturbations, or “shocks” external to the policy subsystem (Sabatier & Weible, 2007, p.198). Examples of such perturbations include changes in economic conditions, changes in public opinion, regime change, policy decisions from other subsystems, or disaster. In a modification to their existing framework, Sabatier and Jenkins-Smith realize internal

subsystem shocks as an alternative path to major policy change by bringing new information to light, highlighting policy failures or vulnerabilities, and focusing public opinion, potentially shifting the balance of power among coalitions within a subsystem.

Interestingly, the Georgia case highlights this facet of the ACF with “shocks” to the policy subsystem that both brought this issue into the limelight, and later removed it from the state’s collective policy agenda. Jessica Colotl’s traffic violation caused a sudden public outcry over undocumented student tuition and admissions policies and represents an internal subsystem shock. A higher education official explained the phenomenon:

Then you had, from your standpoint, you know, a very interesting public policy phenomenon in that people one day, if you had said to reasonable people, does the Board of Regents have a good policy, and is it being adhered to? Most people would have nodded, yes, they have a reasonable policy and we're reasonably sure that it is being adhered to. And then you had a student run a stop sign where the campus policeman observed him... You know, then a day later, you're doing a complete review.

Additionally, economic conditions may have provided an external shock that brought this issue to policy agendas. A USG administrator postulated that the bad economy could have affected citizen’s attitudes toward undocumented students, and illegal immigrants in general:

But -- And I think that's one reason why, and it's sort of this way historically in the US, issues around immigration, nativism is what they used to call it, you know, there are spikes throughout history. It comes up and comes back -- and goes down pretty fast. And it's usually related to -- I think, to -- I think that is related to the economic situation, you know, because people feel threatened and they want to blame somebody.

What’s more, another external shock played a role in removing this issue from the policy docket. Multiple interview respondents associated lessons learned from the outcome of

the 2012 elections with this issue's demise in Georgia, including a higher education official who stated:

I think -- I think the 2012 election, I think probably -- For people who are passionate about the issue, I don't think their passion has changed. I think for people who felt pulled along by the issue, that maybe didn't care about it, they no longer feel pulled along by it, and I think that's what's changed, and that's why we didn't hear anything about it this year.

With regard to the role of public opinion, policy participants developing policy preferences based on a set of preexisting beliefs, and system “shocks” influencing policy change, the ACF accurately models the undocumented student policy process in Georgia. However, since coalitions were not well developed in in the state around undocumented student tuition policy and politics and power are underestimated, this theory does not adequately explain the policy process in Georgia.

CONCLUSION

The case of Georgia illustrates how a strong higher education system staff is able to influence research use by higher education policymakers in the state since the Board of Regents reported much higher levels of conceptual research use than other elected officials. The weight of public opinion and the power of a political compromise, however, played a larger role in decision-making around admissions and in-state tuition policy decisions for undocumented students that research did. After much pressure from the legislature and state citizens to completely bar undocumented students from all public state institutions, the Board of Regents agreed on a compromise policy in 2010 effectively prohibiting undocumented students from attending Georgia's five most selective institutions. Personal values and “gut” feelings regarding illegal immigration also affected the ultimate policy decision. The Advocacy Coalition Framework provides

a good model of this policy process in Georgia with respect to the unlikelihood of policy actor's changing their deep core beliefs and system "shocks" influencing policy change. But since data collection revealed no evidence of well-developed coalitions in the state around undocumented student tuition, and since the role politics is underestimated, this theory fails to fully explain the policy process in Georgia.

CHAPTER V:

SOUTH CAROLINA – “STICKING IT TO ‘EM”

INTRODUCTION

More extreme than merely banning in-state tuition eligibility, in June 2008, the South Carolina legislature passed a law prohibiting undocumented students from enrolling in public college or university in the state. This ban was but one part of the state’s comprehensive “Illegal Immigration Reform Act,” described by many at the time as the strongest in the nation. South Carolina was the first state to completely ban undocumented students from attending its public postsecondary institutions altogether. The South Carolina case illustrates the importance of a state’s ideological context, the effect of political strategy, and the power of “bare-knuckle politics.”

This chapter is divided into three sections. The first section summarizes the governmental and educational structures in South Carolina. The second section chronicles South Carolina’s narrative concerning undocumented students attending postsecondary education in the state, and relies heavily on interview data, at times presented in large segments, and archival documents for background and corroboration of interview data. The third section presents an analysis of the South Carolina case by utilizing the five dimensions of the analytic framework drawn from research utilization literature and the Advocacy Coalition Framework.

SOUTH CAROLINA IN CONTEXT

Before discussing the case narrative and the findings related to research utilization in undocumented student admissions policy decisions in South Carolina, this section provides case context. This mainly descriptive summary aims to provide background context about governance and politics in South Carolina, and some information about demographics and socioeconomics as they relate to higher education.

State Government

In this section, I describe briefly the governmental structures in place in South Carolina, including a description of the executive and legislative branches, their leaders, and composition of the membership of the general assembly. This description of the characteristics and formal powers and of the executive and legislative branches provides context that allows for a greater understanding of influences on the policy environment that may play a role in the state's actions regarding undocumented students.

Marshall Clement "Mark" Sanford, Jr., a Republican, served as Governor for the state of South Carolina from January 2003 until January 2011. Before serving as governor, Sanford spent six years in the U.S. House of Representatives. Since 2013, he again serves in the U.S. House of Representatives as the Representative for South Carolina's 1st congressional district. During his tenure as governor, the press often described Sanford's relationship with the South Carolina General Assembly as contentious, even though his party dominated it for his entire tenure. In 2008, for example, Sanford supported several GOP primary challengers over the Republican incumbents and in 2009, he sued the General Assembly to prevent it from spending federal stimulus money in the state budget; the state supreme court later ruled he had to

accept the stimulus money. Also in 2009, he faced impeachment due to 37 alleged ethics violations, which the General Assembly ultimately dropped in favor of censure (The State, 2010a, 2010b).

A proponent of limited government, Governor Sanford's education agenda included plans to reform methods of funding the state's public education system with the issuance of vouchers for school choice options and a tax credit system for parents opting to send their children to private schools; both failed. In 2003, Governor Sanford attempted to reform the state's public college system, as well. He sought to stop waste and inefficiency in higher education by either strengthening the existing Commission on Higher Education or, his preference, by replacing it with a board of regents system and by combining some programs as a means of curbing tuition increases. Some South Carolina institutions were not pleased with these suggestions, and to them Sanford remarked "if any institution ultimately feels uncomfortable with our push toward coordination, they can exit the system and go private." Ultimately, this also failed. In the process, however, he was able to reduce tuition rates by tying new construction projects to caps on tuition hikes (South Carolina Bureau, 2013; The State, 2010a).

Nimrata "Nikki" Randhawa Haley succeeded Sanford as Governor of South Carolina in 2011. Also a Republican, Governor Haley served in the state House of Representatives from 2004-2011. During this time, the media viewed her as a strong ally of Governor Sanford and as someone closely aligned with his political agenda. Not surprisingly, in her bid for the Governor's office, Haley campaigned on a similar platform as Sanford's, promoting smaller, more efficient government, tighter budgets and less waste, and school choice and charter school expansion (Nikki Haley, 2013).

How effective a governor is in shaping public policy is mainly based on two factors: his or her formal powers, like power over the budget, veto, and appointments, and his or her informal powers, individual attributes that the governor possesses like the ability to communicate with legislators, the media, and the public, as well as his or her leadership style. The governor's appointment powers in South Carolina are considered weak in comparison to other states (Beyle, 1999; Dye, 2000; Gray & Eisinger, 1997). Governors who appoint many agency heads in their states are strong, and those states where many officers are elected are usually considered to have weaker governors. In South Carolina, the governor appoints 13 cabinet members, though he appoints few alone, and ten other statewide officers are elected. And although he makes appointments to 68 state boards and commissions, only 12 of these are direct appointments (Young, 1999). The South Carolina governor also has relatively weak budgetary powers. Although she is able to prepare and propose a budget, the budgetary submission is simply a proposal, presented to the legislature in bill-form. The legislature must then adopt the appropriation bill, which has the potential to be considerably different from the governor's budget. Additionally, the South Carolina Governor must share a wide range of state fiscal and administrative functions with the State Budget and Control Board, which has oversight for 14 organizational units and serves as the central management function for most state agencies (Carter & Young, n.d.). Considering these limited formal powers, it is not surprising that during his tenure in the governor's office, Governor Sanford indicated a desire to increase the powers of the executive branch.

As with the governorship, Republicans control the South Carolina Generally Assembly. In 2008, when the South Carolina legislature banned undocumented students

from attending the state's public colleges and universities, the state had had 27 Republican Senators and 19 Democratic Senators and 73 Republicans and 51 Democrats in the House (CSG, 2008). And for reference, today (and at the time interviews were conducted for this dissertation) the Republican control has strengthened in the House, with the South Carolina House ratio at 77 Republicans - 46 Democrats, and the Democrats have gained a seat in the Senate, which now comes in at a ratio of 28 Republicans - 18 Democrats (CSG, 2013). South Carolina's General Assembly has 2.7 house members for every senator (Squire & Hamm, 2005). House Representatives serve two-year terms in South Carolina and Senators serve four-year terms (Squire & Hamm, 2005). In terms of legislative professionalism, South Carolina ranks 36th in the country, which is below the median of all states (Squire, 2007). The General Assembly is in session for an average of five months a year, and is assisted by 270 permanent staff members in the capital and in home districts. Legislators make an average base compensation of \$10,000 a year, with an estimated maximum compensation of \$22,000 a year, in most cases meaning they hold other professional jobs in addition to their service in the state legislature. With a total of 170 available seats, the South Carolina General Assembly is nine percent female, 22 percent Black, and zero percent Latino (Hamm & Moncrief, 2012).

Higher Education Governance

South Carolina is home to 33 public higher education institutions including 3 research universities (University of South Carolina, Clemson University, and the Medical University of South Carolina), 10 comprehensive four-year universities, 4 two-year regional campuses of the University of South Carolina and 16 technical colleges. In

addition to these public postsecondary options, South Carolina is also home to 23 independent senior colleges and universities, 2 independent two-year colleges, a private senior college, a private for-profit law school, and a private for-profit junior college. Together these institutions serve over 240,000 students (SCCHE, 2010).

South Carolina has three state agencies tasked with specific responsibilities and duties relating to the state's higher education systems. The South Carolina Commission on Higher Education is the coordinating agency for the 33 public colleges and universities in the state. The State Board for Technical and Comprehensive Education operates the technical colleges system and works to ensure that it is responsive to needs for industry and workforce development in the state. A third state agency, the South Carolina Tuition Grants Commission, was established in 1970 to administer tuition grants to independent college students (SCCHE, 2013).

Established in 1967, the Commission on Higher Education is the statutory coordinating agency for all 33 public postsecondary institutions in the state – 16 colleges and universities and 17 technical colleges. The South Carolina Commission on Higher Education (CHE) operates pursuant to the S.C. Code of Laws with a mission to “promote quality and efficiency in the state system of higher education with the goal of fostering economic growth and human development in S.C.,” which it carries out through statewide planning and approval authority (SCCHE, 2013, p.1). The CHE acts as an activist for higher education, an oversight entity on behalf of the legislature, and an advocate for balance between student and taxpayer interests and institutional needs. The major functions of CHE can be categorized into four areas: advocacy and coordination,

accountability and reporting, research and information services, and program administration (SCCHE, 2013).

The Commission is governed by a board of 15 members appointed by the governor with the consent of the General Assembly. Members include: one at-large member appointed as chair, three other at-large members, seven members representing the Congressional Districts, three members representing the public higher learning sectors, and one member representing the independent higher learning institutions. Commissioners serve four-year terms with the exception of the representatives from the public colleges and universities and independent colleges who serve two-year terms, with no more than two consecutive terms allowed (SCCHE, 2013). A staff of close to 40 people supports the commissioners with their duties. From 2007 to January 2012, Dr. Garrison Walters served as the executive director of the CHE. Dr. Walters had previous experience as the Vice Chancellor for Academic Affairs and Economic Development and Interim Chancellor at the State of Ohio Board of Regents. The acting interim director from his departure until May 2013 was Ms. Julie Carullo, CHE's Director of Governmental Affairs and Special Projects. The search for a new director concluded successfully with the hiring of Dr. Richard C. Sutton, who assumed his position on May 1, 2013 (SCCHE, n.d.).

The CHE has some authority, but their authority is not as strong compared to the individual college presidents and institutional boards. South Carolina has a tradition of strong, sovereign institutional governance. This independence is demonstrated by lifetime trustees at Clemson University and by the fact that the governor and legislature have appointees on all major boards. The research institutions and the four-year

comprehensive institutions are each overseen by a governing board, and the majority of the board members are elected by the General Assembly. Each of these boards (with the exception of Clemson) also includes the Governor and one appointee of the Governor. Furthermore, the University of South Carolina (USC) system is overseen by a single board and each of the regional campuses of USC has an area board that acts in an advisory role. In a 2010 report produced by the CHE, the agency wrote that it “recognizes and respects the authority of the governing boards and through its role serves as a stimulus for actions which assist and strengthen the board’s capacity” (SCCHE, 2010, p.6).

The South Carolina State Board for Technical and Comprehensive Education operates the Technical College System. The System is comprised of 16 technical colleges and two affiliate programs. Technical College System, which has its own separate board, does have a more centrally located power base than the Commission for Higher Education. The board is comprised of twelve members: one from each of six congressional districts, four at-large members appointed by the Governor (one of whom must have experience in secondary vocational education and adult basic and adult secondary education and one of whom have experience with federal job training programs), and the South Carolina Superintendent of Education and South Carolina Secretary of Commerce as ex-officio members (SCCHE, 2010; SC Technical, 2012). The President of the Technical College System also serves as the Executive Director of the Board. The Board reports directly to the Governor, Budget and Control Board, and General Assembly. Barry Russell served as president of the System from 2006 until 2010. The current president is Dr. Darrel Statt (SC Technical, 2012).

South Carolina Independent Colleges and Universities, Inc. (SCICU) was chartered by the state of South Carolina in 1953 and represents 20 independent colleges and universities, including five historically black colleges and universities and two women's colleges. To be eligible for membership in the organization, an institution must meet the following criteria: “(1) be a two or four-year college or university with its primary emphasis upon the liberal arts; (2) receive qualified accreditation by the Southern Association of Colleges and Schools; (3) be a non-profit institution; and (4) be headquartered in South Carolina.” A Board of Trustees comprised of prominent citizens representing the higher education, business, and civic leadership in South Carolina directs the organization. The SCICU is a member of the Council of Independent Colleges and the National Association of Independent Colleges and Universities (SCICU, 2013).

Cost and Demographics of Higher Education

South Carolina faces challenges ahead for higher education with regional and racial disparities in educational attainment, rising poverty levels, and dwindling state support. The state’s economic and social health will depend on public higher education’s ability to serve their changing student population. South Carolina is the 24th most populous state, and is projected to grow by 166,900 people (4%) between 2012 and 2022 (SREB, 2013a). Like that of the rest of the United States, the racial composition of South Carolina’s population has changed in the last couple decades, largely because of the influx of Hispanics. During the year that ended July 1, 2007, the Hispanic population in South Carolina grew faster than any other state’s in the nation, according to U.S. Census Bureau data (Munday, 2008). From 2001 to 2011, the Hispanic population in South Carolina grew by 140,700 – almost doubling the percentage of Hispanic residents in the

state and raising the overall proportion of Hispanic residents to 5 percent of the state's population (SREB, 2013a). Still, South Carolina has the fifth highest black population share at 28% in 2012, compared with an overall U.S. population that is only 13.1% black (US Census, 2012). By the year 2020, non-white public high school graduates in South Carolina are expected to decrease from 43 percent to 41 percent (SREB, 2013a). Since the nation's economic downturn in 2008, the percentage of children in poverty increased 5 percentage points nationally and by 2011, 28 percent of children were in poverty in South Carolina, up from 22 percent in 2008 (SREB, 2013a).

Across the board, South Carolinians have enjoyed increasing access to higher education, but this achievement is mitigated by the gaps in attainment by race and geography. Among South Carolina adults aged 25-64, for example, nearly 60% of Asians and over 40% of white citizens have a postsecondary degree, compared with only 23% of Black and 16% of Hispanic South Carolinians (A Stronger Nation, 2012). Taken together, about 38% of the working-age population holds at least a two-year degree. If the state continues to increase attainment at the current rate, the state will have a 43% college attainment rate in 2025 – far short of the Lumina Foundation's "Big Goal" of 60% (A Stronger Nation, 2012). This is particularly important since, according to analysis by the Georgetown University Center of Education and the Workforce, 56% of the jobs in South Carolina will require some higher education by 2018 and the state will need to fill about 630,000 job vacancies, with 349,000 of those requiring postsecondary education credentials (A Stronger Nation, 2012).

With regard to state appropriations to higher education, across the nation state shares of higher education funding have steadily fallen. The pattern is similar in South

Carolina, and as state-operating funding for higher education has fallen, a greater share of the costs of higher education has shifted to students (SCCHE, 2010). From fiscal year 2008-09 to 2011-12, the state/local appropriations at South Carolina's public two-year colleges fell 16 percent (\$31.6 million) while tuition and fee revenue increased 21 percent (66.2 million). The ratios are even worse for the state's public four-year colleges, where state appropriations fell 34 percent (\$137.5 million), while tuition and fee revenue increased 28 percent (\$283.3 million) (SREB, 2013a). South Carolina's state and local support per full-time equivalent student is only \$4,264, ranking the state at 47th in the country.¹² For reference, of the other states in the study, North Carolina's state and local support per full-time equivalent student is \$8,843 (ranked 5th in the country) and Georgia's is \$6,789 (ranked 14th in the country) (NCHEMS, 2011). Though these numbers paint a bleak situation in South Carolina, as the narrative in the next section evidences, it is worse for undocumented South Carolinians who desire postsecondary education. South Carolina state law prohibits undocumented students from attending any public higher education institution in the state.

NARRATIVE HISTORY OF EVENTS AND POLICY ACTORS

Before turning to a discussion of the findings related to research use in undocumented student tuition policy decisions in South Carolina, this section provides narrative chronology of how higher education benefits for undocumented students came to be on the legislative agenda. In the spring of 2008, the South Carolina General

¹² This measure is found by dividing the state and local government support for public higher education operating expenses (less research, agriculture, and medical appropriations) by public higher education full-time equivalent enrollment (NCHEMS, 2011).

Assembly passed a law prohibiting undocumented students from attending public higher education institutions in the state or from receiving state-funded scholarships to attend private colleges and universities. In truth, South Carolina's law prohibiting illegal immigrants from enrolling in public colleges and universities in the state was not really about higher education, per se. Rather, policy actors in the state, as well as the majority of the state's citizens, were focused on passing the toughest comprehensive immigration bill in the country; banning undocumented students from higher education in the state was just another way of "sticking it to 'em," as one legislative official put it. Before describing the seminal events and actors in each of these stages, this section first provides the necessary immigration context as background to the undocumented student tuition policy debate – to the extent that there really was one, that is.

State Panels on Immigration

With immigration receiving much attention nationally in preparation for an important election year and with South Carolina constituents expressing passionate viewpoints on the issue, the South Carolina legislature began taking a look at immigration reform in 2006 and 2007. According to a legislative official in the state:

Both the House and the Senate, locally, got involved in this, and the Senate appointed a study group... The chairman of the judiciary committee -- Glenn McConnell -- now, Lieutenant Governor McConnell -- appointed Jim Ritchie from Spartanburg, Senator Jim Ritchie to be the immigration reform study committee chairman. And Senator Ritchie, he took the appointment very seriously. We had multiple meetings across the state from the upstate to the coast.

In the fall of 2007, a panel of state senators traveled through South Carolina, including stops in Greer, Charleston and Pendleton and multiple meetings in Columbia. Designed to give lawmakers feedback on how to craft legislation regarding illegal immigration, the panel included Senators Jim Ritchie (R-Spartanburg), Chip Campsen (R-Isle of Palms),

and Randy Scott (R-Summerville), and others, and began with an evaluation of proposed legislation (Scott, 2007; Wenger, 2007). As the bill stood at this point, it mostly dealt with employment issues. Senator Scott said he hoped that the hearings would help educate the public on both the complexities of the immigration legislation and the limitations of a state government to deal with the issue, which primarily falls under federal jurisdiction. He also voiced his concerns about the potential for the bill to encourage racial profiling and perhaps violate people's constitutional rights. Even with these doubts, the Summerville senator said he knew how his constituents felt about illegal immigration and what it was that they wanted: "they want it stopped, and they want it stopped now," he said (Wenger, 2007).

Indeed, tensions flared in the two-hour, standing-room-only meeting in North Charleston on October 23, 2007 to discuss the state's efforts to crack down on illegal immigration. Senator Jim Ritchie told attendees that state taxpayers spend about \$186 million annually on providing education, health care and law enforcement to protection to illegal immigrants. Many residents voiced concerns over job losses and rising health insurance costs due to illegal immigrants, and others voiced frustrations over immigrants' failure to assimilate and learn English. One legislative respondent very involved in immigration reform said:

There had also been some discussion, again, during these town hall meetings, these public hearings that we had held throughout the state where people were talking about that, that you know, state resources are being used to provide, you know, state supported tuition rates for illegal immigrants, or for undocumented immigrants, and that's not right, and we shouldn't -- you know, they're not paying taxes -- you know that whole argument that's made all the time. The same argument that's always made.

On the other hand, other attendees, though fewer in number, did argue that immigrants are working jobs Americans don't want and that the state has no legal right to tackle immigration legislation (Scott, 2007).

These latter citizens had a point, and South Carolina legislators were all too aware of a state's limitations in addressing illegal immigration. Still, short on federal fixes, state policymakers wanted to do what they could to address immigration at the state level. Several immigration bills floated around the assembly the previous couple years, but none passed. After traveling the state to ascertain public opinion on potential approaches, Senator Campsen said the study panel hoped to have legislation on the table when the general assembly reconvened in January 2008 (No letup, 2007; Wenger, 2007).

