

**Luis Figueroa**- Legislative Staff Attorney  
Mexican American Legal Defense and Educational Fund, San Antonio, TX

## **EDUCATION**

Luis Figueroa received his Bachelor of Arts in Political Science and Speech Communications with a concentration in American Politics and Law from Trinity University in San Antonio, TX in 2000 and his Juris Doctorate from the University of Texas School of Law in 2003. He is licensed to practice law in the State of Texas.

## **Areas of Work**

Legislative analysis and advocacy in protecting and promoting the rights of Latinos in the areas education, political access, immigration, employment, and access to justice in Texas, Kansas, Oklahoma, New Mexico, Colorado, Louisiana, Utah, Mississippi, and Wyoming.

## **BIOGRAPHY**

Luis Figueroa grew up in El Paso, Texas. In the summer of 1999, he interned at the El Paso office of Texas Rural Legal Aid. In the fall of 1999, Luis interned at the White House in the Office of Political Affairs. In law school, Luis was a student attorney for the University of Texas Immigration Law Clinic and served on the board of the Public Interest Law Association.

Mr. Figueroa has also interned for the Advancement Project, a Washington based civil rights organization; Texas State Representative Terri Hodge; and Texas Watch, a consumer advocacy organization.

Prior to MALDEF, Luis was an Esther Peterson Fellow for the Consumers Union, publisher of Consumer Reports, where he advocated for federal consumer protections in the areas of telecommunications, student loan reform, and mutual fund reform.

While at MALDEF, Luis Figueroa has testified in numerous legislative hearings to advocate for the protection and advancement of Latino rights particularly on the issues of school finance reform, access to higher education, voting rights, and immigrant rights.

## **Publications**

A Legal Analysis of the Texas Medicaid Reimbursement Scheme and Its Effects on the Border Region, *Texas Hispanic Journal of Law & Policy*, Vol. 9, Fall 2003.

State Government: Election Law in Texas, *State & Local Law News*, vol. 31, no. 1, November 2007. Co-Authored with Sabine Romero.

Voting Rights in Texas: 1982-2006, *Southern California Review of Law and Social Justice*, Vol. 17 Number 2, Spring 2008. Co-Authored with Nina Perales and Griselda Rivas.

## **Awards**

2003 Excellence in Public Interest Award by the Texas Law Fellowship

2003 University of Texas Co-Op Public Interest Award Recipient

2004 Workhorse Award by the Neighborhood First Alliance for work in protecting voting rights in Bexar County in the 2004 elections.

2008 Emma Tenayuca Award by the Workers Defense Project for advocacy work in defeating an anti-solicitation ordinance in Austin, Texas aimed at criminalizing day laborers and panhandlers.

2009 Spirit of Change Award by State Representative Joaquin Castro for legislative contribution on higher education issues on behalf of Latino students.

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## Experience

### **Mexican American Legal Defense & Educational Fund, San Antonio, TX**

*Legislative Staff Attorney, 2004-Present*

- Advocate in fast paced state legislative and municipal policy arenas in nine state region for legislation promoting and protecting the rights of Latinos
- Primary focus on the areas of political access, immigrant rights, access to higher education, and educational equity
- Analyze bills and ordinances, draft legislation, testimony, primers, and advocacy materials, and provide oral testimony before legislative and municipal policy makers
- Lead coalitional efforts and coordinate election protection efforts
- Serve as media contact for all policy-related inquiries for the Southwest Region

### **Consumers Union, Washington, D.C.**

*Ester Peterson Fellow, 2003-2004*

- Lead advocate for student loan reform policy
- Assistant advocate for consumer protections in the areas of telecommunications, bankruptcy reform, prescription drug benefits, and mutual fund reform
- Organized community leaders for regional FCC hearings on media ownership

## Education

### **The University of Texas School of Law, Austin, TX**

- Juris Doctorate, May 2003
- Immigration Clinic Student Attorney, Spring and Fall 2002
- *Texas Hispanic Journal of Law & Policy*, Editorial Board, 2002-03
- Public Interest Law Association, Board Member, 2000-02

### **Trinity University, San Antonio, TX**

- B.A. in Political Science and Speech Communication, May 2000
  - Concentration: American Politics and Law
- Trinity University Young Democrats, President, 1998-1999
  - Created and produced campus-wide political television show bringing students and local community leaders together to discuss a variety of political issues
  - Organized voter registration drives, political rallies and community volunteer projects

## Publications

Voting Rights in Texas: 1982-2006, *Southern California Review of Law and Social Justice*, Vol. 17 Number 2, Spring 2008. Co-Authored with Nina Perales and Griselda Rivas.