2008 Legislative Session Context

The number one issue for the South Carolina General Assembly upon their return to Columbia in January was their commitment to deal with the estimated 200,000 illegal immigrants living in the state. According to Republican Senator Glenn McConnell, Senate President Pro Tempore and Chairman of the Senate Judiciary Committee, "on issues that the General Assembly perceives the public is heavily interested in such as immigration reform, the General Assembly will move very conclusively in the early part of the session" (Hagland, 2008; Wenger, 2008a). But these good intentions had to compete with "election-year politicking" and a strained relationship with Governor Mark Sanford (Wenger, 2008a). Several policy actors in the state accused the governor of actively recruiting opposition for his political enemies in the legislature. Senator Larry Martin (R-Pickens) said he expected the elections to influence the session:

There will be some people who can get downright ugly at times if they feel like they've been targeted unfairly or inappropriately on some issues. But that's the

nature of what we do. Will it play a bigger role than it normally does? Probably, because we've never seen that type of active campaigning before out of a governor. (Wenger, 2008a)

Still, Senator Martin commented that policymakers in the state would make a good faith effort to compromise with Governor Sanford. Indeed, Senate Majority Leader Harvey Peeler (R-Gaffney) said his “New Year's resolution is not to say anything bad about the governor” (Wenger, 2008a).¹³

Concurrent to concerns about the Governor's probable efforts to banish certain Republicans from the State Legislature, some policymakers in the state voiced concerns over both immigration legislation's legality and its true intent. Some felt that the matter was best left to the federal government. As Senator Brad Hutto (D-Orangeburg) commented:

Us saying immigration is a No. 1 issue is a bunch of huffing and puffing because it's not true. It's a federal issue. It's not a state issue. ... We're going to pound our chest, but by the end of January we're going to say we passed an immigration bill, and by February 1 not a thing is going to change. (Wenger, 2008a)

Since the federal purview seemed so absolute to some, critics of proposed immigration legislation, including Representative Joe Neal (D-Hopkins) guessed that the commitment to pass the issue was merely “feel-good” legislation, pandering to South Carolinians frustrated by the federal government's failure to act (Wenger, 2008b). House Speaker Bobby Harrell (R-Charleston), the immigration bill's lead sponsor, disagreed, saying, “anytime you pass a bill that the public is very vocal about wanting, someone is going to

¹³ Governor Sanford's Press Secretary Joel Sawyer said that the governor did not have a preferred list of candidates and was not involved in efforts to oust certain Republicans from the legislature (Wenger, 2008a). In my interview with Scott English, Governor Sanford's chief-of-staff and policy advisor, however, he admitted that they were indeed involved in setting political strategies to the benefit of particular candidates.

say legislators are pandering. The reality is, we're just responding to what our constituents have said they want to see done” (Wenger, 2008b). Speaker Harrell admitted that most immigration-control measures are under federal jurisdiction, but felt there were actions the state could take:

There are things we can do, but the big-ticket items, building a fence or stopping illegals from crossing the borders, is not in South Carolina's purview. ... (But) I think you're going to see legislative action occur. I think the time's right. I'd be surprised if we wouldn't get something done in the first month or so of session. (Wenger, 2008a)

Dispute over Worker Verification Standards

To paraphrase Robert Burns: the best-laid plans often go astray. An immigration bill did not pass within the first month of the session as House Speaker Bobby Harrell predicted. In fact, the debate over the contents of the bill “divided the Legislature in ways reminiscent of the battles to bring down the Confederate battle flag and ban video poker” (Wenger, 2008k). Though the bill was written and on the table by the end of January, the session nearly ended before the political gun smoke settled and the South Carolina General Assembly ratified a comprehensive immigration bill. Three major sticking points stalled the policymaking process: 1) some legislators, most vocally Democrats, think the matter should be left to the federal government, 2) dispute over how employers verify whether or not a worker is in the country legally, and 3) the severity – and enforceability – of the penalties for violation (Wenger, 2008e; 2008h).

The main hang-up – a deadlock for months – concerned worker verification standards for private employers (SC immigration, 2008; Wenger, 2008d). One side – primarily the Senate and to some degree the Chamber of Commerce – favored citizenship documentation checks by private employers be performed using the federal I-9

Employment Eligibility Verification Form (Hicks, 2008). The other side – primarily the House and the Governor’s office – argued that the I-9 is flawed and does nothing to stop companies from hiring illegal immigrants. Critics of the I-9 forms argued that they create a loophole because the federal government fails to check whether the names and Social Security numbers provided on the forms are actually valid (SC immigration, 2008; Hicks, 2008; Wenger, 2008c). At one point in the months of back and forth, the Senate designed an option they called S.C. Verify, a new paper document that would mirror the federal I-9 Form, but this was abruptly struck down by the House, as well (Wenger, 2008h). This side wanted employers in South Carolina to check workers’ citizenship by a system other than the I-9.

The system championed by the House and Governor Sanford as an alternative to the faulty I-9 form was the U.S. Department of Homeland Security's new online (and free) database, E-Verify, then being used by private employers in Georgia, Arizona, Colorado, Oklahoma and Missouri. E-Verify allows employers to check the authenticity of workers’ Social Security numbers. The House supported limiting employers to state driver’s licenses and the federal E-Verify to substantiate worker’s legal status (Wenger, 2008c; 2008e; 2008h; 2008i; 2008j; Hicks, 2008). Governor Sanford was openly and heavily critical of the Senate, particularly Senator McConnell, and said he was depending on the House to fix the bill. After referring to the “political cowardice” of the Senate, Sanford said:

In contrast, we're confident that the House, unlike the Senate, will follow through in passing the type of bill they've said they would - one that contains E-Verify, without the loopholes. In that regard, I'd once again compliment Chairman Harrison, Speaker Harrell and others in the house who've worked so hard to make sure that immigration 'reform' in our state is in fact immigration reform. (Sanford, 2008)

In defense of the Senate and his bill, Senator McConnell said that Governor Sanford only “wants to hide in the bushes and take potshots at the Senate instead of stepping onto the battlefield” (Wenger, 2008f). McConnell and other critics of E-Verify, worry about its reliability. And the S.C Chamber of Commerce was also quite vocal about the need for policymakers to be mindful of the competitiveness of South Carolina businesses (Wenger, 2008c; SC immigration, 2008; Hicks 2008). Further, McConnell argued that the House’s bill was a “paper tiger” and did not set penalties severe enough (Wenger, 2008i).

During this multi-month push for immigration reform – a push noted by House Majority Leader Jim Merrill (R- Daniel Island) as bipartisan in nature – legislators’ phones lit up and public scrutiny soared. As said by Representative Wallace Scarborough (R-James Island):

The No. 1 issue that is on everybody's mind is illegal immigration. I believe this is something people truly want. They are truly expecting us in the General Assembly to handle this situation. I think if we don't do it, we're failing the people. (Wenger, 2008d)

Ultimately, the policymakers compromised by passing a resolution on what was characterized as “the most divisive issue to hit state politics in years” (Wenger, 2008h). As alluded to above, House Speaker Bobby Harrell led one side of the debate, and his counterpart on the opposite side of the legislature, Senate Pro Temp Glenn McConnell, led the other. In closed-door discussions in late May, the two Republicans reached a political compromise on illegal immigration reform (Wenger, 2008h; 2008j). The compromise plan required all businesses to confirm the workers’ legal status by using a state driver's license, a license from another state with the same eligibility requirements,

or E-Verify (Wenger, 2008j). Sanford also approved. In a statement on May 27th he said, “There's been a lot of back and forth on this bill over the past few weeks, but we believe the end result that the Senate approved today is what everyone was after the whole time — a strong and enforceable immigration bill” (Wenger, 2008j).

It is very important for the purposes of this dissertation to note that the “back and forth” referred to by Governor Sanford never concerned higher education. There was not a legislative dispute over the decision to bar undocumented students from attending public colleges and universities in the state. As explained to me by Governor Sanford’s chief of staff and policy director, Scott English:

I don’t know if this is funny or not. It really wasn’t a debated point. It just wasn’t the central focus of the issue. It was as though everyone just agreed: ‘well, of course we don’t want illegals to go to college’ (laughs).

He continued:

I don’t want to say it got lost, but it really was – like I said, it was just a generally accepted issue. And, you know E-Verify, the law enforcement provision, the thorough pre-emption, those were [the] fights.

According to English, and corroborated by other interview respondents and by the fact that the media accounts of the policy process in the South Carolina were practically void on the matter, barring undocumented students from attending public colleges and universities was an uncontested “given” in this legislation.

House Bill 4400: “The Toughest in the United States”

After months of politicking, the South Carolina legislature ratified House Bill 4400 on May 29, 2008, and Governor Sanford signed it into law on June 4, 2008, making South Carolina the fifth state in the nation to pass omnibus illegal immigration reform legislation. The law, called the South Carolina Illegal Immigration Reform Act, is

lengthy, complex, and far-reaching, affecting South Carolina businesses, health care, law enforcement, and higher education. State policymakers said they pushed the limits of federal preemptions but crafted a law that they think will hold up against potential legal challenges (Coley, 2008; Wenger, 2008d, 2008l). Senator McConnell said he thought the new law would “have a chilling effect like an Arctic breeze; we will not stand idly by with this silent invasion,” he said (Wenger, 2008j). Indeed, for all its amendments, its chilly sentiment is one of its harshest weapons. Approximately half of the policy directives restate existing federal regulations. The law bans illegal immigrants from owning guns, for example, and this was already a federal law (Haglund, 2008).

With regard to higher education, the South Carolina Illegal Immigration Reform Act bars undocumented students from attending state colleges and universities or from receiving state-sanctioned benefits aid to attend any postsecondary education institution. Specifically, Section 17 of the law states that:

(A) An alien unlawfully present in the United States is not eligible to attend a public institution of higher learning in this State, as defined in Section 59-103-5. The trustees of a public institution of higher learning in this State shall develop and institute a process by which lawful presence in the United States is verified. In doing so, institution personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

(B) An alien unlawfully present in the United States is not eligible on the basis of residence for a public higher education benefit including, but not limited to, scholarships, financial aid, grants, or resident tuition.

South Carolinians under 18 will still have the right to a public education and public benefits, but no illegal immigrant can attend a state-supported college or receive any scholarships under this statute. Phil Lenski, a staff attorney for the Senate Judiciary Committee, said that South Carolina legislators have been discussing the possibility of

this legislation since 2007. Lenski added that Senator McConnell, chairman of the Senate Judiciary Committee, sponsored the immigration reform content in the knowledge that most of his constituents "don't support the expenditure of public funds on illegal immigrants" (Zehr, 2008a; 2008b; Wenger, 2008l). The day after the Governor signed the bill into law, Joel Sawyer, his communications director, said that Governor Sanford signed the immigration bill primarily because it will require private employers to verify that their workers are in the country legally and because the bill also fines employers who hire undocumented workers. When asked by an *Ed Week* reporter how the governor feels about prohibiting undocumented students from attending public colleges and universities in the state, Mr. Sawyer said, "That's something we don't have a problem with, but that wasn't our driving force in pushing for the bill" (Zehr, 2008b).

The law's passage delighted many policymakers, as well as South Carolina residents. Senator Jim Ritchie boasted "the Senate passed the most aggressive illegal immigration reform bill in the nation" and Representative Jim Harrison declared, "this is a historic day" (Wenger, 2008e; 2008k). Senator Chip Campsen proudly said that the immigration reform legislation exemplifies how the process of making laws is supposed to work; the issue was studied by the legislature for over two years and vetted in public hearings, and executive and legislative policy actors were both heavily involved in reaching a workable compromise (Wenger, 2008k). Speaker Bobby Harrell was pleased, too, saying "we heard loud and clear what the citizens of our state wanted" (Wenger, 2008k). The immigration reform, touted as "the toughest in the United States" also pleased Governor Sanford, who said that it "puts South Carolina in the forefront of where

all states are on immigration reform" (Wegner, 2008l). About 20 South Carolina legislators joined Sanford for the bill signing.

Other legislators, however, were not as pleased with the new law. Some worried the law went too far and that it could lead to racial profiling. Representative Seth Whipper (D-North Charleston), whose district includes a large immigrant population, voted against the bill and felt troubled that "the trail of probable cause sways toward racial profiling," which, he feared, may cause legal Hispanic immigrants hardships (Wenger, 2008k). Whipper also noted that he did not think legal immigrants were enough involved in the policy process and that their voices were not sufficiently heard.

Still others expressed concerns about whether or not immigration reform at the state level would really make a difference. South Carolinians who had demanded a hard-liner approach complained that the new law is toothless and expressed doubts that anything would change. State policymakers agree that their hands are tied to some extent by federal immigration regulations. At a roundtable discussion on May 19, state legislators, city leaders and community advocates mostly agreed that the state immigration reform was only a Band-Aid for what really an issue for Congress to resolve (Haglund, 2008; Coley, 2008). Democratic Senator Brad Hutto said, "until we solve this on a national basis, it's not going to be solved. So whatever we do is at best a stopgap." The more optimistic Representative Chip Limehouse (R-Charleston) commented, "better a Band-Aid than nothing" (Coley, 2008).

Undocumented South Carolinians, however, would likely disagree about the "toothlessness" of the new law. Although attending college in South Carolina at an out-of-state tuition rate may have been difficult for undocumented students before the

passage of the South Carolina Illegal Immigration Reform Act in June 2008, they were allowed to go. So things certainly did change for them.

CASE ANALYSIS

Having outlined the narrative highlights of the undocumented student tuition policy process in South Carolina – such that it was – this section analyses the case against the five dimensions of the analytical framework. (Refer to Appendix D for a summary chart of the framework.) Findings uncovered in qualitative analyses shed light on the research questions regarding policymakers’ preferred sources of information, the role of research evidence in undocumented student tuition policy decisions, and how South Carolina’s unique characteristics and governance structures affect research use in the state. This study also examines influences on and events of the policy process in each state to better understand the validity of the Advocacy Coalition Framework as a theory of the policy process, and those findings as they pertain to South Carolina’s case are analyzed in this chapter, as well.

Evidence of “two communities” divide

South Carolina policymakers value public opinion and real-world solutions, and do not operate within a culture that values theory and research evidence. As stated by a legislative official in the state, “I think there's a perception in many places that we study a lot more and give a lot more thought to the process of making laws than we really do.” Considering the public outcry for immigration reform, state policymakers felt the matter had to be dealt with accordingly, no matter what might be recommended in scholarly articles and policy reports. According to several interview respondents in South Carolina, and one gubernatorial official in particular:

You've got to be fair to the general public. I mean, I don't want to say that they're ignorant, but they have -- I mean, everybody's -- listen, everybody has a different priority system, and for someone who is out there working a job, you know, trying to get their kids through college or, you know, just trying to make their way through the world, I can tell you that they're not going to sit around and have a very high level conversation about what does it mean to deny access to a college for an illegal immigrant. They have a visceral feeling about it. They either think it's a good idea, or they empathize.

In this particular policy situation in South Carolina, that visceral feeling was to deny undocumented immigrants access to public benefits, including higher education. This prevalent public opinion heavily influenced decision-making. With regard to the lack of research use, a legislative official attributed the following:

I think it's not a supply issue. I think there's a lot of -- I mean, there is a tremendous amount of research on so many things, and I never found -- in anything I looked at, that I -- in any work I ever did when I was working at the legislature, I never thought that there was a lack of research in the area. What I always found was that you know, first of all, you have a huge group of your politicians who are, you know, politicians of the people. They just -- I mean, it's part of their persona that they just don't give a crap what the policy is. This is, I'm here and this is what my people want, and I'm going to -- By God, that's what we're going to do. And that's popular. That's that populist attitude. Policy be damned, research be damned, this is what's going to happen. This is what we want, and it's what we're going to do. So you have that. And those people don't care [about research].

In his opinion, no amount of theory or research evidence would convince those types -- of which there are many. On the other hand, however, a smaller, more educated group of policymakers had the potential to read and be swayed by research:

You've got that group. Then on the other hand you've got those people that are very, very into the research and the policy. That is a small group. I think people with a -- Obviously people with a higher level of education tend to be more influenced by academic research and things of that nature. I mean, you're -- But I wouldn't say necessarily, you know, a particular degree or another degree, but I mean, your professionals, your true professionals, doctors, dentists, lawyers, you know, other professions, academics -- Those people tend to be more influenced by the academics, and the research, and things of that nature. They tend to

appreciate the value of that information. Where as -- Business folks, especially people who don't -- Who are sort of, you know, self-taught businessmen, you know, the guy who started the convenience store and now owns 400 of them. You know, I mean, great, and he's very successful or she's very successful, but they're not so much interested in the policy of things or the academic research that supports or refutes anything that they're coming up with.

These attitudes evidence the “two communities” perspective in the research utilization literature, which suggests that academic and political communities are comprised of people with different norms and languages and that the two cultures emphasize different values (Snow, 1961).

The findings mentioned above indicate that many policymakers in South Carolina are not interested in research. Several interview participants also recognized that different languages between the two communities might also present a problem for legislators. From the perspective of South Carolina policymakers, there are two problems with academic research: it is too technical for a non-scholar to understand, and it is oftentimes not relevant to the problems facing the state. With regard to the first problem, a gubernatorial official commented, “the problem with academic journals is that they -- They don't distill information down to a level that's consumable.” South Carolina respondents related persistent, and likely accurate, complaints that academics do not write in such a way that policymakers can use the recommendations for policy change in their states. Though several respondents admitted academic research is oft over their heads, the larger issue, perhaps, may be its irrelevance to contemporary issues. A state senator questioned the true purpose of research to influence policy, and explained how it is usually unrelated to the state-level decisions facing the legislature:

Why do you think academics produce research? And I don't necessarily think that they necessarily produce research to affect legislation. Policy and legislation, obviously are intertwined, but you know... We're probably not trying to reinvent

the wheel. We're just trying to make sure that it fits into what's on the ground in South Carolina, so a journal article is probably aimed at the big picture policy, and not helpful.

Another state senator summed the problems up well:

If you study the demographic of most state legislators, there's not a lot of PhDs, okay? And so it's not written in an approachable manner, and it doesn't really answer the questions that public policymakers have to answer. We have to allocate resources that are limited.

This too-technical supply of usually irrelevant research, combined with a lack of legislator demand for that type of information in the first place, contribute to quite low levels of research use in South Carolina.

Types (and role) of sources of information

According to South Carolina interview respondents, policymakers in the state relied on multiple sources of information during the decision-making process regarding immigration reform, including: federal and state law, and legal experts; laws and lessons from other states, particularly Arizona and Georgia; a few think tank pieces “to see what the broad spectrum of policy was”; stakeholders, like businesses and agriculture; and constituents, among others. Generally in South Carolina, there is a history of anecdotal evidence affecting policy decisions. A gubernatorial official in the state said, laughing:

And, you know, in South Carolina, when you're doing policymaking in many cases, personal anecdote is what drives the policy discussion. It's never reflective of data. You know, I used to have a guy who worked for me who would joke that the plural of anecdote is data in South Carolina (laughs). And to some degree, that's true.

Such anecdotal evidence is most often described as stories from individual constituents.

As explained by a former policy advisor in the governor's office, “90% of the legislation that passes through the General Assembly every year deals very much with that anecdotal story of, you know, some nice lady in my district has a problem.” Anecdotes also are

effective when they come from other stakeholders in a particular legislator's district, like a business for example. He continued:

Personal anecdote more than anything else, so the business groups would bring in employers and say, here's how this would affect my business, and that would give them the ability to stand on the floor and say, now I've talked to this guy who employs, you know, 200 people back in my district, and this is what's going to happen.

The quote above referred to the E-Verify procedures, the most hotly debated aspect of immigration reform in South Carolina. As highlighted in the previous chapter, higher education issues did not play a large role in immigration reform. One legislator I spoke with, however, did mention an anecdote directly related to the proposal to ban undocumented students from colleges in South Carolina:

And so I guess, what I'm saying is, as a part of that whole debate on what impact, you know, undocumented workers were having in the state, part of it was higher ed. Are we subsidizing the education -- higher education benefits to these folks. And so [the senate] had some anecdotal discussions during this time when this was being passed -- on the floor of the Senate, because Senator Darrell Jackson, who is an African-American minister from Columbia and a Senator, a student of his that went to his church, I believe, had been at Carolina for two or three years and if this bill passed and they weren't going to be able to graduate, and were going to basically just be kicked out with three years of education, and they had been paying their tuition, studying hard, going to class, doing well, and he put in a provision to try and allow that one -- basically it was a, to say if you had already - - basically grandfather in students who were already in, and I don't think it ended up passing. But he gave a pretty, you know, heart wrenching, compelling speech.

Coincidentally, this anecdote was the only information source regarding the higher education facet of the bill that he could remember ever being discussed. Although anecdotes were told, respondents indicated that policymaker's preference was for other types of information. A state senator highly involved with the subcommittee examining immigration commented that, "what was most helpful would be to look at what other states were doing, what the courts had rejected or approved to make sure it was viable."

With respect to this study regarding undocumented student tuition and admissions policies, and therefore also with regard to South Carolina's comprehensive immigration reform, interview participants in South Carolina suggested that the largest influencers were threefold: other states' policies, legal advice, and ultimately, public opinion. When setting out to study immigration, the senate subcommittee was very interested in learning from the laws and lessons of other states that had already enacted similar legislation. Taken together, data reveal that legislators considered laws in Arizona, Colorado, Georgia, and Oklahoma. A former policy official in the governor's office said, more specifically:

I mean, the two specific states that we really paid close attention to, and this debate was happening in some degree or another in probably about a dozen states. And the two states that we looked at very closely were Georgia and Arizona. Now this was pre 'show me your papers' legislation that Arizona passed. But, you know, we looked at those two states, how the debate played out, what the issues were. We took -- We were very much concerned about the -- about the implications of the federal pre-emption. We were also very concerned about the work place issues.

A legislative official leading the reform agreed that Arizona was a key source of information: "Arizona was the leading state at that time. They had been through a couple iterations. Some of them had been tested in the courts, and so we're trying to find where the articulated guardrails were." South Carolina policymakers' interest in other states related both to understanding what comprised the policies, and also the legal implications.

Legal considerations were just as important as policy considerations; policymakers in South Carolina wanted to know where they stood with respect to federal and state law. To understand state law implications, an attorney and former legislative official commented, "we looked at many, many states' laws and what they have done."

And in response to a question about his most important sources, a leading senator on this issue said he and his colleagues looked to “mostly legal precedent, what other states had done, and [legal] experts. So the experts were how to make it, you know, hold up to federal scrutiny or whatever.” Indeed, there was much discussion of and concern about the possibility of federal preemption, and those most intimately involved in the legislation consulted attorneys both within South Carolina, as well as expert advice from elsewhere. A legally-trained legislative official recalled seeking legal advice from a law professor:

We asked for -- received free assistance from an attorney [and]... former counsel to the Reagan administration. He's a professor at the law school at the University of Missouri in Columbia... He never came in, because we didn't have the funds to bring him, but he spoke to us, and he also reviewed some of our proposed legislation. His expertise was in the area of assisting states. He had written numerous articles about states' abilities to pass legislation that affected immigration issues within a state that wouldn't violate separation of powers. It wouldn't violate federal law. So he had been instrumental in Arizona's federal -- He was the legal expert, and Senator Ritchie's intent in asking him to assist us was to make sure that whatever was drafted would not immediately be a violation of federal law, and wouldn't immediately get, you know, slapped with a lawsuit from the feds -- So he was brought in to give us a cursory look at our bill and see if our proposed legislation, and see if there was anything that he found -- any red flags that he could see. And he did actually find a couple of things, but not specifically related to the higher ed issue.

Speaking of Senator Jim Ritchie and his leadership of the subcommittee studying

immigration, he continued:

And you know, on the one hand, to Senator Ritchie's credit, Senator Ritchie is an attorney, and he was trying very hard to follow the advice of the gentleman, the professor at the University of Missouri - Columbia Law School, and not pass a bill that was going to be immediately subject to, you know, federal injunctive, you know, action, taken to quash some part of it or have some part of it declared, you know, in violation of federal law.

To some legislators, though, a legislative attorney explained, it seemed like the law did not really matter that much:

But, I can't tell you how many times working over there on different bills and different issues that you hear someone say, 'I don't give a damn what the United States Constitution says. I don't give a damn what the federal law says. This is South Carolina.' It's a politically popular stance to take. You know, 'we're going to do this because it's the right thing to do for us here in this state, and if the federal government has a problem with that, they can sue us, but by damn we're doing it anyway.' That kind of thing -- It's politically popular.

On the whole, however, it was very important to these South Carolina policymakers to understand the legal implications of immigration reform legislation, no matter what policy decisions they were ultimately going to make.

Although understanding the legal limitations of their power certainly played a large role in the development of comprehensive immigration policy in South Carolina, the overall most influential factor on the ultimate policy outcome was public opinion. The weight of public opinion, in this case, included both concerns regarding constituent preferences, as well as legislators' personal reelection interests. In South Carolina, the public opinion at the time was overwhelmingly in favor of strict immigration reform legislation. Immigration was a sensitive issue in the state, including the piece of whether or not to allow undocumented students to enroll in public colleges and universities. Scott English, former Governor Sanford's chief of staff, admitted:

And so a lot of this was being driven by what was coming to us, and it was like, well, we don't want them down here. You know, we don't want them hired. We don't want them going to college. And so it became an element of this bigger issue of let's take every incentive we can off the table. We should not even allow them to go to our colleges.

Many state legislators heard similar viewpoints expressed by their home constituencies. And in response, many of them voted in favor of a bill tough on illegal immigrants. One reason respondents articulated for voting consistent with their district's values is because

legislator's feel it is their duty to properly execute the wishes of the citizens they represent. As explained by a legislative official:

If you get those politicians alone in a room where they're not trying to make a political statement, they'll say, look, I've got to do this for the folks back home. And you know, I'm going to do what I've got to do, because this is what I'm hearing from my constituents. They want me to stand up for this no matter what, and that's what I'm going to do.

According to one legislative official, sometimes this happens even when the legislator may personally disagree with his constituents' beliefs:

You get into some of these more touchy issues ...and [legislators] may have what most people would describe as a much more open minded view of those issues, but their constituent population is not -- They perceive their constituent population to be not of the same mind as them. Much more conservative, generally speaking. And they're going to take -- They're going to take -- In fact, I've even heard in meetings where politicians will say things like, don't make me have to stand up and vote on this, or try to keep this from a vote, or try to do -- Don't put me in this position, because although I support you personally, there's no way on Earth that I'll be able to stand up and say anything in your favor or will I be able to vote for this piece of legislation that would give you any kind of favorable treatment. I can't do that. Now I'll work behind the scenes to get you what you need or to stop anything that's going to hurt you, but when it comes down to a vote -- I'll have to go with my constituents.

As briefly referenced in the aforementioned quotation, a second reason public opinion sways legislators in South Carolina is the politics of re-election. If elected officials travel to the statehouse and fail to consider the interests of the people who put them in power, it is unlikely that they will be re-elected. As explained by a Democratic Senator discussing immigration reform, "there was a general feeling that Republicans felt like this was a winning issue for them -- that being on the 'let's get these people who don't look and sound like us out of here' was a good policy."

In the case of immigration reform in South Carolina, interview respondents indicated that information on other states laws, expert legal advice, and public opinion

most heavily influenced the ultimate legislation. Although it is important to note that respondents did say that with some topics formal research might play a larger role, in this particular policy process respondents agreed that research was not used. As candidly expressed by a senator, “this debate was not based on logic or research. This debate was based on xenophobia, race, and partisan politics.” Higher education’s piece of the legislation – the decision to bar undocumented students from attending higher education in the state – got wrapped up in a larger agenda to make South Carolina the most unpleasant state for illegal immigrants as possible. In perhaps the state’s most common theme reported by *all* interview respondents, the South Carolina Illegal Immigration Reform Act, House Bill 4400’s formal title, was meant to “make it so difficult to live here that they won’t want to live here,” as said by one Democratic senator. “Let’s attack them at every level. Let’s go back and make sure that there’s no ability for them to function. Let’s just drive them out.”

Not only did South Carolinians want to drive the illegal immigrants out of their state with the new legislation, they also wanted it to be the absolute toughest immigration policy in the country. At the time, the recently-passed Arizona legislation was “billed as, by Arizona and by others, certainly by the Republican party, as the toughest immigration law in the nation,” according to a legislative official working with the immigration subcommittee. He explained the South Carolina legislators’ wanted their legislation to overtake Arizona’s as the toughest policy in the United States:

We looked at a lot of law review articles about, you know, what states could do in terms of dealing with immigration issues within their borders that wouldn’t violate federal law... We looked at other states’ legislation, but ultimately what happened was this was the final policy decision. After considering all those policies, this was the final political decision. The political decision was, I want you to take Arizona’s bill, and I want you to turn it into a South Carolina bill. I

want you to add a couple of things, take a couple of things out that don't apply. We can't use the model that Arizona used, because we don't have the same structure as the state of Arizona, but I want you to basically apply the same rules, cover these issues, add this and this, basically turn Arizona's legislation into South Carolina's legislation, and make it tougher. So that we can then say, we passed an even tougher bill than Arizona.

Governor Sanford's office saw the issue in the same light: "I'll see your tough immigration legislation and I'll give you the toughest immigration legislation in the country." When it came down to decision-making time, South Carolina policymakers "really didn't care about the research or the policies at all," a legislative official said. "They were like, we have a tougher bill than Arizona and that's all I have to say about that. Boom."

Use of research information

Considering the findings mentioned above, it is hardly surprising that interview data suggest that research, in the academic sense, is not a preferred source of information, nor does it play a large role in ultimate policy decisions in South Carolina. Governor Sanford, in fact, admitted that research is used only "infrequently." Two respondents did, however, give examples of instrumental use of research in particular situations that are technically complex, and more policy-oriented than politically-oriented. A Republican senator said that research is used instrumentally "in more complex matters." He continued:

Most bills come through a legislature are pretty straightforward. I mean, somewhere between naming a road and (laughs) overhauling the tax code, right? And so you don't have to do a lot of academic stuff. But when you start to articulate policy that has to do with either legal status, like we did here, or health issues -- That's where you start to really get into, well, what's the standard in the industry? Or what's the underlying challenges they're trying to address. That's where you start getting into more of the professional journals, if that makes sense.

A Democratic senator expressed a similar viewpoint, but added that this only happens on issues that you care a lot about because of time limitations.

The most common type of research use reported by respondents in South Carolina was overwhelmingly political. When asked about which types of research use he sees most commonly, a legislative official confidently stated:

Well, certainly not the [conceptual use] on that list. It's just not. There may be some staffers who live in that city, but -- But not the policymakers. But it vacillates between [instrumental use] and [political use] on your list. [Political use] is the easy one. The political one. You know, I want this. I want to persuade somebody on this point. Go find me something that says that. It happens all the time.

When asked a similar question, Governor Sanford also commented on the political use of research:

People shop policy. They want to hear what they want to hear, and so if you're on the left, you're going to the Brookings Institute. If you're on the right, you're going to the Cato Institute or Heritage Foundation, and so you will get research that supports and validates what you already believe.

Another legislative official likewise commented the frequency of political use of research, but took that a little further, indicating that policymakers in South Carolina may overtly ignore the research that does not support their position:

I think that with dealing with political representatives, what invariably happens is, you know, they're going to take -- if research is supportive of their position, and the position that they feel that their constituents want them to advocate, then by God, they love it. And if it's not, then it's just ignored, and they're going to move forward with what they've got. And that's been -- Because I can remember many debates on the floor of the Senate where they're literally pulling up research and quoting from it, but it's never -- you know, it's always something that supports what they had to say, and if someone brings something up to the contrary, they don't want to hear about it.

This supports research by Milan and Ness (2012), conducted on a similar topic in Pennsylvania, which found that even when the research lands in the lap of the

policymakers, it is many times overtly ignored. Another interesting finding is that while multiple interview respondents mentioned the political use of research, political factors were mentioned much more commonly and were noted to carry more weight. So, for instance, rather than hearing examples of research being used politically, it was more likely to hear tales of political compromises, political responsibilities, and political relationships. These findings may be related to scholarship on the “two communities” mentioned above. And indeed, there is evidence in South Carolina of a set of attitudinal and intellectual barriers to the use of technical information and analysis. Or, it may be that they just care more about the politics than the policy.

While policymakers in South Carolina did give examples of research being used instrumentally and politically at times, with regard to the decision to prohibit undocumented students from attending public higher education in the state, respondents indicated that research was not used at all, in any way. A state senator said:

Occasionally you might be presented with some type of, you know, policy paper, journal article, that type of thing, but in this context, that did not happen in the sense that the education component of this bill was not driving this bill.

Instead, “it was something that was very much driven by public opinion,” he said.

Another senator commented likewise, “It’s the spring of the primary season, everybody is looking back home to see where the mood of the district is, and thoughtful arguments don’t move much, which I learned.”

With regard to this particular case, politics trumped rational policymaking in South Carolina. Considering other issues, however, interview respondents did express barriers – other than political considerations – with regard to the lack of research use in the state. These can be described as: (1) time, (2) a small staff, and (3) an uninvolved

Commission on Higher Education. With regard to time, one senator noted the vast breadth of policy issues that legislators have to handle each session does not lend it itself to research use:

I think it's important on the one hand, but to draw a straight line from something you print to a law that gets passed, it doesn't happen that way. You know, in any given year, we may pass -- We may be looking at revamping the code for, you know, nurse practitioners, and then foresters, and then we will debate whether we should give Boeing incentives, and then you've got the whole budget, and there are so many things that are going on. It's not like 170 of us -- Well, first of all, there -- among the 170, there are probably less than 100, maybe even less than 50 that would even think about reading anything. They just don't. Some of them probably can't, okay? So the idea that we're highly educated in terms of educating ourselves about policy is just not there.

Another time-related barrier concerns the low level of legislative professionalism in South Carolina, which has a citizen legislature. A state senator, who holds works full-time as an attorney, expressed the constraints:

And then, who's got the time to do that? Who has a job that you can go to your boss and say, oh, by the way, from January to June, I'll only be coming in on Mondays and Fridays? And what boss is going to say, oh, well that sounds like a wonderful idea. I mean, so a lot of people are just locked out of this system by the way the system is set up, so we end up with basically a bunch of wealthy retired folks, many who go up to Columbia for the social aspect of being in Columbia or a few who don't have any other -- you know, there's a few folks who don't have any other job, and so the \$20,000 that we make, that's what they live off of, which is crazy to think that that's a good way of setting it up so, I mean, it's a narrowing -- The pool of prospective people who have the wherewithal to do it, and then the desire to do it, and then to think out of that group how many want to sit around and read a journal article, it's a fairly narrow group.

Both of these comments speak to Guston, Jones, and Branscomb's (1997) research, which investigated barriers to the provision and use of technical information and analysis in state legislatures, and found time to be a primary limitation. Secondly, a small legislative staff also likely contributes to the lack of research use. One senator stated bluntly the stark staff numbers: "the entire 18 Democrats in the Senate have 3 staff

members.” A gubernatorial official noted the differences in staff power between Congress and the South Carolina legislature, and sympathized that the state is “not staffed to do [research] here.” And finally, a third barrier to research use, with particular regard to immigration reform and the decision to ban undocumented students from state colleges, may be the SC Commission on Higher Education’s lack of involvement on the issue. One senator mentioned that sometimes the Commission feeds legislators research on certain topics, but that they were silent on this issue. Indeed, a higher education official commented that sometimes they do provide information, and at those times, they like to provide a balanced account:

If those issues present themselves, as kind of being an objective party, we would want to provide them with kind of both viewpoints or what most research was saying. As opposed to what they might try to gather, here's all the support for this one particular area.

Though a causal relationship between the Commission’s lack of involvement and the low level of research cannot be drawn, it seems plausible that the absence of a strong board to provide research and encourage its use, may have attributed to research not being valued highly in South Carolina.

Effect of political and organizational structure

South Carolina’s political climate played an enormously large role in the development of the state’s admissions policy for undocumented students. By most respondent’s definitions, this particular issue was more closely related to immigration policy than to higher education policy, and as such, the political – and partisan – nature of the decision-making process is undeniable. As one legislative official explained:

The undocumented student higher ed policy was a sub-issue within the larger context of how do you deal with illegal immigration... Anything that's discussed in the Capitol becomes a partisan issue, because that's just the nature of politics.

But they are not by definition partisan issues. You know, higher ed, you could approach that from several different angles. Not always political. Immigration is probably more political. It's always been political since the birth of the nation.

Not only did getting lumped into a larger immigration reform bill increase the political and partisan context of college access for undocumented students, but it also contributed to the higher education piece of immigration reform being included without challenge.

Several policymakers in South Carolina remembered that business was the debated issue. A higher education official recalled, “there were other issues in that bill that were bigger that they were resolving. ... Those weren’t really focused on the higher ed issues at all – more on business issues and e-verify and all.” A legislative leader of the immigration reform recollected:

I don't think we even dealt with it in the summer study committee. I could be wrong, but my recollection was it was not on our radar screen, because it was such a small piece. And we thought -- my recollection is that the House added it, we didn't object to it, and it just wasn't part of the fight.

Another state senator remembered higher education’s piece of immigration reform being added without contest. He explained:

As far as trying to take that out and allow undocumented people to go to colleges when we weren't going to let them work, it just didn't -- if you believed in that, then it didn't make any sense to carve that out. So I don't know that there was -- In fact, I can tell you with pretty much certainty, there was never an amendment that was put up and debated that said, we need to look at the education policy of this separately from how we're looking at the total picture.

Furthermore, a third legislative official also did not recall a fight over the higher education amendment, but explained that any resistance to the higher education portion of the bill would have “caved quickly,” because:

The big thing that everybody was concerned about was the employment issue, and they were willing to cave on all other things if they could get a little bit on the employment issue, and so they threw up the concerns about the academic, the higher ed portion of the bill.

The business aspects of immigration reform were “far more important” because legislators “were getting a lot more phone calls about [business issues] from their constituents than they were about [higher education].” Feedback from respondents in South Carolina make it clear that immigration reform in the state captured higher education, thus making any debate of the latter separate from the former an impossibility.

Having established that higher education policy was fully wrapped up in the politics of immigration, an analysis of the how political and organizational structures in South Carolina influenced immigration reform can be applied to the legislative decision not to allow undocumented students to enroll in public postsecondary education in the state. The effects of the political climate and organizational structures on the policy process in South Carolina can be divided into three primary influences: (1) the politics of an election year, (2) Governor Sanford and the “two senates,” and (3) an ineffective and uninvolved higher education system. To begin, both the national and state political contexts of an important election year affected this policy process in South Carolina. At the national level, immigration “became a hot-button issue,” explained a legislative official, especially important to the Republican Party. In this opinion:

And this is my personal opinion, although I think there would be others that would support this view. I think that a number of other issues at the national level weren't going so well for the Republican Party and for the Bush administration. They had -- The war was in a terrible point at that point, 2007. The war was going very poorly in Iraq, not so great in Afghanistan either. The economy was starting to nose dive, and those were -- And I think that what happened was there was an effort to try to deflect some of the attention away from, at the national level -- Those issues to something that perhaps we could talk about and maybe do something about.

At the state level, similar conversations were taking place. A South Carolina senator explained the political climate in the state:

Yeah, so now you're in the spring of 2008. Very hot political time, and the economy has turned. Okay, so now South Carolinians are losing their jobs. Different kind of pressure. Property values are dropping. Construction jobs are sliding. People are losing jobs because the economy is starting to tank quickly. So now they're mad -- the public is mad at government, and the reason I don't have my job is because of that guy over there. The reason my child can't go to college is because of that girl over there. And that became a very palpable part of the conversation. It was also an election cycle. All the -- The Senate and the House, both of them. So everybody is trying -- And South Carolina politics at that time was, you've got to keep going right, especially in the primaries, so everybody is looking for -- reelection. *So, reasonable, rational, problem solving politics was not on the table.*

This political atmosphere and a looming election undoubtedly factored into many legislators' desires to pass the toughest immigration law in the nation. Upcoming elections in the South Carolina General Assembly also inspired the Governor's office to action, as explained in the second influence below.

A second way political and organizational structures in place in South Carolina affected decisions regarding undocumented students is very closely related to the election-year politicking explained above. The Governor's poor relationship with the legislature has been well documented in the media and multiple interview respondents -- representing both political parties -- commented on the tensions and the frustrations of working with him. Further evidencing the tensions, Scott English, Sanford's former chief-of-staff, pointed to what he termed the "two senates." According to him, one senate is composed primarily of older Republican senators that used to identify as Democrats decades ago and who are considered "a liability, as they're not sufficiently conservative enough." And conversely, the other senate is "the Sanford wing, the conservative wing of the party." These senators, including Senator Campsen, Senator Bright (R-Spartanburg), and Senator Davis (R-Buford), worked closed with Governor Sanford, according to English.

In 2008, the media and several legislators accused Sanford of supporting several GOP primary challengers over the Republican incumbents in the South Carolina legislature. Though his spokesperson at the time denied the accusation, my conversation with Sanford's policy advisor and chief-of-staff tells another story – a story of a gubernatorial office that used “bare-knuckle politics” to manipulate the state policy agenda to the benefit of certain Republicans, and to the detriment of others. As told my Scott English:

And I'm going to admit to this now. I probably never would have before, certainly not while I was still in the governor's office. I don't want to say we were agnostic about E-Verify, it's just not something we were really trying to get at the base level. When -- What generated the e-verify was -- was an amendment offered when the bill was originally considered by the Senate, Senator Campsen got a co-sponsor from Senator McConnell, introduced an e-verify provision, which was rejected by the Senate. Now this is where policy gets set aside for a minute and politics gets put in place. I smelled blood. And so what I wanted to do is now make e-verify the central issue over immigration, and we did.... It was a Senate election year; you only get those every four years. And it was vulnerability for members of the Senate, and so I wanted it to become the central theme of the immigration debate. To help get our people elected. The House very willingly helped us on that.

Political strategists in Sanford's office never really cared about the business aspects of immigration reform as much as they pretended, but rather used the policy issue for political gain. It was “far less about public policy and far more about politics. I knew it was a good political issue. I really did, and I knew for an election year it was an issue that's time had come,” he said. Of the senate subcommittee that worked for months to understand and settle the issue in the state, English continued proudly: “you know, [Senator] Jim [Ritchie] did a series of public hearings on it and all this stuff. And I -- You know, they really felt like they were going to control the process, and we just brought bare-knuckle politics to it.”

A third way political and structural characteristics of the state affected this policy process relates to an ineffective and uninvolved system of higher education. First of all, multiple interview respondents mentioned that the SC Commission on Higher Education, the state's higher education coordinating board, did not play a role in this policy process. One senator suggested:

I think they just wanted to keep their heads low and stay out of this debate. I mean, they're more worried -- On this kind of issue, the Commission on Higher Education doesn't want to get crosswise with the legislature, or any faction of the legislature, over something that affects so few people when they've got big issues out there... It's not worth us the fight. And I think the Commission on Higher Ed would have seen this as one of those that, while they might have had an opinion, it was politically not worth the fallout that could happen.

Admitting that they “didn't take a position at the time,” a higher education official rightly asserted that this was partly “because institutions are responsible for their admissions policy and admissions determinations. And we just didn't have any authority in that area.” Interestingly, however, the individual institutions did not take a public stand either; “We got nothing from the universities either. They didn't testify. They didn't come in,” stated a legislative official. Another legislator explained why this might be:

With Dr. Barker [Clemson President], you know, Carolina or Clemson, they might have felt like for, you know, academic purity and other things, diversity of the student population, that having these students was a good thing... [but] they aren't going to step out and make that academic argument to us and have us turn around and go on the radio and say, ‘I can't believe that Dr. Pastides [USC President] is coddling illegal immigrants.’

The absence of the higher education sector from the state debate on higher education access for undocumented students may have also been a product of its encapsulation by immigration reform policy and politics. It also could have partially been a result of how the senate originally structured study group to explore immigration issues in the state: “this came through judiciary, not through the education committee, which would be

another issue,” explained one state senator. The extent to which differently structured leadership for the senate study or more involvement from the higher education sector may have led to a different outcome for undocumented students in South Carolina remains unclear, but there is evidence here to support that they did play a role.

Coalition and subsystem dynamics

Many people and groups were mentioned by interview respondents, as well as in archival documents, as being involved in undocumented student admission policy process in South Carolina to varying degrees, including: the Senate and the House, particularly the leaders, Senate Pro Temp Glenn McConnell and Speaker Bobby Harrell; the Senate Judiciary Committee, and more specifically, the subcommittee on Immigration, led by Senator Jim Ritchie; Governor Sanford, and his policy staff; the Chamber of Commerce; the Farmer’s Bureau; various agri-business groups; the Catholic Church; the tourism industry; various anti-immigration groups, including the South Carolina Coalition on Immigration Control and the Americans Have Had Enough Coalition; and the general public, among others.

The side against immigration reform legislation included the Chamber of Commerce, the Farm Bureau, and the Catholic Church, but for varying reasons. A state senator included the following groups in his list of those opposed to strict immigration legislation:

The state Chamber of Commerce. They did not like the legislation. They wanted to use the easier, lower standards to determine legality. The construction industry, mostly the roads and bridges guys -- And then the agri-business, landscaping folks. The hospitality community, to a lesser extent.

Business, farming, and tourism groups opposed the legislation because of the potential it has to hurt the bottom-line in those industries. Referring to the farm community, one

senator said, “and they basically said, you're going to kill us. If this passes, you don't understand what -- agriculture is the number one industry in this state, you know, just ahead of tourism, and why would you want to do this?” Referring to the Chamber’s opposition, another legislative staffer said, “you had certain agri-business industries that were saying, let's be careful here what we're doing, because this is going to make it much more difficult for us to maintain our work force.” A gubernatorial official added that the Chamber’s “real fight was trying to keep E-Verify out,” as discussed in the narrative section of this chapter. The Catholic Church opposed the legislation because “recognizing the growth in membership due to the influx of these undocumented workers” and did not want that to end, likely fueled by both religious and financial motivations. While policymakers in South Carolina listened to these objections, a Democratic senator said that ultimately, politics mattered more: “We had a little bit of that discussion, but not so much to overcome for the partisan aspect,” he said.