State Government: Election Law in Texas, *State & Local Law News*, vol. 31, no. 1, November 2007. Co-Authored with Sabine Romero.

A Legal Analysis of the Texas Medicaid Reimbursement Scheme and Its Effects on the Border Region, *Texas Hispanic Journal of Law & Policy*, Vol. 9, Fall 2003.

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## Internships

### **Texas Watch, Fellow**, Summer 2002 & Spring 2003, Austin, TX

- Analyzed Texas Supreme Court decisions impacting Texas consumers
- Drafted memos on federal judicial nominations pertaining to consumer interests

### **Texas State Representative Terri Hodge, Intern**, Fall 2002, Austin, TX

- Researched potential legislation addressing undocumented immigrant minors detained in Texas prisons

### **Advancement Project, Intern**, Summer 2002, Washington, DC

- Assisted on litigation related to violations of the National Voter Registration Act
- Researched projects on civil rights issues such as redistricting, zero tolerance policies, and former felon voter registration

### **White House Office of Political Affairs, Intern**, Fall 1999, Washington, D.C.

- Prepared travel and weekly briefs for use by senior staff
- Drafted correspondence to Democratic Party officials and constituents

### **Texas Rural Legal Aid, Volunteer Legal Assistant**, Summer 1998, El Paso, TX

- Analyzed and organized evidence for cases involving migrant farm worker rights

## Awards

*2009 Spirit of Change Award* by State Representative Joaquin Castro for legislative contribution on higher education issues on behalf of Latino students.

*2009 Meritorious Award* by the Texas Association of Chicanos in Higher Education for legislative advocacy promoting minority access in higher education

*2008 Emma Tenayuca Award* by the Austin Workers Defense Project for successfully defeating an anti-solicitation proposed ordinance aimed at criminalizing day laborers and homeless panhandling

*2004 Workhorse Award* by the Neighborhood First Alliance for work in protecting voting rights in Bexar County in the 2004 elections

*2003 Excellence in Public Interest Award* by the Texas Law Fellowship

## Boards

HearUsNow.Org Advisory Board Member, 2004-Present

Texas Watch Board Member, 2006-Present

## **Senate Higher Education Committee**

### **Testimony on Interim Charge 1**

**April 26, 2010**

**By: Mexican American Legal Defense and Educational Fund (MALDEF)**

**Luis Figueroa, Staff Attorney<sup>1</sup>**

#### **Overview**

My name is Luis Figueroa and I am here to provide testimony on behalf of the Mexican American Legal Defense and Educational Fund (MALDEF) related to interim charge 1 restructuring financial aid programs to promote student success. MALDEF is committed to addressing the longstanding problems of Latino underrepresentation in higher education and low percentages of Latinos with college and graduate degrees. Of course, many studies have shown that affordability is a critical issue in broadening access to post-secondary education, especially for Latino students. MALDEF supports increasing Latino access to financial aid and opposes merit-based assistance that employs discriminatory selection criteria, such as a test score cut-off or minimums.

#### **Rising Tuition Costs**

According to the National Center for Public Policy and Higher Education, college tuition continues to outpace family income and the price of other necessities, such as medical care, food and housing. College tuition and fees, adjusted for inflation, rose 439 percent from 1982 to 2007, towering over increases in medical care, housing and food, while median income rose 147 percent during the same period. On average, students from working and poor families must pay 40 percent of family income to enroll in public four year colleges, whereas students from middle-income and upper-income families pay 25 percent and 13 percent

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respectively after financial aid.<sup>2</sup> In Texas undergraduate resident tuition and fees have dramatically increased. The Texas statewide average increase of tuition and fees for Texas public universities rose from \$1,934 in Fall 2003 to \$3,150 in Fall 2008, an increase of 63 percent, with no end in sight.<sup>3</sup>