Other South Carolinians favored strict immigration reform. The majority of the citizens in the state fell on this side, with varying degrees of passion. As explained by a Republican senator:

Then on the pro side, you had what was -- what later became the angry populism of Tea Parties. This was the first salvos of that. It wasn't so much racial as it was just parochial. It wasn't like, ‘we don't like Mexican people.’ It was, ‘we don't like illegal people. We like South Carolina people.’

The weight of this group should not be underestimated. Some small businesses also favored strict immigration reform legislation. A legislative staff attorney explained that while the Chamber of Commerce argued against HB 4400, “on the other hand, you had other businesses, small businesses that were saying, I'm being put out of business by

these -- by some of these groups that are unscrupulously hiring undocumented immigrants.”

To the extent one could argue the aforementioned groups and activities could be categorized at coalition formation under the Advocacy Coalition Framework, there are still problems relating to their lack of three characteristics: coordinated activity, longevity, and formation based on deep core beliefs. The first reason these groups cannot be accurately described as coalitions related to the lack of thoughtful coordinated activity. According to the ACF, coalitions can be defined as groups of people with compatible policy core who engage in “a nontrivial degree of coordination,” and ally and strategize together to influence policy (Sabatier & Weible, 2007, p. 196; Sabatier & Jenkins-Smith, 1988, 1993, 1999). As seen above, there is much evidence indicating multiple policy actors had the same desired policy outcome. Additionally, there is evidence of more than one group or person working together at times. For example, a March 2008 article in the *The Post and Courier*, a Charleston, SC newspaper, discussed an anti-immigration rally in Columbia attended by about 100 people, including the South Carolina Coalition on Immigration Control and the Americans Have Had Enough Coalition. There is, however, little evidence to suggest that any of these groups worked together, as a coalition, to achieve a common policy goal.

A second indication of the absence of true coalitions in South Carolina is that groups mentioned above did not form around a set of common deeply held beliefs. Instead, each group was individually motivated by its own interests: the Chamber was motivated by the desire for business success, the Church by a more altruistic aim, and so on. While rational choice frameworks suggest that people make decisions based on

material self-interests, the ACF purports that policy participants develop policy preferences based on a set of preexisting beliefs and that they make choices and view information and situations through perceptual filters related to those beliefs. The findings in South Carolina do not support this tenant of the ACF.

An additional confounding factor related to this finding is that not only were some of these policy actors motivated by personal gain instead of personal values, but they may have been advocating a self-interested policy outcome *in spite of* their deep core beliefs. It is quite possible, for example, that two actors from the business sector may share values at the deep core belief level over the role of individuals and society, believing in hard work and limited government. However, in the case of South Carolina, such individuals may have found themselves on different sides of immigration reform (a policy core belief) or the E-verify versus I-9 form debate (a secondary belief) based on their particular industry or whether or not they happened to employ undocumented workers. This interesting phenomenon calls into question what happens when coalition members disagree at a secondary belief level – a situation that the ACF has not yet addressed.

A third reason these groups in South Carolina are not true coalitions is their lack of longevity. The ACF assumes coalitions to be longstanding and stable over long spans of time, usually more than a decade. Considering the various motivations for desiring a particular policy action, and that these motivations are not necessarily based on a set of deep core beliefs, there is no evidence suggesting that either side of the immigration issue in South Carolina was bound by common values over a duration of many years. Although English's "two senates" – the old Republicans (former Democrats) and the new

Republicans (Sanford and the Tea Party) – might be cast as longer-standing coalitions (though probably not of a decade or more) and may be working from different belief systems, the data collected for this study revealed no evidence that they are active around this issue.

Furthermore, and more immediately connected to this dissertation topic, the question of whether or not coalitions formed with regard to higher education's piece of this legislation is more absolute; they did not. Considering the sector's lack of involvement in the policy process, it is hardly surprising that there is no evidence of coalition building with undocumented students tuition or attendance policies in the state. According to the ACF, the existence of coalitions must be verified by an empirical identification of the coalition's common belief system and coordinated strategy, neither of which can be seen in this case (Schlager, 1995). Since coalitions were not well developed in South Carolina around either immigration reform or undocumented student admissions policy, the Advocacy Coalition Framework does not adequately explain the policy process.

The South Carolina case evidences one additional way in which the ACF is an incomplete model of the policy process: it vastly underestimates the importance of politics and power, which cannot be overstated in South Carolina's case. As examples, when asked if the policy process was very much driven by public opinion, a state senator replied "Yeah, oh, absolutely." Another referred to the immigration reform bill as merely "a political statement." And a Sanford senior staff member said that immigration reform in South Carolina "was far less about public policy and far more about politics" and that he "knew it was a good political issue." There is also much evidence in South

Carolina that policymakers decided undocumented student policy in an effort to protect traditional social hierarchies; this is discussed further in Chapter VII. Considering the likelihood that the Advocacy Coalition Framework underestimates these crucial elements, this theory does not adequately explain the policy process in South Carolina.

CONCLUSION

South Carolina's case study illustrates the importance public opinion, the effect of political strategy, the power of "bare-knuckle politics," and a state's commitment to maintaining existing social hierarchies by "sticking it to 'em." In June 2008, the South Carolina legislature passed a law prohibiting undocumented students from enrolling in public colleges or universities in the state. In this case, this decision was completely engulfed by a larger political agenda to "drive out" illegal immigrants from the state with the by passing the nation's toughest comprehensive immigration law. Interview respondents overwhelmingly indicated that public opinion and political agendas trump research use, thus providing strong evidence of the negative effect a "political forum" can have on research use. The Advocacy Coalition Framework does not provide an adequate model of this policy process in South Carolina, since data collection revealed no evidence of well-developed coalitions in the state forming around undocumented student tuition policy or around immigration reform, and since the role politics and power are underestimated. With regard to future research, decision-making motivations in South Carolina call into question what happens when coalition members disagree at a secondary belief level – a situation that the ACF has not yet addressed.

CHAPTER VI:

NORTH CAROLINA: “READING THE LEGAL TEA LEAVES”

INTRODUCTION

Establishing an undocumented student attendance policy stupefied the North Carolina Community College System for the better part of a decade. From 2001 to 2009, the system had a total of five different policies on the issue, ranging dramatically from a ban on attendance to an open-door policy. As of 2009, the North Carolina Community College System allows undocumented students to enroll, at the out-of-state rate required by North Carolina law concerning eligibility for public benefits. The University of North Carolina System follows a similar policy. While the North Carolina General Assembly has considered bills regarding in-state tuition benefits (Democrat-led) and attendance bans (Republican-led) for this group, none have passed. The North Carolina case illustrates the legal confusion commonly associated with undocumented student tuition and attendance policies, the effect of a “professional forum” on research use, and the influence of political positions.

This chapter is divided into three sections. In the first section, I summarize the governmental and educational structures in North Carolina. In the second section, I chronicle North Carolina’s narrative concerning undocumented students attending postsecondary education in the state, relying heavily on interview data, at times presented in large segments, and archival documents for background and corroboration of interview data. In the third section, I present an analysis of the North Carolina case by utilizing the

five dimensions of the analytic framework drawn from research utilization literature and the Advocacy Coalition Framework.

NORTH CAROLINA IN CONTEXT

North Carolina is both defined by and an exception to the US South with regard to its political, socioeconomic, and educational characteristics. Before discussing the case narrative and the findings related to research utilization and relevant theory in undocumented student tuition policy decisions in North Carolina, this section provides case context. Mainly a descriptive summary, this section aims to provide background context about governance and politics in North Carolina, and some information about demographics and socioeconomics as they relate to higher education.

North Carolina Politics – Conservative Core with a Progressive Streak

A recent book by Rob Christensen (2008), a long-time political columnist for the Raleigh's *News and Observer*, examined the history of North Carolina's political culture and described it as a paradox of a seemingly progressive Southern state despite its conservative-leaning core (Christensen, 2008). North Carolina was, for example, represented by both conservative Senator Jesse Helms and center-left Democratic Senator John Edwards at the same time. North Carolina's history of federal races best evinces the state's Republican propensities, and would have the state labeled "red." In ten of the last 12 presidential elections, North Carolinians have voted Republican. The only two exceptions were in 1976 when the state voted for southerner Jimmy Carter and in 2008 when Barack Obama narrowly won the state; North Carolina, however, did not favor President Obama in the 2012 election. US Senate races tell a similar story. During the same time period, the state elected only three Democratic U.S. Senators, who served only

one term each (Christensen, 2008). At the state level, however, election trends better label North Carolina a “blue state,” as the following section demonstrates.

State Government

In this section, I describe briefly the governmental structures in place in North Carolina, including a description of the executive and legislative branches, their leaders, and composition of the membership of the general assembly. This description of the characteristics and formal powers and of the executive and legislative branches provides context that allows for a greater understanding of influences on the policy environment that may play a role in the state’s actions regarding undocumented students.

Unlike neighboring states Georgia and South Carolina which have each been led by Republican governors since 2003, Democrats have controlled the governor’s mansion in North Carolina from 1993 until 2013, winning five consecutive state-wide elections: James B. Hunt, Jr. (1993-2001), Mike Easley (2001-2009), and Beverly Perdue (2009-2013). In 2013, the state elected Governor Pat McCrory, a Republican. Based on the tenure of service for the former and on critical politicking by the latter, Governors Easley and Perdue are most relevant to this case on the undocumented student tuition policy process in North Carolina.

Michael Francis "Mike" Easley served as Governor for the state of North Carolina from January 1993 to January 2001. Before serving as governor, Easley spent eight years as the North Carolina Attorney General, elected in 1992 and re-elected in 1996. During his tenure as governor Easley focused on education reform, and in July 2008 received the National Education Association’s inaugural "America's Greatest Education Governor" award (NEA, 2008). Throughout his administration, the media described Easley as

unafraid to confront the state legislature. In fact, Easley was the first North Carolina governor to use the power of veto, a power voters elected to give the office in 1996 (Under the Dome, 2008). Ironical since he previously served as the state's Attorney General, in 2010 a court convicted him of knowingly filing a false campaign report and Easley became the first North Carolina governor to admit to a felony in a deal that likely halted a lengthy federal investigation (Curliss & Kane, 2010).

Beverly Eaves "Bev" Perdue succeeded the term-limited and controversy-beset Easley in January 2009, and served as Governor of North Carolina until January 2013. Before stepping in as governor, Perdue had a long career in Tar Heel State politics. From 1987 to 1991 she served in the North Carolina House of Representatives, and from 1991 to 2001 she served five terms in the North Carolina Senate. According to an article written during her gubernatorial campaign, her legislative record was "pro-business, pro-education and pro-environment when it didn't impede business" (Geary, 2008). In 2000, the state elected Perdue to become North Carolina's first female lieutenant governor; she was re-elected to another four-year term in 2004. While lieutenant governor, Perdue served on the State Board of Community Colleges, and voted to bar illegal immigrants from enrolling in the state's community colleges, even if they were in-state high school graduates (Geary, 2008). The media described Perdue as a woman who got her way, and in an reckless interview that (unfortunately for her) later became a staple of Republican attack ads during her gubernatorial campaign, she once characterized her own methods as a combination of "manipulation and charm" (Geary, 2008).

As mentioned in previous chapters, how effective a governor is in shaping public policy is mainly based on two factors: his or her formal powers (also called institutional

powers), like power over the budget, veto, and appointments, and his or her informal powers, individual attributes that the governor possesses like the ability to communicate with legislators, the media, and the public, as well as his or her leadership style. The governor's formal powers in North Carolina are considered weak in comparison to other states, including Georgia and South Carolina, particularly regarding veto power where the other states' governors receive strong scores (Beyle, 2007). Governors who appoint many agency heads in their states are strong, and those states where many officers are elected are usually considered to have weaker governors. Though overall the executive branch may be weaker in North Carolina, with regard to appointment power North Carolina ranks higher than the other two states in this study. In North Carolina, the governor appoints eight cabinet members, and three other senior officials with posts of a similar rank as the cabinet secretaries.

As with the governorship, until recently Democrats have controlled the North Carolina General Assembly. The North Carolina Community College System changed its policy regarding undocumented student admission into the state's community college five times from 2001-2009 (policies in 2001, 2004, 2007, 2008, and 2009). Table 4 shows the composition of the North Carolina General Assembly during each of those years, and to present day (CSG, 2001-2013).

Table 3: Composition of the North Carolina Legislature, 2001-2013

	Senate		House of Representatives	
	Democrats	Republicans	Democrats	Republicans
2013-	17	33	43	77
2011-2012	19	31	52	68
2009-2010	30	20	68	52
2007-2008	31	19	68	52
2005-2006	29	21	63	57
2003-2004	28	22	60	60

2001-2002	35	15	62	58
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During the decade from 2000 to 2010, Democrats controlled both chambers of the North Carolina General Assembly, with the exception of the 2003-2004 legislative sessions in which the two parties shared control of the House. It is important to note, however, that the typical Democrat in North Carolina is “a pro-corporate moderate-conservative” (Luebke, 2010). Beginning with the 2011 session, the Republicans made large advances in both chambers and assumed control of the legislature. Today (and at the time interviews were conducted for this dissertation) the Republican control has strengthened all around, with the House ratio at 77 Republicans - 43 Democrats, and the Senate ratio at 33 Republicans - 17 Democrats (CSG, 2013).

Both House Representatives and Senators in serve two-year terms in North Carolina (Squire & Hamm, 2005). In terms of legislative professionalism, North Carolina is categorized as a hybrid legislature. The General Assembly is in session for an average of four months a year, and is assisted by 321 permanent staff members in the capital and in home districts. Legislators make an average base compensation of \$14,000 a year, with an estimated maximum compensation of \$23,000 a year, in most cases meaning they hold other professional jobs in addition to their service in the state legislature. With a total of 170 available seats, the North Carolina General Assembly is 22 percent female, 19 percent Black, and one percent Latino (Hamm & Moncrief, 2012).

Higher Education Governance

North Carolina is home to 16 public four-year institutions, 36 private liberal arts, research and comprehensive institutions, and 58 community colleges spread across North Carolina. Together these institutions serve well over a million students. North Carolina

has two state agencies tasked with specific responsibilities and duties relating to the state's higher education systems. The University of North Carolina System is the governing board for the 16 public colleges and universities in the state, and the North Carolina Community College System governs the 58 community colleges.

The University of North Carolina System is a multi-campus state university system, encompassing 16 such institutions and the NC School of Science and Mathematics, a public residential high school for gifted students. The North Carolina General Assembly chartered the University of North Carolina in 1789, and for the next 136 years, its only campus was in Chapel Hill. The 1931 state legislative session redefined the UNC System to include two more state-supported institutions: North Carolina State College (now North Carolina State University at Raleigh) and Woman's College (now the University of North Carolina at Greensboro). By 1969, legislative action added three additional campuses to the system: the University of North Carolina at Charlotte, the University of North Carolina at Asheville, and the University of North Carolina at Wilmington. In 1971, North Carolina passed legislation bringing the remaining ten institutions into the UNC System: Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, the North Carolina School of the Arts (now the University of North Carolina School of the Arts), Pembroke State University (now the University of North Carolina at Pembroke), Western Carolina University, and Winston-Salem State University (UNC, 2013).

The UNC Board of Governors governs the UNC System, and legally charged with “the general determination, control, supervision, management, and governance of all affairs of the constituent institutions” (UNC, 2013). The North Carolina general Assembly elects each of the 32 voting members of the Board to four-year terms. Additionally, any former board chairmen and board members who are also former state governors are invited to continue serving for limited periods as non-voting members. The president of the UNC Association of Student Governments also serves on the Board as a non-voting member. Together the Board elects the UNC System President, who administers the University with the assistance of a large staff. Molly Broad, the current president of the American Council on Education, served as the UNC President from 1997 until she was succeeded by Erskine Bowles, a politician and businessman from North Carolina, who served as President from 2005 through 2010. Thomas W. Ross became President of the University of North Carolina in 2011, and still serves today (UNC, 2013). A chancellor, selected by the Board of Governors upon recommendation by the President, heads each campus of the UNC System. Each university has its own 13-member Board of Trustees, consisting of eight members elected by the Board of Governors, four appointed by the governor, and the president of the student body, who serves in an *ex officio* capacity (UNC, 2013). Total Fall 2012 enrollment for the 16-university system was 221,010 students (175,760 undergraduates, 45,250 graduate students).

The State of North Carolina has apportioned the 58 public community colleges to be governed by the State Board of Community Colleges. Previously governed by the State Board of Education, in 1979, the General Assembly changed state control of the

system and made a provision for a separate State Board of Community Colleges. The Board was appointed and organized in 1980, and assumed sole responsibility for the system on January 1, 1981 (NC Community Colleges, 2013). The Board has full authority to set policy for the System and to oversee its operation. The Board consists of 21 members, 18 selected by the Governor and the General Assembly. The Governor appoints a total of 10 members (four from the state at-large and one from each of the six trustee regions), and the House and the Senate each elect four members. The other three members serve in an ex officio capacity, and include: The Lieutenant Governor, the State Treasurer, and the president of the North Carolina Comprehensive Community College Student Government Association. Members typically represent North Carolina business, industry, education, and government. Board members can be appointed or elected to no more than two consecutive six-year terms (Ralls, 2008). The Board elects its chair to serve as the Board's leader; Businessman James J. Woody, Jr. served as Chair of the Board from 2001 until July 2005, when Progress Energy executive Hilda Pinnix-Ragland succeeded him (NC Community Colleges, 2013).

The North Carolina Community College System Office assists the Board as its day-to-day administrative arm. Under the direction and discretion of the Board, the System Office provides state-level administration and leadership of the Community College System. The System President heads the office. Martin Lancaster served as president from 1997 to 2008, when Dr. R. Scott Ralls, who still acts as President today, succeeded him (NC Community Colleges, 2013). Dr. Ralls formerly served as president of Craven Community College in New Bern, NC from 2002 through 2008, and assumed

his role as President of the Community College System in the troughs of the controversy over undocumented student admissions policies.

The Community College System is North Carolina's main provider of workforce training and adult education and currently serves an estimated 840,000 students (over 270,000 degree-seeking). North Carolina prides itself on having a community college within a 30-minute drive of all citizens, and based on the number on colleges, is the third largest community college system in the nation (NC Community Colleges, 2013).

North Carolina is also home to world-renowned private institutions, including Duke University, Wake Forest University, and Davidson College. North Carolina Independent Colleges and Universities (NCICU) represents the state's 36 private, nonprofit colleges and universities on public policy issues and focuses on maximizing college access and affordability for students attending private institutions in the state. Its 36 member institutions include liberal arts colleges, research and comprehensive universities, women's colleges, and historically black colleges and universities. NCICU institutions serve 69,000 undergraduate students and about 20,000 graduate students, and award about one third of the state's bachelors degrees (NCICU, 2013).

Cost and Demographics of Higher Education

North Carolina has a long history of supporting its colleges and universities and of making higher education a priority for the state. Yet the state faces challenges ahead for higher education with regional and racial disparities in educational attainment, a quickly growing population, and significant reductions in state funding. The state's economic and social health will depend on public higher education's ability to serve their changing student population.

North Carolina is the tenth most populous state, and is projected to grow by 1.2 million people (13%) between 2012 and 2022 (SREB, 2013b). Like that of the rest of the United States, the racial composition of North Carolina's population has changed in the last couple decades, largely because of the influx of Hispanics. From 2001 to 2011, the Hispanic population in North Carolina grew by 416,200, almost doubling the percentage of Hispanic residents in the state and raising the overall proportion of Hispanic residents to 9 percent of the state's population (SREB, 2013b). North Carolina has the seventh highest black population share at 22% in 2012, compared with an overall U.S. population that is only 13.1% black (US Census, 2012). By the year 2020, non-white public high school graduates in North Carolina are expected to rise to 45 percent, up from 41 percent in 2010 (SREB, 2013b). Since the nation's economic downturn in 2008, the percentage of children in poverty increased 5 percentage points nationally and by 2011, 26 percent of children were in poverty in North Carolina, up from 20 percent in 2008 (SREB, 2013b).

Across the board, North Carolinians have enjoyed increasing access to higher education, but this achievement is mitigated by the gaps in attainment by race and geography. Among North Carolina adults aged 25-64, for example, 59% of Asians and over 42% of white citizens have a postsecondary degree, compared with only 26% of Black and 17% of Hispanic North Carolinians (A Stronger Nation, 2012). Taken together, about 38% of the working-age population holds at least a two-year degree. If the state continues to increase attainment at the current rate, the state will have a 46% college attainment rate in 2025 – far short of the Lumina Foundation's "Big Goal" of 60% (A Stronger Nation, 2012). This is particularly important since, according to

analysis by the Georgetown University Center of Education and the Workforce, 59% of the jobs in North Carolina will require some higher education by 2018 and the state will need to fill about 1.4 million job vacancies, with 833,000 of those requiring postsecondary education credentials (A Stronger Nation, 2012).

With regard to state appropriations to higher education, across the nation state shares of higher education funding have steadily fallen. North Carolina is unusually committed to providing affordable higher education to its citizens, and the state constitution mandates that “the General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of charge” (NC State Constitution, Section 9, Article IX). Yet the nation pattern is still similar in North Carolina: as state-operating funding for higher education has fallen, a greater share of the costs of higher education has shifted to students. And indeed, the proportion of North Carolina’s total state appropriations going to higher education has been declining; from 1985 to 2004, the share of state expenditures going to the UNC System dropped from 17.2 percent to 11.8 percent (Brown & Clark, 2006). From fiscal year 2008-09 to 2011-12, however, the state/local appropriations at North Carolina’s public two-year colleges rose 5 percent (\$57.5 million) and tuition and fee revenue increased a whopping 67 percent (\$123.3 million), equaling a net funding increase of \$180.8 million for the Community College System over those three years. The story is worse for the state’s public four-year colleges, where state appropriations fell 15 percent (\$328.2 million), and tuition and fee revenue also decreased by 6 percent (\$60.3 million), for a net funding decrease of over \$388 million (SREB, 2013b). North Carolina’s state and local support per full-time

equivalent student is \$8,843, ranking the state at 5th in the country.¹⁴ For reference, of the other states in the study, Georgia's state and local support per full-time equivalent student is \$6,789 (ranked 14th in the country) and South Carolina's is \$4,264 (ranked 47th in the country) (NCHEMS, 2011). Although North Carolina wrestles with economic and educational challenges common to the Southeast, these indicators suggest that the state places a higher priority on funding higher education than neighboring states.

NARRATIVE HISTORY OF EVENTS AND POLICY ACTORS

Before discussing the findings related to research use in undocumented student admissions policy decisions in North Carolina, this section provides a narrative chronology of the North Carolina Community College System's positions on the issue. The North Carolina Community College System (NCCCS) grappled with this difficult policy issue for most of the past decade; between 2001 and 2009, the System changed their policy regarding admissions for undocumented students five times. In 2001, the State Board issued a policy that barred undocumented students from enrolling. Three years later, the Board policy changed and allowed each of the 58 colleges in the system to decide individually whether or not to admit undocumented students. Then in 2007, a decision to admit undocumented students to all community colleges sparked considerable controversy. After receiving advice from the State Attorney General in May 2008, the Board reinstituted the ban on undocumented student enrollment, since they were advised that such a policy change would be more likely to withstand a court challenge. Then

¹⁴ This measure is found by dividing the state and local government support for public higher education operating expenses (less research, agriculture, and medical appropriations) by public higher education full-time equivalent enrollment (NCHEMS, 2011).

after seeking clarification from the U.S. Department of Homeland Security and commissioning a study on the issue, the State Board of Community Colleges once again reversed its policy and established their most recent, and still standing, policy on undocumented students. In September 2009, the Board adopted a policy that allows institutions to admit undocumented students, at an out-of-state tuition rate.

It is important to note up front that all of the policies considered by the State Board on Community Colleges, and by the UNC Board of Governors for that matter, involve admissions policies for undocumented students, not tuition policy. Under North Carolina state law, illegal immigrants are not eligible for certain public benefits and the Boards do not have the statutory authority to set tuition rates. As explained by NCCCS leadership:

Yeah, so we don't speak to tuition at all. The whole policy was not about tuition. It's only about admissions. So we don't have, you know -- The tuition issue is not something that falls under the purview of our board. So our tuition is set by the General Assembly. UNC is similar to that, although they do sometimes charge additional, but in terms of giving waivers to in state tuition, that was never really part of the policy decision. It was only about admissions. Who determined that they are all out of state residents, well, that goes through state residency, and it's based on -- you know, it's just the state definition of residency.

A senior administrator with the UNC System explained the limitations of their purview similarly:

But the tuition rates that are set have to be done within the parameters set by statute. That we are, by statute, required to charge more to out of state students and non-residents of North Carolina, and we're not able to provide benefits to non-residents that are not available to residents. And in, you know, and in all matters, we are obligated as a public institution to abide by federal and state law.

Were North Carolina to consider granting undocumented students in the state admissions to college at an in-state rate, this decision would have to come from the General

Assembly. As discussed later in this section, such legislation has been proposed more than once, and has failed each time.

The remainder of this section provides the necessary immigration context as background to the undocumented student policy debate in North Carolina and describes the seminal events and actors in each of these stages. This section, as well as the North Carolina case in general, focuses on NCCCS policies and decision-making, however UNC System policies and proposed legislation of the North Carolina General Assembly are also included to establish a richer context.

Dec 2001 – July 2004: NCCCS prohibits undocumented students from enrolling

On December 21, 2001, Clay T. Hines, Assistant to the President for Legal Affairs, issued NCCCS's first policy memorandum (Numbered Memo CC01-271) providing guidance to college administrators concerning admission of undocumented immigrants to North Carolina's community colleges. The memo cited Federal law, 8 USC Section 1621 and Federal Law, 8 USC Section 1641. Under this restrictive policy, undocumented students could be admitted to community colleges only if they fit into one of three narrow categories, as follows: (1) High school students enrolled in college-level courses consistent with the concurrent enrollment policy; (2) Students enrolled in non-college-level courses or programs (such as GED preparation courses); or (3) Students determined to be considered "qualified aliens" as defined under federal law, 8 U.S.C. §1641 (Lee, et al, 2009).

For almost a year and a half following this policy, no entity in the state took action. Then in April of 2003, the North Carolina Senate introduced Senate Bill 982, which would have required that undocumented students not be eligible for in-state

tuition. The bill was referred to the Senate Education/Higher Education Committee a day after its introduction and no further action was taken; it did not pass (Lee, et al, 2009). A year later, in April 2004, Senator Fern H. Shubert filed for governor in the Republican primary. Her major campaign platform was the perceived problem of illegal immigrants, highlighting the social costs of such (usually Mexican) immigrants to state and local governments. Despite her passionate anti-immigration campaign, she earned only 4% of the vote in the July 2004 primary, suggesting to many observers that few Republicans (and other North Carolina voters) considered the increased Latino immigration into the state to be a salient political issue. Senator Shubert's failed gubernatorial run encouraged some Democratic legislators that the time may be right to introduce progressive legislation for undocumented students, which is discussed more below (Luebke, 2010).

Aug 2004 – Oct 2007: NCCCS institutions can determine admissions policy

Three important events happened during this time period regarding undocumented student admission and tuition policies in North Carolina: the Community College System changed its policy, the UNC System established a policy, and the legislature attempted to grant in-state tuition benefits to undocumented students, but failed. On August 13, 2004, David Sullivan, NCCCS's new General Counsel and Assistant to the President for Legal Affairs, issued the system's second policy memorandum regarding the admission of undocumented students to community colleges in the state. The August 13, 2004 memorandum (Numbered Memo CC04-171) superseded an earlier August 10, 2004 version of the same memorandum (Numbered Memo CC04-164), as well as the 2001 policy decision (Numbered Memo CC01-271). The new policy provided further

guidance regarding the enrollment of undocumented immigrants in NC Community

Colleges and stated:

Based upon further clarification of federal statutes that regulate provision of state or local public benefits to undocumented or illegal aliens, local community colleges have the discretion to implement admissions policies that permit the enrollment of undocumented immigrant applicants to curriculum, continuing education, and basic skills programs.

This granted local colleges the discretion to develop their own individual admission policies that, unlike before, could allow the enrollment of undocumented students, but no college was required to enroll undocumented students. If admitted, of course, the students would be required to pay out-of-state tuition (Lee, et al, 2009).

Three months later, the UNC System established a set of guidelines regarding undocumented students' admission into its 16 postsecondary institutions. Interestingly, senior administrators at the UNC System insist that they do not have a policy: "There is no policy. There are a set of guidelines that were issued by the president in 2004."

Regardless of semantics, these guidelines are formally stated in Policy 700.1.4[G] of the *UNC Policy Manual*, the official document that communicates the policies of the UNC Board of Governors and regulations and guidelines of the President. Adopted on November 12, 2004, the "UNC System Guidelines on the Admission of Undocumented Aliens" allow undocumented students to be considered for admission at any of the System's institutions, and do not allow any of those constituent institutions to adopt policies prohibiting the admission of such students. Although an open-door policy, to be considered for admissions, undocumented students: 1) must be a graduate of a US high school; 2) may not receive state or federal financial aid; 3) must pay out-of-state tuition rates; 4) will be treated as out-of-state students for admission purposes; and 5) may still

not be admitted into specific programs of study wherein federal law prohibits the states from granting professional licenses to undocumented aliens (UNC, 2004). These restrictive elements ultimately reduce the amount of undocumented students who apply and enroll. These guidelines are still in place today, though a senior UNC System administrator admitted:

There have certainly been discussions since 2004, back in 2007 through 2009, there was considerable -- There was actually a move to, for example, prevent undocumented students from enrolling at all in the community colleges. ...[That was discussed] here with the administration, but the president made a determination that pending any legal advice that had been sought from the Attorney General's office that we were going to continue to abide by this set of guidelines.

And indeed, they have. The November 2004 guidelines still direct UNC System admissions decisions today.

Just shy of six months after UNC adopted their guidelines, House Bill 1183 was introduced into the North Carolina legislature. Senator Shubert's failed gubernatorial campaign (mentioned above) led pro-immigrant activists to believe that the political climate in the state was ripe to ask sympathetic legislators to introduce a bill that would grant in-state tuition to undocumented students. Introduced on April 12, 2005 and modeled after similar laws in others states at the time, the bill would have permitted undocumented students to receive in-state tuition in North Carolina, provided they had: (1) attended a North Carolina school four years; (2) graduated from a North Carolina high school; (3) pledged to apply for U.S. citizenship as soon as legally possible. Anti-immigration public sentiment in the state overwhelmed and easily defeated the bill; it did not become law (Lee, et al, 2009; Luebke, 2010).

Nov 2007 – April 2008: NCCCS enacts open-door policy

On November 7, 2007, David Sullivan, General Counsel for NCCCS, issued the system's third policy memorandum (Numbered Memo CC07-275) regarding the admission of undocumented students entitled "New Guidance on the Admission of Undocumented Individuals." Citing a 1997 advisory opinion from the NC Attorney General denying individual colleges the right to impose non-academic barriers on admission to programs, this policy removed institutional decision-making privileges and advised that community colleges should immediately begin admitting undocumented students in compliance the State Board's new open-door admission policy (Lee, et al, 2009). At the time, about 20 institutions had policies barring the admission of undocumented students that would need to be reversed (Russell, 2011).

About a month later, on December 3, 2007, David Sullivan sent a letter to the North Carolina Attorney General, requesting advice concerning admission of undocumented individuals. Specifically, he requested advice on whether the 2004 policy permitting the enrollment of undocumented individuals was consistent with relevant federal and state law, as well as with the regulations of the State Board of Community Colleges (Lee, et al, 2009).

In early December around the same time as Sullivan's request for legal guidance the state was in the midst of a white-hot controversy over the recent directive to require the community colleges to admit illegal immigrants. It was also when NCCCS announced that Scott Ralls would succeed Martin Lancaster as the next president to the North Carolina Community College System, to begin on May 1, 2008 (Beckwith, 2007; Krueger, 2007; Niolet, 2007). President Lancaster at the time was being pummeled for

his support of undocumented students, and the media noted that president-elect Ralls would be entering his new role in the middle of a tough statewide debate. In fact, after the Board voted, Lancaster looked relieved and joked: "The King is dead. Long live the King" (Krueger, 2007).

May 2008 – Aug 2009: NCCCS reinstitutes admissions ban

In response to the December 2007 NCCCS request for legal guidance, on May 7, 2008 the North Carolina Attorney General's Office released an advisory letter to new System General Counsel Shanté Martin, dated May 6, 2008. The letter noted possible conflict with federal immigration law 8 U.S.C. §1623 that restricts the eligibility of undocumented students for state postsecondary education benefits. Considering this, a policy restricting the admission of undocumented aliens would be more likely to survive judicial scrutiny than a policy allowing them to attend. The Attorney General recommended the System return to the December 2001 policy of barring most undocumented students from curriculum programs (Lee, et al, 2009). North Carolina Governor Mike Easley called on the System to continue admitting undocumented students and on May 8th, he issued a statement that "the legislature specifically provided the Community College board the authority to establish admission criteria [and] ...in the absence of federal action to the contrary, the Community College board should continue its current policy, which is consistent with other states" (Beckwith, 2008; Lee, et al, 2009). On May 9th, NCCCS responded to the Attorney General's letter, requesting that his office seek guidance from the Secretary of the Department of Homeland Security.

Shanté Martin, NCCCS General Counsel, issued the fourth NCCCS policy memorandum (Numbered Memo CC08-114) regarding the admission of undocumented

students on May 13, 2008.¹⁵ This policy, on the heels of the advisory letter from the State Attorney General, reinstated the sharp restrictions that had been instituted back in 2001 and required community colleges to cease admitting undocumented individuals (Krueger, 2008; Lee, et al, 2009). Undocumented students currently enrolled in were grandfathered so they might complete their education. System President Scott Ralls said "We asked the Attorney General's Office for clarification of our present policy and will abide by their advice," (Krueger, 2008).

A couple weeks later on May 28th, Tom Ziko, a senior deputy in the North Carolina's Attorney General's Office who often deals with education cases, sent a letter to Michael Chertoff, Secretary of Homeland Security, requesting guidance regarding the scope of the federal prohibition on providing public higher education benefits to undocumented students. Specifically, he inquired as to whether "8 USC §1621 prohibits NCCCS from requiring North Carolina Community Colleges to enroll illegal aliens in post-secondary education courses, absent state legislation" (Lee, et al, 2009). Now the System awaited additional guidance from the federal government; "we have become the poster children of why there needs to be federal clarification on these issues," Ralls said (Stancill, 2008).

On July 21, 2008 the North Carolina Attorney General's office received a response from the Department of Homeland Security's U.S. Immigration and Customs Enforcement Office advising that: (1) admission to public postsecondary educational

¹⁵ On the same day, Erskine Bowles, UNC system President, issued a statement confirming that the University of North Carolina would continue to follow its guidelines allowing undocumented students to attend its 16 colleges and universities, subject to certain limitations (Lee, et al, 2009).

institutions is not a benefit regulated by federal law; (2) it is a matter left to the states to decide; (3) in the absence of state law, it is a matter left to institutions to decide; and (4) both the state and institutions must use federal immigration status standards to identify illegal alien applicants (Lee, et al, 2009; Russell, 2011). The exact wording was as follows:

Individual states must decide for themselves whether or not to admit illegal aliens into their public post-secondary systems. States may bar or admit illegal aliens from enrolling in public post-secondary institutions either as a matter of policy or through legislation...In the absence of any state policy or legislation addressing this issue, it is up to the schools to decide whether or not to enroll illegal aliens (US Dept. of Homeland Security, 2008).

This federal clarification of the legality of enrolling undocumented students in public higher education was an important result of these legal debates, both within North Carolina, and nationally. A day after receiving the U.S. Department of Homeland Security statement asserting that it is up to each state to determine whether or not to admit undocumented students, NCCCS issued a press release from President R. Scott Ralls and State Board Chair Hilda Pinnix-Ragland stating that the current practice would remain in place as the Board prepared to discuss admission of undocumented students at its next meeting on August 15th (Lee, et al, 2009).

Between this statement and the upcoming Board meeting, the State Board received two letters from elected officials – one from Senator Phil Berger, Republican Leader of the North Carolina Senate and another from Lieutenant Governor Beverly Perdue – both urging the Board to maintain its current policy prohibiting the admission of undocumented students to the state’s community colleges (Lee, et al, 2009). According to several people interviewed for this study, multiple media sources, and NC Representative Paul Luebke, by August, the State Board appeared ready to rescind their

policy prohibiting undocumented students from enrolling in the state's 58 community colleges on both philosophical grounds that community colleges should be open to all and the pragmatic reality that the required out-of-state tuition more than covered the costs of their instruction. But Lieutenant Governor and State Board member Beverly Perdue, employed last-minute lobbying and persuaded the majority of Board members to maintain the ban. The 2008 Democratic candidate for governor, Perdue worried that a pro-immigrant vote would help her Republican opponent's campaign (Redden, 2008; Beckwith, 2009; Luebke, 2010).¹⁶

Whatever the reasons, on August 15, 2008, the State Board voted to maintain the restrictions it had just recently placed on the admission of undocumented students to community colleges in the state (Krueger, 2008; Lee, et al, 2009). According to Representative Paul Luebke, a Democratic legislator and professor of sociology at UNC Greensboro, this decision to maintain a restrictive policy in the presence of federal advice to the contrary, illustrated the power of the state's anti-immigrant backlash, as well as political maneuvering by Perdue (Luebke, 2010). The NCCCS Board also voted to conduct a study on the admission of undocumented students so that a long-term policy could be developed. According to a NCCCS senior administrator:

What the federal government said was, there's not a -- you know, there's not a federal, one way or the other. It's truly a policy decision. And so it really kind of put the ball right in the court of our state board to actually -- for the first time, you know, we said -- I mean, essentially what they were saying is you've been making these interpretations based on some type of reading of the legal tea leaves, when really it's a policy decision. So it put it in the state board's hands. What the state board decided to do is they wanted to study the issue. They wanted to see what

¹⁶ Three months later, Perdue was narrowly elected governor, though it is unclear whether her anti-immigrant position affected election results.

was the -- you know, what were others doing. What were the implications of different policies?

Most assumed, and many have outright said, that this decision to defer some time for a study to be conducted showed a lack of “political courage” and was merely a delay tactic to wait until after the November elections were over to remove politics from the final decision (Redden, 2008). Ultimately, the Board decided to employ an independent consultant to conduct the study the issue of admitting undocumented students. In November 2008, NCCCS retained the consulting firm JBL Associates to conduct a study examining federal and state law developments, best practices and admission policies in other states, the costs associated with admitting undocumented students, and the key policy issues that the State Board should consider when developing a long-term policy. JBL Associates presented their final report to the State Board in April 2009.

Two months before the study’s completion, on February 11, 2009, Republican Senator Phil Berger sponsored Senate Bill 155 entitled “Community Colleges Can't Admit Illegal Aliens.” As the name suggests, the legislation would have prohibited undocumented immigrants from attending North Carolina Community Colleges. Berger proposed the legislation because he was “concerned that the decision [to maintain the ban] may have been made to advance a politically popular position, and now that the election's over they may go back to what they had done before.” It was referred to the Education/Higher Education committee the day after its introduction and no further action was taken (Beckwith, 2009; NCGA, 2009).

Sept 2009 – present: NCCCS reestablishes open-door policy

Insulated from electoral politics, at their meeting in September 2009, the State Board of Community Colleges voted to restore admission rights for undocumented

students. They approved a policy that wherein undocumented students are allowed to attend to North Carolina community colleges if they meet three requirements: (1) the student must be a graduate of a US high school; (2) the student must pay out-of-state tuition, meaning no cost to NC taxpayers; and (3) the student may not displace a North Carolina or US citizen. Before the policy could be enacted by the state's 58 community colleges, it was subject to the administrative review process. During the process, the Rules Review Commission received the minimum of 10 written objections, so the policy then submitted to the legislature. Republican leaders vowed to introduce a bill during the General Assembly's 2010 session to overturn the board's decision, and bills disapproving the rule were indeed introduced in both the House and the Senate during the 2010 short session of the General Assembly. Democratic leaders were "noncommittal," however, and none of the bills passed before the end of the session (Luebke, 2010). Had the North Carolina legislature passed legislation regarding the admission of undocumented immigrants, that statute would have superseded the State Board's policy, and become law. Following adjournment of the 2010 Short Session of the NC General Assembly the rules process ended and the State Community College Board cast a final vote in March 2010 allowing undocumented students to attend community colleges in North Carolina (Johnson, 2010).

Though the aforementioned policy of the North Carolina Community College System is still in place today, the September 2009/March 2010 decision did not completely settle the matter in the state. In January 2011, House Bill 11 intended to bar undocumented students from both community colleges and universities in the state, but did not pass (Russell, 2011). And in the most recent legislative session, Democratic

legislators, led by Representative Luebke, sponsored House Bill 904, hoping to grant undocumented students in-state tuition benefits. Interviewed during the session, one of the bills sponsors said, “I don't believe that bill is going to go anywhere right now. Timing in life is everything.” Ultimately, the bill never made it out of committee, but even with the heavily Republican-controlled legislature, the hostility toward undocumented students is not what it once was. Another supporter of the bill said:

Certainly two years ago and three years ago, there was much more impetus for hostility -- Right now, I think that a lot of the people in the House Republican caucus, including the speaker, have read the analysis of the 2012 election. They don't want to go out there in an anti-immigrant way. On the other hand, they don't want to do anything, because the Republican base has suggested they're sympathetic.

Indeed, re-election interests may keep Republicans from supporting such progressive legislation:

Legislators feel that they would generate primary opposition. There would be a Republican running against them in the primary -- A bunch of them said, you know, we're on your side, but we can't move forward. But I mean, which is a little bit reminiscent of 1950s White Southerners saying, well you know, I'm really with you, but we have to go slow.

On the other hand, though, anti-immigrant legislation banning attendance for undocumented students is also unlikely. According to a Republican legislator, “I think there's a small percentage - I would say probably less than a third of the caucus would entertain that. [But] more than anything else, we would be really delighted to see the federal government step up and do their job.” He laughed, and rolled his eyes.

CASE ANALYSIS

Having outlined the narrative highlights of the North Carolina Community College System's undocumented student admissions policy process and summarized

some key legislative highlights, this section analyses the North Carolina case against the five dimensions of the analytical framework. (Refer to Appendix D for a summary chart of the framework.) The findings uncovered in qualitative analyses of North Carolina interview transcripts, field notes, and archival documents shed light on this study's research questions regarding policymakers' preferred sources of information, the role of research evidence in policy decisions regarding undocumented students, and how North Carolina's unique characteristics and governance structures may affect research use in the state. This section also examines the extent to which the Advocacy Coalition Framework explains the policy process in North Carolina, and offers insights regarding its value as a leading theory of the policy process.

Evidence of “two communities” divide

On the whole, policymakers in North Carolina, particularly elected officials in the state legislature, seem to operate in a culture that values “real-world” solutions and appreciates non-research information over academically glorified theories and evidence. Interview respondents in the North Carolina legislature expressed these views, consistent with literature on the “two communities” divide between academics and policymakers. A higher education administrator with the UNC System described his work with the legislature:

The folks down here don't really concern themselves with the purity of arguments. It really is real world application. How does this legislation impact outside of Raleigh, outside of these four square blocks? What's the impact out there in my district?

Though such responses were heard more commonly from legislators or those working with them, the statehouse is now the only locus of the divide. Higher education

policymakers and administrators also mentioned the “messiness” of decision-making and the need for workable solutions. One NCCCS senior administrator commented:

You know, I wish there was a tighter connection between research and where policy is actually made... But it's interesting, is sort of such the disconnect, because when you're here and when you're in the position of actually trying to make things work, you are just doing the best you can. It's always -- It's never, you know, informed by really detailed or lofty ideas. I mean, it's way messier. It's way messier. And it's probably driven a lot from politics and also personalities. Because to implement some things you're dealing with people.

One small difference between the two groups, however, is that those in higher education seemed to lament the lack of research use, while legislators blamed and discounted academics.

Respondents expressed that one reason for the divide may relate to the type of people who become policymakers, and they are not “rocket scientists.” A higher education official explained:

I tell people a lot that, you know, we want to put our legislated officials on a pedestal, and they should be for the fact that they're willing to serve, because it is really hard work, and not fun, and I can't imagine what it puts your family through. So from that perspective, they should be put on a pedestal. But they are very average people, who are of, on the whole, pretty average intelligence, and you know, it's not like you've got your rocket scientists -- (laughs). You know, the people who run for office are people of a certain personality, and certain ambition, and not -- So they're just not going to grasp high level research. There's a few who are -- (laughs) There's a few who really do love to dig deep and read stuff. And they're lovely, and I really like them, because you can have sort of a deeper conversation, but that's not the norm.

Multiple legislators in the state echoed this characterization of themselves. When talking about the problems with the research being too technical, a state representative said:

Partly the way it's written, but it's partly that legislators don't like to read. They're not readers. They're not. They just aren't. A lot of them don't have university degrees, so they have no real interest, and even if they do have a university degree, which a large percent does, they still aren't inclined to be readers. They're not intellectuals who like to read. I mean, by definition, who like to read...