Nationally, the median cumulative debt among graduating Bachelor's degree recipients at 4-year undergraduate schools was \$19,999 in 2007-08. One quarter borrowed \$30,526 or more, and one tenth borrowed \$44,668 or more. 9.5% of undergraduate students and 14.6% of undergraduate student borrowers graduating with a Bachelor's degree graduated with \$40,000 or more in cumulative debt in 2007-08. This compares with 6.4% and 10.0%, respectively, for Bachelor's degree recipients graduating with \$40,000 or more (2008 dollars) in cumulative debt in 2003-04.<sup>4</sup> In Texas, 64 percent of students took out student loans with an average of \$18,508 debt.<sup>5</sup> Financial assistance on the state and federal level are necessary to reduce the financial burdens on family and students. Fully funding Texas grants at \$937 million would help 167,000 students go to college. This is especially helpful to the Latino community.

### **Latinos Effected by Tuition Cost**

School and college aged persons (ages 5-24) make up 37 percent of the Hispanic population compared to 27 percent of the non-Hispanic population. Over the next 25 years, this segment of the Latino population is projected to increase by 82 percent.<sup>6</sup> According to a national survey of Latinos, nearly all Latino parents (95 percent) say that it is “very” important to them that their children go to college, which is a higher percentage than Anglo parents (78 percent).<sup>7</sup> The two highest

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<sup>2</sup> <http://www.cnn.com/2008/LIVING/personal/12/03/college.costs/> ; See also, [http://www.highereducation.org/reports/losing\\_ground/affordability\\_report\\_final\\_bw.pdf](http://www.highereducation.org/reports/losing_ground/affordability_report_final_bw.pdf)

<sup>3</sup> <http://www.theccb.state.tx.us/reports/PDF/1527.PDF?CFID=6896346&CFTOKEN=55591144>

<sup>4</sup> <http://www.finaid.org/loans/>

<sup>5</sup> Department of Education's National Center for Educational Statistics. 2006.

<sup>6</sup> Projections by Pew Hispanic Center

<sup>7</sup> Pew Hispanic Center/Kaiser Family Foundation National Survey of Latinos: Education January 2004.

ranking reasons listed by Latinos on why people do not go to college or fail to finish college if they start were the cost of tuition and the need to work and earn money. Both of these reasons were listed by 77percent of the Latinos surveyed, while only 33 percent listed staying close to their family instead of going away to college.<sup>8</sup> The data is clear that Latinos believe access to financial aid is the largest obstacle to attending and completing higher education.

Latinos are especially reliant on Texas grants. According to the Texas Higher Education Coordinating Board, over 206,000 grants have been awarded to Hispanic students, comprising 46 percent of all grants. Texas lacks the number of college graduates necessary to fill the jobs of the new economy. Texas is even further behind in producing Hispanic and African American college graduates.

### **Concerns about Adding a Merit Based Approach to Prioritizing Texas Grants**

1) The existing merit criteria for Texas Grants is sufficient.

To ensure Texas produces enough college graduates for the new economy, the legislature in 1999 created the TEXAS Grant program, which pays for tuition and fees at a Texas college or university for qualified students. The Texas Legislature established the TEXAS Grant to make sure that well-prepared high school graduates with financial need could go to college. The Texas Grant program already establishes stringent criteria for eligibility. Students may apply if they:

- Are Texas residents
- Have not been convicted of a felony or crime involving a controlled substance
- Show financial need with an Expected Family Contribution less than or equal to \$4,000
- Register for the Selective Service or are exempt from this requirement

AND

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<sup>8</sup> Id.

- Graduate from an accredited high school in Texas
- Complete the Distinguished or Recommended High School Program
- Maintain a 2.5 GPA in College
- Enroll in a non-profit public college or university in Texas within 16 months of graduation from a public or accredited private high school in Texas

Students currently eligible for Texas Grants, have to meet a substantial academic criterion. These students are neither low performing nor undeserving of financial assistance.

2) Inequitable requirements for Texas Grant prioritization may put students at an unfair competitive disadvantage.

The use of standardized tests such as the ACT and SAT as criteria for Texas Grant prioritization will undermine access to higher education for Latino, African American and lower socio-economic status students. Of the students in the freshman class of 2004 currently eligible for Texas grant funding, only 27 percent met the testing standard proposed by the THECB in their projections. This standard had a disproportionate impact by race; 49 percent of white students met the standard, while only 9 percent of African Americans and 18 percent of Hispanic students met the standard.

Furthermore, the predictive value of these tests is suspect at best.

Validity research at individual institutions illustrates the weak predictive ability of the SAT. One study (J. Baron & M. F. Norman in *Educational and Psychology Measurement*, Vol. 52, 1992) at the University of Pennsylvania looked at the power of high school class rank, SAT I, and SAT II in predicting cumulative college GPAs. Researchers found that the SAT I was by far the weakest predictor, explaining only 4% of the variation in college grades...By far the most useful tool proved to be class rank, which predicted 9.3% of the changes in cumulative GPAs.<sup>9</sup>

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<sup>9</sup> <http://www.fairtest.org/sat-i-faulty-instrument-predicting-college-success>



Another study of 10,000 students at 11 selective public and private institutions of higher education found that a 100-point increase in SAT combined scores, holding race, gender, and field of study constant, led to a one-tenth of a grade point gain for college GPA (Vars, F. & Bowen, W. in *The Black-White Test Score Gap*, 1998). This offered about the same predictive value as looking at whether an applicant's father had a graduate degree or her mother had completed college.<sup>10</sup>

Unfortunately not all Texas high schools are built the same. It is not clear that every Texas High School student has an equal access to the distinguished high school curriculum, International Baccalaureate Program, or dual credit at a participating university or college. For many students only three of the criteria proposed (SAT/ACT, GPA and Class Rank) may be available which would place these students at unfair competitive disadvantage, especially considering that students without the resources to access SAT/ACT preparation will also be disadvantaged.

3) Exempting community colleges from a prioritization requirement may have the unintended consequence of incentivizing community colleges over traditional four year universities for minority and poorer students.

Unfortunately few students who attend a community college education ever attain a bachelor's degree. "Among community college students who expressed an intention to obtain a four-year bachelor's degree, only 26 percent have such a degree nine years later. On the other hand, 50 percent and 73 percent of those who start at nonselective and selective four-year institutions, respectively, obtain a bachelor's degree within nine years."<sup>11</sup> Community colleges serve a vital purpose for students that need the structural support of a community college to transition to a university, but it should not be used for students that are priced out of a university, especially if the student would have been Texas Grant eligible.

### **Texas Grant Reform Proposals**

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<sup>10</sup> Id.

<sup>11</sup> Natalia Kolesnikova "[From Community College to a Bachelor's Degree and Beyond: How Smooth Is the Road?](#)" Federal Reserve Bank of St. Louis *The Regional Economist*, July 2009, pp. 10-11.

1) Despite the budgetary constraints, the Texas Legislature should not cut any funding for education or higher education. The rising costs of education, especially higher education, necessitates utilizing all revenue options, including the use of the Rainy Day Fund, to ensure Texas invests in an educated workforce. Texas must continue to make progress to fund fully the Texas Grant Program because Texas working families can no longer meet the rising costs of higher education.

2) The Texas Legislature should work to reduce the existing inequities among high schools before implementing a prioritization of Texas Grants that may further perpetuate these inequities. Increasing access to dual credit programs, Advanced Placement and International Baccalaureate degrees should be institutionalized before giving certain students an advantage that is not accessible to all. Furthermore, the inequity in funding between school districts continues to put students at a disadvantage on standardized tests.

3) Reform the arbitrary nature of the Texas Grant Program by adhering to the program's purpose and positive impact. If prioritization is needed to address the first come first served nature of the Texas Grants and to incentivize performance, prioritization should first go to the most economically disadvantaged students. These students can be grouped into three groups or quartiles based on their family expected contribution and then prioritized within their grouping by a more stringent merit based criteria. This would allow the economically disadvantaged, who are the most likely to need all available financial aid, to attend college. This would also allow similarly situated students to compete for Texas Grants rather than allowing unfair competition based on the resources of the student's family and school.

4) Prohibit Standardized Tests as Criteria for Texas Grants. If a student must compete for Texas Grants, the competition should be based on actual performance in school and on criteria that has an undisputed predictive value on college performance.

Respectfully submitted,

Luis Figueroa