Yeah, well what I talk about is there's a huge amount of argument by anecdote. Arguing by anecdote is primarily what happens in the General Assembly.

In addition to the policymakers themselves not being “rocket scientists” or “readers,” and the fact that academic research is not written for the average man to consume, respondents articulated another issue with the supply of academic research – its lack of relevance to imperative policy issues on the legislative agenda. A North Carolina legislator expressed his frustration: “the researchers aren't thinking about, well, should I be doing research that's actually going to be relevant to the policy makers, because this issue is likely to come up in the next two years. That doesn't happen.” A higher education official concurred: “I think there is a disconnect between what is needed and when it's needed, and what people are doing.”

Types (and role) of sources of information

According to North Carolina interview respondents involved in the community college decision-making process(es) regarding undocumented student admission policy, four sources on information were considered during one or more policy decisions: (1) state and federal law; (2) best practices in other states; (3) institutional and system costs of enacting a policy; and (4) the desire for a “seamless” policy with regard to undocumented students in the state. The State Board of Community Colleges based each of their five policy decisions from 2001 to 2009 primarily on interpretations of state and federal law. A senior administrator with NCCCS put it this way: “A lot of what you'll see are sort of going back and forth, back and forth on directives to colleges based on different legal interpretations of federal law.” From her perspective, as well as that of many others, the primary reason for the flip-flopping policy decisions was confusion over what sort of policy would best withstand legal scrutiny. While policymakers of course

still wanted to be in compliance with state and federal law, the final policy decision in September 2009 was less based on law and more on several other factors. “By the time it was in the board's purview,” a member of the NCCCS leadership said, “it wasn't about the legality of the issue, because the Homeland Security letter clarified, it's your call.”

At that point, rather, the State Board based their decision partially on the JBL Associates' study, which, according to NCCCS administration, included:

I would say more of a scan of what was going on in other states about the various -- about that particular topic. And I would say more -- It was more looking at what is the taxpayer cost. And that was an important concept that came up and ultimately is, I would say, part of the rationale for the out of state tuition rate being charged.

The State Board was also quite interested in UNC System policy, so as to create a “seamless” state policy for postsecondary education access for undocumented students. A board member disclosed, “that was one of the things that was looked at quite a bit was trying to be close to where UNC was on all of this,” she said. “So we’re already educating the K-12 parts of that. And we’re already educating the university students. So to me it was providing a seamless education flow. That was the major driver.” And relatedly, according to one board member, the Board thought that the seamlessness should also align federal and state policies. Referring to *Plyler v. Doe*, she continued: “the other piece we were very thankful to get is that K-12, you know, that is federal mandate. So state needed to be aligned with the federal government.”

Though perhaps not technically an information source, respondents also indicated that policymakers involved in the North Carolina community college policymaking relied heavily on their personal values and “gut feelings” when making decisions regarding

rights for undocumented students. A senior administrator at the NCCCS questioned how much the study actually affected the ultimate policy decision:

At the end of the day, ... they had to make a gut decision... The study may have validated what people may have felt, but I don't think it probably moved folks from one place to the other too much, to be honest with you. ... I talked about that a lot in my comments, as well as just the fact that I thought it was the right thing to do for kids who were moving here through no fault of their own.

Another leader at NCCCS similarly recalled that personal beliefs and values were the crux of certain persons' votes:

I really recall more clearly the things that happened in 2009 when they were actually adopting the [current] policy, at which point [Beverly Perdue] was then governor. What was also interesting is we have two other elected officials who are on our board by virtue of their office, both the lieutenant governor and the treasurer. What I thought was interesting there was the treasurer voted in support of the policy, and I do recall that her statement was that in the end, that she felt that as treasurer, it was her role to look out for long term economic and financial aspects of the state, and she felt like having more people educated was positive for the state's economy, and that was the basis upon her vote. The lieutenant governor [Walter Dalton], I remember very distinctly abstained.

Although no legislation regarding tuition or admissions regulations for undocumented students has yet passed in the North Carolina General Assembly, interview respondents did speak to the sources of information that were considered in the decision to introduce such legislation, as well as in decisions on whether or not to support such legislation. Some influential sources were similar to those at the community college system level, while others were not. Probably the most influential source of information for elected officials in the North Carolina statehouse is their constituents. Without fail, each respondent mentioned listening to and (usually) voting for constituent interests. Many times the decision to support constituent interests comes from wanting to honor campaign promises and a respect for the democratic process. Other times, a Democratic state representative explained:

It's towing the line so their other bills get treated the way they want them to. It's not wanting their party to run someone against them in a primary, wanting the support of their party when they do run, some financial support. It's all of those things about being a team player that I think causes people to vote sometimes against their heart.

And other times, a Republican legislator said, it is that “if this is a career one wants to follow, votes are a big part of the process. You have to have votes.”

Similar to respondents discussing the policy process in the community college system, elected officials also indicated that oftentimes votes come down to personal values. A representative discussed the process when constituent and personal beliefs do not parallel one another:

I have a constituency that has staked out -- my view of my constituency is they've staked out a position that's rather more conservative than mine [regarding college admissions for undocumented students]. I have an obligation to that constituency to consider their views, but I do not feel I have an obligation to vote their views.

Then again, this legislator is nearing retirement and is not particularly concerned with his reelection prospects. “Re-election is absolutely not a consideration for me, because frankly, I'd just as soon go home.” It is interesting, though, that several interview respondents indicated the stress involved when their personal beliefs on an issue – on this issue – do not marry with what they perceive their constituents’ beliefs to be, yet there is no mention of distress when research conflicts with beliefs. That is likely because they just ignore it, as discussed in the following section.

Use of research information

Considering the findings mentioned above regarding the types of information used in North Carolina policy-making, it is not surprising that interview data suggest research, in the academic sense, is not a preferred source of information, nor does it play a large role in ultimate policy decisions. This is particularly true in the North Carolina

General Assembly, where, with few exceptions, legislators either said they did not use research often, or admitted to its political use. A couple respondents did, however, mention institutional knowledge as a helpful information source, which is similar to conceptual use. One gentleman said:

I can't say that there was any particular source. Some groups provided information, but again, because I came to this having followed the issue for eight years, seven years, it's not like I needed to go to a particular source. I kind of knew most of what I wanted.

This comment is comparable to how the enlightenment function of research is described, although he does not explicitly say that what he already knew from year of experience ever came from research in the first place.

Interview respondents in the North Carolina statehouse were much more likely to comment on the lack of research use; indeed, the first reaction of some when asked about its use was to laugh. When asked to what extent research affected decision-making, a left-of-aisle state representative said, "Not nearly enough. That is a big issue here." Another laughed, "At the General Assembly? It doesn't -- It plays a role to the extent that people can tell stories about other states, or you can tell stories about how much it costs." And yet another legislator said, "I wish I could tell you that there was tons of research," but instead she said anecdotes are more powerful in persuading opinions. Still, she continued, anecdotes and research are both unlikely to sway votes regarding undocumented students:

And they may be reading it, and it may be impacting their personal feelings, but when it gets to policy, like I said, it's ideology. It's not research. And I know that, and it doesn't matter what we say on undocumented kids. I don't think we'll change a lot of votes.

One barrier to the use of research use commonly mentioned by representatives from both political parties is the time it takes to read enough to be well informed. One legislator put it this way:

That's used a lot less, and that's in part by both parties, because there's not a lot of time to do that. We don't think here a lot. We have to react, because we're not full time legislators, so we're constantly having to vote on bills and focus on what's there today, not let's dream about tomorrow.

When research is used, it is usually with a political agenda in mind. Though she admitted that research is sometimes used “legitimately,” a state representative said it is more often used politically, especially with the issue is ideologically driven:

I see [research] used legitimately. I do. Particularly in non-ideological bills. Then the research usually does sway people. You know, the number of accidents with seatbelts versus without seatbelts and fatalities. That kind of research, because that's not ideological. Ideological research is slanted and its slanted by everybody. You know? We read it -- It's like my husband with basketball games. When he watches, the calls that he sees against Carolina are always bad calls, and I'm like, come on [Bill] -- But it's -- And in his heart, they *are* bad calls, but it's because that's what he wants them to be and believes them to be. And I think sometimes we see the research the same way. We see what we want to believe, and we discount the research we don't want to believe.

A Republican state representative also acknowledged this tendency: “We tend to make a decision and then find all the reasons that support the decision we've already made, rather than the other way around.” He went on, and in the legislative way, told me a story about a man he knew:

He had on his wall a little sign that said: ‘If all things are equal, people do business with their friends.’ Underneath that it said, ‘If all things are not equal, people find a reason to do business with their friends.’ Moral of the story: make friends. You know, data is great, but... if you want to do something, any reason is good enough, and if you don't want to do something, any reason is good enough.

Comments from other respondents support this notion that legislative decision-making in the policy process is much more about gut feelings and personal relationships than anything else.

Although, as mentioned earlier, a higher education official with the NCCCS did lament the low levels of research use in System decisions, data collected in the state does indicate higher levels of research use in the North Carolina Community College System than in the state legislature. Speaking of instrumental and conceptual use, a NCCCS senior administrator said, “You know, we depend very heavily on academic research, particularly for student success.” Another leader at the NCCCS office, however, mentioned that the small research staff meant that some of the issues she cared about did not make the research agenda. And further, when asked to what extent research played a role in undocumented student admissions decisions, specifically, she said, “not very much,” and laughed.

Indeed, interview respondents in North Carolina did not suggest anything indicating that policymakers considered research of any kind during the 2001, 2004, 2007, and 2008 policy decisions regarding access for undocumented students, focusing instead completely on legal interpretations of what policy would best hold up in a court of law. The September 2009 decision, however, was somewhat different because the federal government had told the State Board that the decision was a policy decision, not a legal judgment, and left the ball in their court. So on the State Board’s fifth policy decision, NCCCS commissioned a comprehensive study to guide decision-making and there is evidence of more research use than in the previous four policy decisions.

While the State Board deserves all due credit for commissioning a study and, indeed, this decision-making process shows the highest use of research of any of the policy processes examined in this dissertation, questions still remain about its academic-nature and its ultimate influence. The State Board primarily asked JBL Associates to conduct a scan of other state policies and a cost analysis of the various options – this can hardly be considered academic research. Furthermore, as mentioned briefly in a previous section, multiple NCCCS administrators indicated that board members went with their gut in the final decision and that the study was unlikely to have swayed their views. Finally, there is also evidence that State Board of Community Colleges actually commissioned the study with a political agenda, as a cover for whatever decision they ultimately made. A senior administrator said:

I think the board felt like it needed some more information. And I think it also felt like it needed a little cover. ... Maybe partly to say they did a study, maybe a little, partly that. But also partly just, you know, you can just sort of take pieces of things and use it to ultimately -- one could see it as affirming your decision. You can also look at it as, you know, picking and choosing to support.

This speaks to the political use of the study itself, but certainly there is evidence in North Carolina supporting politics playing an even larger role. According to the senior administrator quoted above, board members were looking for a “politically defensible” policy solution, trumping all over sources of information. The following section further explores the influence of the political climate and other political and organizational structures in North Carolina on the undocumented student admissions policy process.

Effect of political and organizational structure

Although perhaps undocumented student policies were less caught up in the politics of immigration than in other states studied, state political dynamics still played an

enormous role. North Carolina's political climate dramatically affected the development of the state's community college admissions policies for undocumented students, particularly the 2008 and 2009 policy decisions. In the summer of 2008, political pressure from Lieutenant Governor Bev Perdue to maintain a restrictive policy influenced the Board's decision. A senior administrator at NCCCS recalled:

It was definitely political ... The Attorney General gave us an opinion. Then all of a sudden the sitting governor at that time [Mike Easley] was very much in favor of admission, so there was a lot of political heat, you know, coming from the governor about us following the Attorney General's advice. Then when we were moving towards consideration and admitting, the next governor, who was Democratic, or actually the way it worked, the lieutenant governor [Bev Perdue], who was running for governor, came out very strong against it, who was on our board, and later became governor -- So she was -- She was pretty vocal against admission.

A member of the state legislature recalled the situation correspondingly:

To the discredit of Perdue, the ex-governor, she actually, during 2008, got them to take a very strong position against allowing anybody in, and she did that because she was the lieutenant governor, who was therefore a member of the community college board, and she didn't want anybody linking her to sympathetic issues for immigrants, so she -- and lack of courage really... she actually had a great deal to do with the fact that the community colleges banned it. To the credit of, I think it was Erskine Bowles who was president then [of the UNC System]-- He simply said, the University will not offer in state tuition. The University will not deny anybody access who is qualified and can pay tuition. Meet the criteria, you can pay the tuition, you're in. Community colleges got much more caught up in the politics, because the lieutenant governor is a member of the board.

There is little doubt that pressure from Lieutenant Governor Bev Perdue affected the Board's decision to establish a policy that restricted access to undocumented students in the summer of 2008. Without such pressure, it seems clear from document and interview data that the State Board was prepared to restore admissions rights to undocumented students after receiving the legal ruling from the US Department of Homeland Security whether or not NCCCS chose to allow or prohibit admissions, the policy would be permissible and lawful. To some extent, it is difficult to differentiate between Perdue's

political influence, and the structural influence inherent in her position on the State Board while serving as Lieutenant Governor. In 2009, however, after the election and insulated from electoral politics, the State Board voted to restore admissions rights to undocumented students. “By the time our board voted, the lieutenant governor had moved on,” a NCCCS administrator remembered. Of the policy process, another NCCCS administrator said:

In my opinion, it was a gut decision based on politics and what was a reasonable compromise, because obviously you can imagine that there are people on both sides and even people who are on the board who probably felt differently on both sides, but ultimately, I think that it is a result of trying to figure out what was a reasonable place for us to adopt a policy that I think people felt was the most politically defensible at that point in time.

And that was to adopt an open-door policy, albeit with an out-of-state tuition rate and a proviso that no undocumented student could displace a US or North Carolina citizen.

A second way political and organizational structures affected decisions regarding undocumented students relates to research use at the locus of decision-making. Though it is tough to say decidedly whether or not research influenced this particular policy decision regarding undocumented students, there is certainly more use at the System level than in the North Carolina General Assembly. This may be related to scholarship on the “two communities” mentioned above, and indeed, there is plenty evidence in North Carolina that a set of attitudinal and intellectual barriers in the legislature reduces the use of technical information and analysis. Another explanation, however, may relate to the influence of a large and skilled staff. Speaking of the NCCCS staff during this policy process, a member of the Board said:

They were instrumental. Dr. Ross, he was just incredible. The entire team was incredible. The Board has the say in the decision, but [the staff] are the ones that have the data. They have the data on the ... colleges, they have the policy piece,

the lawyer was helping. We would need more and more and they would get it. So it took a lot of extra work. They were excellent. They did a lot of work.

Of course, still another explanation could be the State Board is not elected and is not beholden to constituents. There is no clear evidence in North Carolina about the extent to which the governor influences Board members or whether or not they are beholden to the money the state provides.

With regard to the state legislature, the most pronounced example of political and organizational structures in affecting the policy process involves frustration over the lack of federal action regarding immigration: “It’s extremely frustrating, because everyone knows it’s a mess. And it’s not really a mess that can be easily dealt with at the state level.” Multiple interview respondents in the North Carolina legislature, particularly Republicans, disclosed that addressing undocumented students’ admission into the state’s colleges and universities is not on the current (2013) policy agenda. A state representative known for his work with members on both sides of the aisle regarding immigration said:

Well, you know, illegal immigration isn't really the big issue on the radar for anybody politically. It's almost like there's no reason to bring it up, because our hands as a state have been tied by federal -- by federal actions against states that have tried to take, you know, a strong stance against it. ... Even trying to enforce federal laws has, you know, resulted in lawsuits against the states, so we have issues that are facing us right now that are quite a bit more important, to be honest with you.

Coalition and subsystem dynamics

Interview respondents, as well as in document analysis, mentioned several different people and groups being involved in the undocumented student admissions policy process with the North Carolina Community College System, including: the State Board of Community Colleges, particularly Board Chair Hilda Pinnix-Ragland, and

policy committee chairman Dr. Stuart Fountain; NCCCS staff, principally President Ralls and the various legal counsels; the North Carolina Attorney General Roy Cooper and his office; the Department of Homeland Security; Governor Mike Easley; Lieutenant Governor Beverly Perdue; the consulting group JBL Associates; and some students and faculty, among others. On the whole, however, major players did not extend much beyond the NCCCS and State Board, and various people and groups providing legal advice.

Data collection in North Carolina revealed no real evidence of coalition formation around the NCCCS undocumented students admissions policy process, in any year of the policy process. There is evidence indicating multiple policy actors had the same desired policy outcome – for example, in 2008 Senator Phil Berger, Republican Leader of the North Carolina Senate and Lieutenant Governor Beverly Perdue both urged the Board to maintain its current policy prohibiting the admission of undocumented students to the state’s community colleges. The data does not indicate, however, that they, or any other group of like-minded people, worked together as a coalition to influence policy change. This “non-finding,” however, still reveals interesting information regarding the ACF. The North Carolina case does not find evidence to support ACF’s notion of coordinated activity. Additionally, self-interested motivations for actions seem to dominate and the theory likely underestimates the influence of political dynamics with regard to policy processes.

In other ways, however, the ACF has a higher explanatory power regarding the undocumented student tuition policy process in North Carolina. It provides a good model with respect to (1) decision-making based on a set of deeply held beliefs, and (2) the

unlikely that technical information will shift those beliefs. The literature on the ACF suggests that policy participants develop policy preferences based on a set of preexisting beliefs (three tiers: deep core beliefs, policy core beliefs, secondary beliefs) and that they make choices and view information and situations through perceptual filters related to those beliefs. The North Carolina case provides evidence to support this tenant of ACF. In making decisions regarding rights for undocumented students, a Democratic state representative said she “[leans] closely with my gut on right and wrong, and basically what civil liberties one should have.” Likewise, a Republican representative said:

Your values are who you are, I think, so you tend to gravitate in one direction or another. I am a conservative. I am not an ultra-right wing conservative. I am a conservative. Does that mean that every vote I cast is, quote, the conservative vote? I hope not. It's *my* vote. It's not the conservative vote, or the liberal vote, or the Republican vote, or the Democratic vote. It's *my* vote. I hope that every vote I cast is my vote. That's the goal. When I approach immigration, the broad issue of immigration, I bring my personal experiences to that issue.

Furthermore, considering that the final decision-making with regard to these policies in North Carolina likely had more to do with personal values and deeply held beliefs, than it did research evidence, this case also supports ACF's claim that core beliefs are not likely to be swayed by new information (Sabatier, 2005; Sabatier & Weible, 2007; Weible, 2008). With regard to deep core beliefs concerning illegal immigrants, a senior administrator at the NCCCS explains the unlikely to persuading someone to change their view:

My gut is no. You know, there's been a lot of research that I sort of read, and all sorts of disciplines lately where it talks about how people make decisions based on their gut and then they use facts to basically support that. I wouldn't think that this is really anything that's different.

Because a policy decision, at its core, regarding rights for undocumented students is closely associated with beliefs on immigration issues, it is unclear whether or not

technical information could have affected the decision-making process for other higher education policy issues in the state. One less jaded legislator is still hopeful that research and stories will someday make a difference:

Will it change votes? Probably not. Will it make people think about their votes? I hope so. I think so. Yeah, I don't know that it'll change votes... And I do think that sometimes those little anecdotal things make people think. To me, it's kind of like where it's the end of that movie, *A Time To Kill*. Have you see that? At the end of the movie, where everybody is picturing what they believe, and then he says, now imagine that little girl is white, and he made it personal. He made them feel like it could have been their child, their granddaughter. I think when you can help people see the personal part it does make a little difference. Even if it doesn't change that vote, I think it shifts their view.

CONCLUSION

North Carolina's case study illustrates the legal confusion commonly associated with undocumented student tuition and attendance policies, the political influence of certain individuals, and the effect of a "professional forum" on research use. Establishing a lasting undocumented student attendance policy took the North Carolina Community College System the better part of a decade. From 2001 to 2009, the system had a total of five different policies on the issue, ranging dramatically from a ban on attendance to an open-door policy. Although the fifth policy decision left the state with an inclusive admissions policy, this case study still shows that North Carolina is, at its core, conservative-leaning like the rest of the South. Though there may be limits to the state's progressivism, especially where it concerns traditional southern racial conventions, in this case of rights for undocumented students, North Carolina's progressive streak ultimately won the battle. With regard to findings, interview respondents indicated that public opinion and political agendas trump research use in the legislature, and while at the Community College System-level politics is still influential, respondents indicated a

higher amount of research use. This provides some evidence of the positive effect of a “professional forum” and the negative effect of a “political forum” on research use. The Advocacy Coalition Framework, however, does not provide an adequate model of this policy process in North Carolina since data collection revealed no evidence of well-developed coalition formation in the state and the role politics is, again, underestimated.

CHAPTER VII: COMPARATIVE CASE ANALYSIS

This dissertation aims to examine the process by which state policymakers determine tuition and admissions policies regarding undocumented college students and the information used to make those decisions. The four overarching research questions guiding this study intend to provide a descriptive understanding of the process through which these decisions emerge and the role of research information, and to reveal conceptual implications for policy theory and practical implications for policy making. As formally stated in Chapter I, the four research questions are:

1. Upon which sources of information do policymakers rely in setting undocumented student policy?
2. To what extent does information influence these policy decisions?
3. How do characteristics of the state-level policy environment and locus of decision-making affect the use of research evidence in state higher education undocumented student policy? and
4. To what extent does the Advocacy Coalition Framework explain this policy process?

To gauge the explanatory power of the Advocacy Coalition Framework and to test various assumptions in the research utilization literature, this dissertation relies on an analytic framework of five dimensions as outlined in Chapter III. Each of the three state case studies included within-case analysis along these five dimensions, and this chapter uses the same analytic framework to present a between-case analysis. For each dimension of the analytic framework, findings for each state are summarized in table form, then considered more fully with analysis drawn from each state. Additionally, this

chapter identifies and discusses an additional theme that emerged in analysis of all states, but did not fit within the *a priori* framework: frustration over federal inaction.

EVIDENCE OF “TWO COMMUNITIES” DIVIDE

For decades, scholars of research utilization have written about the differences between academic and political cultures and the fundamental challenge posed by these “two communities” (Caplan, 1979; Dunn, 1980; Ness, 2010). The cross-case comparison of this dimension reveals remarkable convergence; each state analysis illustrates the “two communities” divide between academics and policymakers.

Table 4: Evidence of the “two communities” divide

	Georgia	South Carolina	North Carolina
Evidence of “two communities” divide	<p>Policymakers more interested in “real-world” solutions than academic research</p> <p>Policymakers have trouble understanding academic research</p> <p>Academic research is not relevant to the policymaking agenda</p>	<p>Policymakers more interested in practical solutions than academic research</p> <p>Policymakers have trouble understanding academic research</p> <p>Academic research is not relevant to the policymaking agenda</p>	<p>Policymakers more interested in “real-world” solutions than academic research</p> <p>Policymakers have trouble understanding academic research</p> <p>Academic research is not relevant to the policymaking agenda</p>

With regard to this finding, interview respondents in all three states held predictably similar views on the divide, as well as the reasons for it. Policymakers in each state, with few exceptions, do not seem to operate within a culture that values theory and evidence, instead gravitating toward non-research information and valuing experience and real-world solutions. As one higher education agency official in Georgia

explained, “researchers, the scholars, they have the enviable position of being able to reach the scholarly answer, but it might not necessarily be the answer that you can survive. It might not work in the real world.” In Georgia, the real-world solution that worked happened to be a political compromise. Interestingly, policymakers in both Georgia and North Carolina both used the phrase “real-world” to describe the type of solutions desired, indicating a lack of confidence that academic research would be applicable to such a place. Also in both of these two states, the divide seemed to be greater in the legislature and in the governor’s office – in elected positions – than in the higher education system offices.

The findings here indicate significant challenges with the supply of research, which can be summarized in two problems: it is too technical for a non-scholar to understand, and it is oftentimes not relevant to the problems facing the state. With regard to the first problem, a Georgia higher education agency official commented: “That's over all our heads ... That's for your professors, and your colleagues, and your academics.” With regard to the second problem, a South Carolina senator said, research “doesn't really answer the questions that public policy makers have to answer.” This too-technical supply of usually irrelevant research, combined with a lack of policymaker demand for that type of information in the first place, contribute to quite low levels of research use.

TYPES (AND ROLE) OF SOURCES OF INFORMATION

The cross-case comparison of types of information sources reveals convergence and slight variation. All states wanted to comply with state and federal law, and where elected officials were concerned, public opinion and electoral politics influenced decision-making most heavily.

Table 5: Types of Information Sources

	Georgia	South Carolina	North Carolina
Types (and role) of sources of information	Numbers and “data driven type” info: how many involved, and how much cost? Legal information Public opinion	Other states, primarily Arizona and Georgia Legal information Public opinion	Best practices in other states Legal information System and institutional cost UNC System guidelines and “seamless” policy desires NCGA: Public opinion

In general, Georgia interview participants suggested that the largest influencers are constituents, fiscal considerations, and public opinion. With respect to this dissertation regarding undocumented student tuition and admissions policies, however, the USG Board of Regents were primarily interested in two types of data: numbers-type data and legal information, very similar to the data considered by the North Carolina Community College System in their policymaking processes. A regent explained, “we wanted to know how many undocumented students there were. Were they paying the proper tuition? We wanted to know what kind of problem we were dealing with.” Legal considerations were just as important; the Regents wanted to know where they stood with respect to federal and state law. Interestingly, a USG administrator commented that although this began an issue of law for the board members, it did not turn out to be what mattered most. He said: “It started, and this is not an unusual pattern, this started principally on questions of law, and sometimes the politics swamp the law, and the final chapter in this certainly hasn't been written.”

Policymakers in South Carolina relied on multiple sources of information during the decision-making process regarding immigration reform, including: federal and state law, and legal experts; laws and lessons from other states, particularly Arizona and Georgia; stakeholders, like businesses and agriculture; and constituents, among others. According to interview respondents and archival documents, barring undocumented students from attending public colleges and universities was an uncontested “given” in the state’s comprehensive immigration legislation, and so not much information was actually considered that relates directly to the higher education piece of the legislation.

Interview participants in South Carolina suggested that the largest influencers were threefold: other states’ policies, legal advice, and ultimately, public opinion. In response to a question about his most important sources, a leading South Carolina Senator on this issue said he and his colleagues looked to “mostly legal precedent, what other states had done, and [legal] experts.” Although understanding the legal limitations of their power certainly played a large role in the development of comprehensive immigration policy in South Carolina, the overall most influential factor on the ultimate policy outcome was public opinion. The weight of public opinion, in this case, included both concerns regarding constituent preferences, as well as legislators’ personal reelection interests. Although it is important to note that respondents in South Carolina did say that with some topics formal research might play a larger role, in this particular policy process respondents agreed that research was not used. As candidly expressed by a state senator, “this debate was not based on logic or research. This debate was based on xenophobia, race, and partisan politics.”

According to North Carolina interview respondents involved in the community college decision-making episodes regarding undocumented student admission policy, four sources on information were considered during one or more policy decisions: (1) state and federal law; (2) best practices in other states; (3) institutional and system costs of enacting a policy; and (4) the desire for a “seamless” policy with regard to undocumented students in the state. Although no legislation regarding tuition or admissions regulations for undocumented students has yet passed in the North Carolina General Assembly, interview respondents did speak to the sources of information that were considered in the decision to introduce such legislation, as well as in decisions on whether or not to support such legislation. The most influential source of information for elected officials in the North Carolina statehouse is their constituents. Similar to respondents discussing the policy process in the community college system, elected officials also indicated that oftentimes votes come down to personal values.

USE OF RESEARCH INFORMATION

Considering the previous two findings, it is hardly surprising that data suggest that research, in the academic sense, is not a preferred source of information, nor does it play a large role in ultimate policy decisions in any of the three states. In that regard, cross-case analysis reveals alignment among the three cases. In other ways, however, there is more variation, particularly regarding the locus of the decision-making. Georgia and North Carolina, the two states where non-elected officials adopted the undocumented student admissions policies, reveal higher levels of research use.

Table 6: Use of Research

	Georgia	South Carolina	North Carolina
Use of research	<p>Conceptual use by Board of Regents</p> <p>Time as a barrier to research use</p> <p>Political use in USG and legislature, but more in the latter</p>	<p>No research use in this decision; public opinion trumped</p> <p>Time, small staff, and uninvolved CHE as barrier to research use</p> <p>Political use reported in other policy contexts</p>	<p>Instrumental, conceptual, and political uses of research all reported</p> <p>NCCCS commissioned a study of undocumented student policies, though some evidence that it was only used politically</p>

Though it is tough to say decidedly whether or not it influenced this particular policy decision regarding undocumented students, there is evidence of conceptual use of research within the University System of Georgia, and with the Board of Regents. With regard to the General Assembly and the governor's office, however, such conceptual use was not mentioned, interestingly. Interview respondents within the general assembly and within the higher education system both mentioned time as a barrier to research use. A regent mentioned, "we're all volunteers" in response to questions about reading research. Although both types of policymakers mention a lack of time in interviews for this dissertation, the key difference in the levels of research use between the legislature and the Board of Regents may be staff power. Another interesting finding is that while the political use of research was mentioned by interview respondents in both settings, those within the legislature mentioned it more often, and more emphatically, than did respondents within the USG. When political factors are mentioned within the Board of Regents and the USG administration, it was more in the context of political compromises,

political responsibilities, and political relationships, than to do with the manipulation of research data for a political end.

Research had even less of an impact on the undocumented students admissions policy process in South Carolina. Governor Sanford, in fact, admitted that research is used only “infrequently,” and the most common type of research use reported by respondents in South Carolina was overwhelmingly political. With regard to the decision to prohibit undocumented students from attending public higher education in the state, however, respondents indicated that research was not used at all, in any way. Instead, “it was something that was very much driven by public opinion,” a state senator said. “It’s the spring of the primary season, everybody is looking back home to see where the mood of the district is, and thoughtful arguments don’t move much,” another legislator commented. With regard to this particular case, politics trumped rational policymaking in South Carolina. Considering other issues, however, interview respondents did express barriers – other than political considerations – with regard to the lack of research use in the state. These can be described as: (1) time, (2) a small staff, and (3) an uninvolved Commission on Higher Education. Though a causal relationship between the Commission’s lack of involvement and the low level of research cannot be drawn, it seems plausible that the absence of a strong board to provide research and encourage its use, may have attributed to research not being valued highly in South Carolina.

Like its neighboring states, research is not a preferred source of information in North Carolina, nor does it play a large role in ultimate policy decisions. This is particularly true in the North Carolina General Assembly, where, with few exceptions, legislators either said they did not use research often, or admitted to its political use.

Data collected in the state does indicate higher levels of research use in the North Carolina Community College System than in the state legislature. Speaking of instrumental and conceptual use, a NCCCS senior administrator said, “You know, we depend very heavily on academic research, particularly for student success.” Interview respondents in North Carolina did not, however, indicate that policymakers considered research of any kind during the 2001, 2004, 2007, and 2008 policy decisions, focusing instead completely on legal interpretations of what policy would best hold up in a court of law. The September 2009 decision, however, was somewhat different because the federal government had told the State Board that the decision was a policy decision, not a legal judgment. Before the State Board’s fifth policy decision, NCCCS commissioned a comprehensive study to guide decision-making and there is evidence of more research use than in the previous four policy decisions. There is evidence, though, that State Board of Community Colleges actually commissioned the study with a political agenda, as a cover for whatever decision they ultimately made.

EFFECT OF POLITICAL AND ORGANIZATIONAL STRUCTURE

With regard to the effect of state political and organizational structures, cross-case analysis reveals that in all three cases influences external to the undocumented student policy process had a strong effect.

Georgia’s political climate played an important role in the development of the state’s admissions and tuition policies for undocumented students. By most respondent’s definitions, this particular issue was more closely related to immigration policy than to higher education policy, and as such, the political nature of the decision-making process is undeniable. “You know, I don’t think anybody would be surprised to say that this was

Table 7: Effect of political and organizational structure

	Georgia	South Carolina	North Carolina
Effect of political and organizational structure	Undocumented student policies somewhat tied to immigration policy Political context played a role – political compromise Influential policy actor: D.A. King	Undocumented student policies completely tied to immigration reform Political context played a role – election year and public opinion Influential policy actor: Scott English An uninvolved higher education system	Undocumented student policies less tied to other immigration issues Political context played a role in 2008 and 2009 – election year and Bev Perdue Influential policy actor: Bev Perdue

not only an educational issue, this was a political issue,” a higher education official stated. The political and organizational structures in place in Georgia factored into (1) the locus of the decision-making, (2) the political compromise that dramatically influenced the policy’s characteristics, and (3) the issue’s eventual departure from the policy agenda. There is little doubt that pressure from public opinion and conservative factions within the Georgia Senate affected the Board’s decision to establish a policy that restricted access to undocumented students. Without such action, it seems clear from document and interview data that the General Assembly would have enacted a full-on ban.

South Carolina’s political climate played an enormously large role in the development of the state’s admissions policy for undocumented students. Like in Georgia, but even more so, this policy process was more closely related to immigration policy than to higher education policy, and as such, the political – and partisan – nature of the decision-making process is undeniable. As one legislative official explained, “The undocumented student higher ed policy was a sub-issue within the larger context of how

do you deal with illegal immigration... Anything that's discussed in the Capitol becomes a partisan issue, because that's just the nature of politics.” Not only did getting lumped into a larger immigration reform bill increase the political and partisan context of college access for undocumented students, but it also contributed to the higher education piece of immigration reform being included without challenge. The business aspects of immigration reform were “far more important.” Additional effects of the political climate and organizational structures on the policy process in South Carolina can be divided into three primary influences: (1) the politics of an election year, (2) Governor Sanford and the “two senates,” and (3) an ineffective and uninvolved higher education system. Scott English, a political strategist in Sanford’s said the policy process was “far less about public policy and far more about politics... we just brought bare-knuckle politics to it.”

The North Carolina policy process was not as confounded within a larger immigration policy debate as the policy processes were in Georgia and particularly in South Carolina. Politics, however, still played a large role, but it was less regarding public opinion pressures and more related to the political pressure exerted by a single individual. In the summer of 2008, political pressure from Lieutenant Governor Bev Perdue to maintain a restrictive policy influenced the Board’s decision. In 2009, after the election and insulated from electoral politics, the State Board voted to restore admissions rights to undocumented students.

COALITION AND SUBSYSTEM DYNAMICS

In contrast to the somewhat varied effects of political and organizational structures in each of the three states along the previous analytical dimension, the cross-

case comparison of coalition and subsystem dynamics again reveals convergence between states, with little variation.

Table 8: Coalition and Subsystem Dynamics

	Georgia	South Carolina	North Carolina
Coalition and subsystem dynamics	<p>No evidence of coalitions</p> <p>ACF hits: unlikely of changing deep core beliefs; policy change through “shocks” to the system</p> <p>ACF misses: overestimates coordinated activity; underestimates effect of politics and power</p>	<p>Little evidence of coalitions</p> <p>ACF semi-hit: some evidence of decisions based on deep core beliefs, but also indication that political self-interest trumped</p> <p>ACF misses: overestimates coordinated activity; underestimates effect of politics and power</p>	<p>No evidence of coalitions</p> <p>ACF hits: decision-making based on a set of deeply held beliefs (sometimes); unlikely of changing those beliefs</p> <p>ACF misses: self-interested motivations for actions seem to dominate (sometimes); underestimates the influence of political dynamics</p>

The major players in policy process in Georgia included the Regents (particularly the Special Committee on Residency Verification), USG administration (particularly the legal staff), certain legislators, the state attorney general, and D. A. King, an anti-immigration activist. Although he was not involved directly with the ultimate Board of Regents Policy decision, King undoubtedly played a role in stirring up the media and his friends in the general assembly. There is evidence of more than one group or person working together at times – for example, D.A. King and a faction of conservative legislators. Additionally there is much evidence that indicates multiple policy actors had the same desired policy outcome – for example, the ACLU and student protestors. There is, however, little evidence to suggest that these groups work together, as a coalition, to achieve a common policy goal. A gubernatorial official said:

You know, I don't know if they fell neatly into kind of two camps, and I don't know honestly how much association building there was on either side. From my perspective it was more individual groups that felt a certain way that were not coalition building among each other for the most part.

With respect to Georgia, the ACF overestimates the role of coordinated activity and underestimates the profusion of ways that politics, public opinion, and power affected policy change in the state. In other ways, however, the ACF does a great job of explaining the undocumented student tuition policy process in Georgia. It provides a good model with respect to (1) the unlikelihood of changing deep core beliefs, and (2) policy change through “shocks” to the system.

Those involved in undocumented student admission policy process in South Carolina differed somewhat from Georgia because of the nature of the policy and the location of the decision-making. The South Carolina case represents the closest of the three states to coalition formulation, but still there is only real evidence of collective pressure, not thoughtful collective action. The Advocacy Coalition Framework does not provide an adequate model of this policy process in South Carolina, since data collection revealed no evidence of well-developed coalitions in the state forming around undocumented student tuition policy or around immigration reform; three important coalition characteristics lacked: coordinated activity, longevity, and formation based on deep core beliefs. Additionally, the ACF it underestimates the importance of politics and power, which cannot be overstated in South Carolina’s case.

Unlike in South Carolina, major players in the North Carolina policy episodes did not extend much beyond the NCCCS and State Board, Lieutenant Governor Bev Perdue, and various people and groups providing legal advice. Data collection in North Carolina revealed no real evidence of coalition formation around the NCCCS undocumented

students admissions policy process, in any year of the policy process. Though no true coalitions were found to exist in any of the state policy episodes, there is a particular dearth of evidence in North Carolina. This could, perhaps, be because in North Carolina the undocumented student policy process stood more on its own and was less confounded by immigration issues. Without larger immigration issues so closely associated, there were less stakeholders who had a view about this particular secondary-level policy. This could also account for why the Farm Bureau, for example, is quite involved in South Carolina, but in North Carolina is not. A UNC System staffer working closely with the state legislature said, “the Farm Bureau is very involved... not on the university education piece, but on the labor supply issue.” Had the issues been linked, as in South Carolina, the outcomes may have shifted.

With regard to the ACF, the North Carolina case does not find evidence to support the notion of coordinated activity. Additionally, self-interested motivations for actions seem to dominate and the theory likely underestimates the influence of political dynamics with regard to policy processes. In other ways, however, the ACF has a higher explanatory power regarding the undocumented student tuition policy process in North Carolina. It provides a good model with respect to (1) decision-making based on a set of deeply held beliefs, and (2) the unlikelihood that technical information will shift those beliefs.

TWO EMERGENT THEMES

This study uncovered two emergent themes not captured by the Advocacy Coalition Framework. The two themes offer rival explanations of state activity surrounding the undocumented student policy decisions. One suggests state

policymakers harbor frustration with the federal inaction on the issue, which fails to provide them cover at the state level. The other suggests that policymakers delight in setting state policy regarding undocumented students' access to higher education as a way to foster existing social hierarchical structures. This latter finding warrants a more detailed discussion based on its connection to previous works, particularly that by Daniel Elazar (1984) suggesting that state policy decisions in some states may be informed by a political culture that seeks to protect traditional social and economic hierarchies.

Frustration over federal inaction

One additional theme that deserves documentation and discussion is state policymakers' frustration with the lack of federal action regarding finding a solution to the country's immigration problems. Some were mad, some joked about it, some rolled their eyes, but almost without exception, every interview respondent in every state brought mentioned Congress's inaction on the matter. In South Carolina, a Democratic state senator said, "I mean, the whole idea is crazy that a state is passing an immigration bill. Immigration is a federal status, not a state status." In this state, frustration actually escalated to the point where a bill was introduced calling for a "Continental Congress" to convene to solve the matter. A legislative official commented:

I mean, Senator McConnell even introduced a bill. He wasn't the only member -- There were other state legislators that did this. They introduced legislation to call for a Continental Congress to -- Address the issue of immigration reform, because of the frustration from the states that the federal government wasn't doing anything to reform immigration at the federal level. He was basically saying the only way to get this Congress would be for all -- if a percentage of Congressional delegations -- state Congressional -- called for it, then they would have to have it. Two-thirds, is it? Something like that. But they didn't. That didn't happen.

In the North Carolina legislature, people are likewise frustrated: "It's extremely frustrating, because everyone knows it's a mess. And it's not really a mess that can be

easily dealt with at the state level.” A particularly frustrated Republican representative asked, “If we can't hire them, why should we educate them? I think is part of the mentality of folks who are against it.” A more levelheaded legislator said:

You can't just ignore that all of these things are happening [in North Carolina], and so until the federal government does what it needs to do in terms of creating a path to citizenship or whatever -- We have to find a way to make it work.

But like University System of Georgia Chancellor Hank Huckaby said, speaking to a room of 10 or 12 undocumented students, “I will say this, states in the South, like Georgia, until the federal Congress comes to some resolution on immigration, it's going to be a very difficult process to move forward.” As Chancellor Huckaby’s comment indicates, the data suggests the policymakers’ frustration may be because many policymakers would like to support policies granting higher education benefits to undocumented students, but feel that such a decision would not represent the wishes of the majority of their constituents, and therefore also may hurt them politically. Were the federal government to take action on the matter, state policymakers would be granted political cover.

Power Imbalance

A second emergent theme, on the other hand, suggests that other policymakers enjoyed their state’s power to make the decision – a decision dedicated to protecting traditional social hierarchies. As mentioned previously in the state chapters, Hispanics are not represented in state government at a level consistent with their share of the population. In North Carolina and Georgia the state legislatures are one percent Latino and in South Carolina there is zero representation (Hamm & Moncrief, 2012). The

power imbalance, however, extends beyond political power and authority, and speaks to core societal and economic power hierarchies, as well.

Although this finding was certainly not universal among all respondents interviewed, data collected for this study highlights an existing power imbalance, especially in Georgia and South Carolina, and suggests that both a desire to maintain the imbalance and festering racist tendencies greatly influenced the policy decisions regarding undocumented students. As explained by a South Carolina legislator, at its core the issue in South Carolina “was race, and skin color, and... xenophobia.” And indeed, comments from respondents in Georgia also stung of racism. After a derogatory reference to a neighboring community as “Little Mexico,” a Georgia state representative said:

We have an international high school, and I mean, they're from Asia, China, Vietnam, Mexico, the Latino population. We have a lot of Colombians here. And you can tell. They're all different sizes. What's the other little country down there -- these are short legged -- They're more short -- more the Indian style. I can't think of the name of the country, but you know, they're what we call squatters. If you need some low level work done, they can squat for a long time and do the work.

Similar racist comments were common in South Carolina, where, as indicated by the title of Chapter V, the collective theme was “sticking it to ‘em.” As put by an elected official in South Carolina, who was frustrated with his “racist” colleagues:

I think that the idea was, we're going to remove undocumented workers, which they love to call illegal aliens, from any facet of life in South Carolina. We want to make it difficult for them to be here. We want to drive them out... Let's attack them at every level. Let's go back and make sure that there's no ability for them to function. Let's just drive them out.

The quotes above are unmistakable examples of extreme discrimination toward Hispanic populations in these states. Still others made similar discriminatory remarks in a less

obvious, more politically-correct manner. A higher education official in Georgia said:

My feeling is that the Regents weren't real exercised about this. This was not a big deal to them... We had to address it in some fashion and get it off our plate ...I don't think there was anybody on the Board of Regents that was real upset about it one way or the other. We were looking for a political solution that would cool everybody off and we could go on to something that we thought was more important.

The clear indication this respondent was trying to put forth was that no one on the Board of Regents really cared about undocumented students. In addition to comments like those mentioned above, my experience during several interview sessions and analysis of my field notes indicating tone and body language, and “us” versus “them” comments peppered throughout interview transcripts contributed to a general feeling that many of the policymakers, particularly in Georgia and South Carolina, harbor discriminatory feelings toward Hispanic people, both citizens and undocumented individuals.

There are multiple potential explanations for this finding, and three are discussed below. First of all, these findings support work by Elazar (1984), which labels each of these states, as well as many others in the Southeast, as having a “traditional political culture.” In this subculture, Elazar claims policy decisions are likely to be informed by a deeply-held commitment to uphold the traditional social and economic hierarchy, which aligns closely with racism and a dominant elite’s commitment to maintain social control and hierarchy. Elazar suggests that these values are rooted in the history of the people who originally settled the southern colonies in pursuit of economic opportunity through a plantation-centered farming system that developed clear imbalances between races and classes. Perhaps it is the desire to maintain these social and economic hierarchies that benefit the ruling elite that still drives decision-making in these states.

As alluded to above, Elezar (1984) considered a government's desire to maintain not only social, but also economic hierarchies. A second possible explanation for this finding may relate to that desire, and a fear of shifting economic realities. It may be that the seemingly racist comments spoken by interview respondents may actually be more related to economic fear than pure racial bigotry. Indeed, as put by one respondent in Georgia:

I think that's one reason why [the public in Georgia was so upset about undocumented students receiving state benefits]. ... I think that is related to the economic situation, you know, because people feel threatened and they want to blame somebody.

A South Carolina newspaper echoed this sentiment, quoting a Summerville, SC woman as saying, "The economy is bad enough without having a shadow population sucking the money out of the system" (Immigration, 2007).

Thirdly, such comments could be examples of politicians playing "the race card." If elected officials are motivated by money and reelection interests, as political scientists suggest (e.g., Fenno, 1978; Mayhew, 2004), it would be plausible that policymakers in these southern states espouse racist beliefs and speak with racial slurs because these are the beliefs and vernacular of many of their constituents. Adopting this "racist" language may, therefore, be a strategy for enticing those persons, conceivably without a lot of money to give to a campaign, to vote for you, thus making them a beneficial part of a political career. In fact, a South Carolina state senator suggested that Republicans in the state thought that appealing to racial tensions would be good political strategy in an election year:

This debate was not based on logic or research. This debate was based on xenophobia, race, [and] partisan politics. There was a general feeling that

Republicans felt like this was a winning issue for them. That being on the ‘let’s get these people who don’t look and sound like us out of here’ was a good policy.

In other words, if the assumption is made that policymakers are motivated by money and reelection, perhaps connecting with constituents on this shared belief (real or faux) is a way to garner support from those from whom monetary support is not a viable option.

The Advocacy Coalition Framework suggests that use of technical information is highest when a professional forum is available for policymaking, and I have hypothesized that it is used less in more “political” forums. As referenced in the state chapters, there is some evidence of both of the aforementioned notions and they fit well with ACF explanations. But if at its core, policymaking in these states is driven by social elitism, racism, and a desire to maintain social power imbalances, as this data suggests, then perhaps this more succinctly explains the decision-making in these states regarding undocumented student tuition and admissions policies than any theory of the policymaking process ever could.

CHAPTER VIII:

CONCLUSION

This final chapter provides a brief review of the study, reports key findings relating back to the original four research questions as result of the cross-case analysis, and offers implications for research and policy.

REVIEW OF THE STUDY

The purpose of this dissertation has been to deepen the descriptive and conceptual understanding of the process by which state policymakers determine tuition and admissions policies regarding undocumented college students and the information used to make those decisions. The intent thus far has been to further explore the “demand-side” of research utilization by examining the role of research information and by investigating the extent to which the policymaking environment impacts research use as state policymakers craft policy regarding undocumented students. The Advocacy Coalition Framework, a theory of the policymaking process, has guided this comparative case study of three state’s adoption of restrictive policies for undocumented students. Ultimately, the Advocacy Coalition Framework fails to fully explain the policymaking process by which the policies in the three cases studies were developed.

Three factors contributed to the conception of this dissertation topic. First, the growing number of undocumented students and their plight in gaining access to higher education have made college access for this population a central issue on many state policy agendas (Dougherty, Nienhusser, & Vega, 2010). Indeed, since 2001, 16 states

have provisions in place allowing undocumented students who meet certain criteria to qualify for in-state tuition, three states have laws specifically prohibiting undocumented students from receiving in-state tuition, and two states completely prohibit undocumented students from enrolling at any public college or university (NCSL, 2013a). Second, despite scholars' efforts to learn more about undocumented student policies and how such policies affect students and states, questions loom on whether or not this research evidence actually affects policy change in state legislatures. Surprisingly little is known about the influence of research utilization on state policymaking processes, in general, and even less is known about the extent to which state policymakers use research evidence to determine undocumented student policies for postsecondary education. Third, and finally, there has been little consideration of policy processes through which states determine policies regarding undocumented students – a void this dissertation has intended to fill. Advocacy Coalition Framework, specifically, is chosen for analysis because the role of research utilization is central in the ACF, which emphasizes “policy learning” and delineates the most favorable conditions for research evidence to influence policymaking (Sabatier & Jenkins-Smith, 1988; Sabatier & Weible, 2007; Ness, 2010).

Relying upon archival documents and interview data collected from 31 policy actors in Georgia, North Carolina, and South Carolina, Chapters IV, V, and VI present case studies of the policy processes that determined the undocumented tuition and/or admissions policies in these three state episodes. The cases focus specifically on the role of research and other information sources in the decision-making process and the extent to which the policymaking environment impacts research use through a narrative chronology of events, and analyze phenomena across the five dimensions of the

analytical framework outlined in Table 3. Chapter VII continues the examination of the policy process through cross-case analysis. Finally, this concluding chapter reports key findings emerging from this analysis and presents implications for future research and policy.

CONCEPTUAL FINDINGS

The examination of the policy process through which states determine admissions and tuition policies for undocumented college students yielded important findings related to this study's four research questions:

(1) Upon which sources of information do policymakers rely when setting undocumented student policy?

This study finds that policymakers in all three states primarily sought clarification of the legal context surrounding in-state resident tuition and admissions policies, researching state and federal law, seeking the opinion of in-house legal counsel, or, in the case of the North Carolina Community College System, petitioning the Attorney General and the US Department of Homeland Security for a ruling. Also in all states, policymakers were very interested in numbers and “data driven type” information on how many students were affected and projections on how a particular policy would cost state taxpayers or the university system. While respondents from all states identified data on other states' policies as useful, South Carolina legislative and gubernatorial officials were particularly reliant on information on how other conservative states were developing laws, namely Georgia and Arizona. And as previous studies suggest (Mooney, 1991; Wright, 2003) and as respondents in each state identified (and respondents in South Carolina overwhelmingly identified), political factors – like partisan allegiances,

constituent preferences, and re-election considerations –largely trump research evidence from legislative, agency, and external sources. This is particularly true for elected officials, but applied to other policymakers, as well. Respondents in all states also suggested that sources of information varied by political party, and that non-profit organizations more closely associated with political parties wield more influence on policy decisions than do those without such a connection, although this was not a subject that many brought up unsolicited.

(2) To what extent do particular information sources influence these policy decisions?

Evidence from this study suggests that policymakers in these three states did not rely heavily on research information in setting undocumented student policies. Although higher education officials and elected officials both did indicate that research evidence is always collected before a decision is made, most commonly the ultimate decision was based on politics, personal values, or “gut feelings.” As put by a young legislative staffer in Georgia, though research is always involved rhetorically, in the end, “it’s the sexy stuff” like politics and relationships that matters. Despite the *political* use of research mentioned in all three states (coined “cherry picking” by multiple respondents in North Carolina), since data indicate that research evidence is always collected, the possibility remains that policymakers have made *conceptual* use of research that influences decisions. Respondents saw this as a more distinct possibility in Georgia. Interview participants in all three states recognized a research-policy divide, suggesting that the “two communities” perspective explains the use of research evidence to some extent. In fact, with regard to policymaking in North Carolina, a respondent commented that

“unfortunately, it’s not about purity of ideas over here; it’s about real-world solutions that work.” In all states, respondents noted that since immigration is a controversial issue, public opinion and re-election interests weighed heavily on policymaking. According to a legislative official in South Carolina, the decision was not even about higher education. What mattered most was “sticking it to [the Hispanics]” and “making sure that South Carolina had the toughest immigration law in the nation.”

(3) How do characteristics of the policy environment and the locus of decision-making affect the use of research evidence in undocumented student policy decisions?

The state government and higher education system organizational structures affect the policy process through which policies are considered and adopted. This study finds evidence to support the scope of a governor’s powers, the level of autonomy and accountability afforded by the higher education governance structure, and the intensity of public opinion all influence policy decisions regarding undocumented student rights. This study finds higher levels of research collection and use in North Carolina and in Georgia, where undocumented student policy decisions were made outside of the legislature. In South Carolina, political dynamics such as public opinion, partisanship and gubernatorial influence reduce the reliance on research evidence and most often result in the *political* use of information. Furthermore, a former gubernatorial political director in South Carolina proudly commented that he himself, with the consent of Governor Sanford, decided to make immigration a key issue in the state in 2008 because it was an election year, and he knew that pushing through a tough immigration law would secure re-election for the Republicans in his coalition, and oust those not identified with the “Sanford-wing” of the Republican party.

This study finds evidence to support that the policy environments in North Carolina and Georgia more closely represent the ACF's concept of a "professional forum," where technical information is more likely to be shared and to influence policy negotiations. By contrast, South Carolina behaved more in line with what I term a "political forum," where decisions are more likely to be made arbitrarily or with regard to political agendas. Acting in underhanded ways or in accordance with secret backroom political agendas breeds mistrust, a characteristic that is the antithesis to that of professional forums (Leach & Sabatier, 2005; Sabatier & Weible, 2007).

(4) To what extent does the Advocacy Coalition Framework explain this policy process?

This dissertation sought to examine the explanatory power of the Advocacy Coalition Framework with regard to undocumented student tuition and policy decisions in North Carolina, South Carolina, and Georgia. This study finds backing for the ACF as a model for this policy process involving undocumented students in addition to the evidence supporting the "professional forum" concept, identified above. Consistent with the ACF's notion that technical information is unlikely to change deep core beliefs, respondents in all states noted the unlikelihood of research evidence influencing "value decisions," and immigration is considered to be one of these. The ACF purports that policy participants develop policy preferences based on a set of preexisting beliefs and that they make choices based on those; findings with regard to this tenant are mixed. Data collected for this study suggests that with "value decisions," core beliefs do seem to drive decision-making. Other situations reported by respondents, however, suggest that

policy actors often make decisions based on political strategy as opposed to their personal belief system.

While the ACF certainly provides the initial framework for understanding the higher education policy process and how technical information may inform policy discussions and decision-making and “policy-oriented learning,” it alone is insufficient because it fails to adequately explain what happens when longstanding coalitions do not exist and the enormous role of electoral politics and power dynamics in the policymaking process. Policymakers have connections to partisan organizations and politicians seek campaign support and aim for reelection. These factors offer insights into the motivations of policy actors’ political behaviors, and the explanatory power of ACF would be enhanced with their incorporation. Although there are places for power in the ACF model (coalition resources, regime change as a shock trigger), the importance and influence of power may be more than the ACF currently indicates. This is true for the power associated with formal elected positions and authority, but even more so when one considers the power dynamics of the social hierarchies in place. A framework that did rely on this aspect and notions of Mill’s power-elite would have to include race, social class, and other characteristics as coalition resources. Work by Elazar (1984) also supports the notion that policy decisions may be informed by a political culture of protecting the social hierarchy, like that suggested by the emergent theme revealing racism and power imbalances.

These aforementioned factors cannot be discounted and other literatures and theories that better incorporate these factors into the policy process should be considered. Multiple streams, for example, is a more fluid framework that suggests policy decisions

are influenced by a combination of problems, policies, and politics (Kingdon, 1995). Consistent with this theory, one or two individual policy actors exert overwhelming influence over the policy process. Indeed, such *policy entrepreneurs* could be identified all three states' undocumented student policy episodes (anti-immigrant activist, D.A. King, in Georgia; Governor Sanford's chief-of-staff, Scott English, in South Carolina; Lt. Gov. Bev Perdue in North Carolina). These policy actors advanced their preferred set of criteria by *coupling* the political landscape with widely held problems, such as the (perceived) societal costs of illegal immigrants. Policy entrepreneurs in each case exercised a claim to expertise or authority, political capital, and much persistence to advance their preferred policy solutions. Multiple streams is but one example of another framework that could be considered; many other relevant theories also exist. Future research that could marry ACF with these other important elements of the policymaking process would be very beneficial to the field.

IMPLICATIONS FOR RESEARCH, POLICY, AND PRACTICE

This study examining the connection (or lack thereof) between research and policy in decisions regarding undocumented student tuition and admissions decisions may be of both conceptual and practical significance. Conceptually, this study's examination of policymaker's preferred sources of information, the specific use of research evidence, and the role of the policy environment yields insights unique to higher education decision-making at the state level, and is perhaps relevant to other policy sectors, as well. Findings from this dissertation support and add to the existing literature on the "two communities" and research utilization. Interview participants in all three states recognized a research-policy divide, suggesting that the "two communities"

perspective explains the use of research evidence to some extent. While the interviews did provide some accounts of research evidence being used conceptually and instrumentally at times, the overwhelming majority of respondents discussed what Carol Weiss (1977) termed *political* use of information. Ideally, this research will contribute to the literature by identifying patterns between state characteristics and levels of research utilization. As the relevant variables begin to be identified, future quantitative researchers may be able to extrapolate direct connections between state contexts and research use.

There are many other possibilities for future research stemming from this study. First of all, future research could replicate this study in states with more progressive undocumented student policies to perhaps uncover some differences that may affect policy outcomes. While strength of this study is that it holds constant geography, this also means that all states considered have political cultures that fall in Elazar's (1984) traditionalist paradigm. Future research might also consider undocumented student policy decisions in states with different political cultures more closely representing the "moralist" or "individualist" paradigms.

Further exploration of the ACF offers three additional areas for potential research. First, the ACF could be tested further by exploring a topic less connected to a deep core belief to see if technical or research information indeed plays a larger role in such considerations. It was my hope that this study would explore varying coalition and subsystem types and the extent of research utilization within each, but since this dissertation found little to no indication of longstanding coalitions, this was not possible. This surprising finding presents a second possible area of future research, and a logical

extension of this work could be to focus more specifically on the existence of coalitions since they are so central in the ACF. One interesting study might be to identify various ideological groups and to follow policymakers' connections to money sources and campaign contributions, particularly as they relate to policy decisions for undocumented students. And finally, though the ACF does not address the power implicit in social hierarchies, the data collected for this study suggests power does play a large role in policy decisions around undocumented students policies for higher education. As a third possibility, more research is needed to more fully understand the power dynamics at play and the extent to which the ACF might be modified to account for such underlying forces.

With regard to policy implications, the restrictive policies regarding undocumented colleges students prevalent in the Southeastern United States hold critical consequences for social stratification issues related to college access. This will become ever more important in coming years as the Hispanic population in these states continues to rise. This study offers another significant policy implication that will become increasingly important as Hispanic populations increase. State policymakers are now able to adopt policies hostile toward immigrants and undocumented students because these groups are not well represented in government, and because many of these people cannot vote. Those policymakers supporting anti-immigrant policies today may, however, be at a disadvantage in the future as demographics continue to shift. Policymakers need to consider this inevitability.

With regard to practical significance, findings from this research study may help those who aim to influence state policy discussions. Since findings reveal that traditional

academic research yields little influence on policy decisions regarding undocumented students, for example, this study may call into question the relevance and usefulness of higher education non-profit, nonpartisan organizations for promoting higher education policy change in the states. By more deeply understanding which sources of information policymakers prefer and why, individuals and organizations providing information may better understand how research evidence is most useful in affecting change in the policy process. And by conceptually framing the undocumented student tuition and admission policy process within policy milieu that typifies the policy-making process, hopefully this study accurately portrays the nature of the political context in which decisions are made and the overtly political strategies through which higher education policy emerges.

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APPENDIX A:

TIMELINE OF UNDOCUMENTED STUDENT POLICIES IN GA, NC, SC

	NC	NC	NC	NC	GA	SC	NC	GA
Policy	Dec 2001: CC System	Aug 2004: CC System	Nov 2007: CC System	May 2008: CC System	2008: SB 492	2008: HB 4400	Sept 2009: CC System	2010: USG
Allows enrollment only			✓				✓	
Leaves discretion to schools		✓						
Bans In-State Resident Tuition					✓			
Bans Enrollment (at some or All HEI's)	✓			✓		✓		✓

APPENDIX B: INTERVIEW PROTOCOL

1. **Could you provide an overview of how [state] developed its undocumented student tuition policy?**
2. **Who were the major players in this policy decision?**
 - a. So far, you've mentioned elected officials, were they any other major players perhaps in the education sector or media?
 - b. Would you say that there is a core group of people who are always involved in higher education issues?
 - i. Are there multiple groups? With competing philosophies?
3. **When tuition policies for undocumented students were being considered, what type of information was reviewed and considered?**
 - a. For example, did agency or political staff provide technical reports or cost projections?
 - b. Were researchers or national experts involved in the process?
 - c. If technical information was considered, was it available at the legislative district-level?
4. **From your perspective, what sources of information are the most useful to inform these decisions? Or, what sources of information do policymakers seem to prefer?**
 - a. Legislative/governor's office analysis
 - b. Higher education agency analysis
 - c. Campus analysis
 - d. Policy organization/think tank analysis

Sources of information:

Formal research journals... Info on enrollments from the campuses... Compacts, policy organizations and national experts... Letters from constituents... Newspapers...

Does it relate to the environment in which the decision was made? To the professionalism of the legislature? To the governance structure of higher ed?

5. **How would you characterize the extent to which the political climate of your state influences the use of research evidence?**
 - a. Are rights for undocumented students considered a partisan issue?
 - b. Is higher education finance considered a partisan issue?
 - c. Do parties rely on different sources of information?

Partisan source of information – MSNBC v Fox; Heritage v Soros Foundation, etc. Do you see this happening? Do you see it having an effect on Higher Education policy?

- 6. To what extent did (or does) research influence the ultimate policy decision for setting undocumented student tuition?**
- a. Does this differ by the stage of policy process (agenda-setting, final votes)?
 - b. Would you attribute this to the supply (not enough policy-relevant research) or the demand (little policymaker interest in research evidence)?
- 7. How would you say research or other sources of information is used?**
- a. From the outset and overtime to inform the range of options or help define the problem (conceptual/enlightenment).
 - b. To address a specific problem/bill/policy (instrumental)
 - c. To support a preferred policy whether it is based on research evidence or not (tactical/political)
- 8. Is there anything else that you would like to add that perhaps I didn't ask you about, but that you feel is relevant?**

APPENDIX C: LETTER OF INVITATION AND CONSENT



<<Date>>

<<insert name here>>

<<insert address line 1 here>>

<<insert address line 2 here>>

Dear <<insert name>>:

I am a doctoral graduate student at the Institute of Higher Education at the University of Georgia with research interest in higher education policy. I am writing to request your participation in my dissertation research study dealing with the use of research in undocumented student tuition policy decisions in [North Carolina/South Carolina/Georgia].

The general purpose of my study is to examine how policymakers use research and other sources of information during the public policymaking process to craft undocumented student tuition policies for higher education. Specifically, I would like to better understand to questions: (1) what sources of information policymakers rely upon (i.e., journal articles, legislative policy briefs, trade publications, think tank policy reports), and (2) to what extent does this information influence the ultimate finance policy decisions. Through a better understanding of how research is used in these policy decisions, this study may have practical implications for policy analysts and policymakers when faced with policy decisions in the future.

Based on your position as [formal title here], I am most interested in capturing your perspective on this policy process. If you are willing to participate and your schedule permits, I would like to interview you during the month of [April/May/June] 2013 [when I will be in Raleigh/Columbia/Atlanta]. The interview will not take more than one hour and you can choose the interview location.

If you choose to participate, reasonable efforts will be made to keep the personal individually-identifiable information in your research record private and confidential. Unless

you would prefer to be mentioned by name, your confidentiality will be maintained by using a pseudonym (such as, Georgia higher education official) both in the study and in the research records. With your permission, an audio record of the conversation will be saved to help me remember what was said at the interview. The audio files will be destroyed once they have been fully transcribed. While conducting the study, only my faculty adviser and I will have access to the audio files and transcripts. All information will be stored in a locked file or password-protected computer in my home office.

Also, I would be happy to provide you with a preliminary draft of the report for your approval and with future publications related to this study. Of course, you understand that your participation is voluntary. You can refuse to participate or stop taking part at anytime without giving any reason, and without penalty or loss of benefits to which you are otherwise entitled. You can ask to have all of the information about you, returned to you, removed from the research records, or destroyed. No foreseeable risks or discomforts are expected. There may also be no potential benefits for you personally from this study. However, the potential benefits to science and humankind may include a better understanding of the state-level public policymaking process.

If you would be willing to make the time to participate, I would be truly grateful since your perspective will add value to this study. If you already know you would like to participate and want to schedule a formal appointment or if you have any questions, please feel free to contact me at mcmilan@uga.edu or by phone at (706) 206-4486. Otherwise, I will reach out to you again in early April to check on your interest in participating and will look to schedule an appointment and answer any questions you may have at that time.

Additional questions or problems regarding your rights as a research participant should be addressed to The Chairperson, Institutional Review Board, University of Georgia, 612 Boyd Graduate Studies Research Center, Athens, Georgia 30602-7411; Telephone (706) 542-3199; E-Mail Address IRB@uga.edu. You may also contact my dissertation advisor, Dr. Erik Ness by email at eness@uga.edu or by phone at (706) 542-0573.

Thank you for your consideration to participate in this research study. I am happy to offer further explanations if you have any questions about the study. Again, thank you for your consideration.

Sincerely,

Mary M. Deupree
PhD Candidate, Higher Education

APPENDIX D: ANALYTICAL FRAMEWORK

1) Evidence of “two communities” divide	<p>a. To what extent were policy actor’s preferences and actions motivated by common sense and experience, and to what extent were they based on research and theory?</p> <p>b. What types of information do policymakers seem to prefer?</p> <p>c. Do policy actors attribute the extent to which research is used to the supply (not enough policy-relevant research) or the demand (little policymaker interest in research evidence)?</p>
2) Effect of political and organizational structure	<p>a. To what extent does the political climate of the state influences the use of research evidence?</p> <p>b. Are rights for undocumented students considered a partisan issue? Is higher education finance considered a partisan issue?</p> <p>c. Do parties rely on different sources of information?</p> <p>d. To what extent does the governance structure or locus of this decision-making influences the use of research evidence?</p>
3) Types (and role) of sources of information	<p>a. When tuition policies for undocumented students were being considered, what type of information was reviewed and considered? Did agency or political staff provide technical reports or cost projections? Were researchers or national experts involved in the process?</p> <p>b. What sources of information are the most useful to inform undocumented student tuition policy decisions?</p> <p>c. What sources of information do policymakers seem to prefer?</p>
4) Use of research information	<p>a. Was technical information or research collected/provided?</p> <p>b. To what extent did policy actors utilize technical information?</p> <p>c. To what extent did research influence the ultimate policy decision for setting undocumented student tuition? Does this differ by the stage of policy process (agenda-setting, final votes)?</p> <p>d. Do policy actors attribute this to the supply (not enough policy-relevant research) or the demand (little policymaker interest in research evidence)?</p> <p>e. When research information is used, how is it used? From the outset and overtime to inform the range of options or help define the problem (conceptual use)? To address a specific problem/bill/policy (instrumental use)? Or, to support a preferred policy whether it is based on research evidence or not (tactical/political use)?</p>
5) Coalition and subsystem dynamics.	<p>a. Were policy actors grouped into coalitions based on core beliefs, or more fluidly around particular issues?</p> <p>b. Who were the major players in this policy decision?</p> <p>c. Is there a core group of people always involved in higher education issues? Immigration issues? Are there multiple groups involved? With competing philosophies?</p> <p>d. In what type of policy subsystem do the coalitions operate? Is</p>

	<p>there one dominant coalition, multiple cooperating coalitions, or high conflict among competitive coalitions?</p> <p>e. To what extent does the type of policy subsystem determine the use of research information?</p>
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