

© *Higher Education Politics & Economics*  
Volume 11, Issue 2 (2025), pp. 33-55  
ISSN: 2162-3104 (Print), 2166-3750 (Online)  
doi: 10.32674/hepe.v11i2.7837  
ojed.org/hepe

## **Issues of Equity and Access in State-Designated Promise Programs: A Critical Analysis of Free Community College Legislative Frameworks**

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### **ABSTRACT**

Tuition-free college programs, often referred to as promise programs, have proliferated across the country. While previous literature on promise programs has shown positive results for the students who receive these scholarships, it has failed to account for program design and administrative features of the program (such as income caps, age, time eligibility, merit, etc.) and what consequences these program design choices have on equitable student outcomes. This critical policy analysis adds to the emerging literature on promise program design by analyzing 202 tuition-free community college legislative frameworks proposed at the state level. Findings show that tuition-free community college legislative frameworks are proposed with various eligibility, application, funding, and administrative requirements, with critical consideration given to how policy decisions around these legislative constructs can exacerbate opportunities for traditionally underrepresented students.

**Keywords:** community colleges, promise programs, critical policy analysis

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Tuition-free college has become a popular educational policy initiative throughout the country (Ison, 2022; Miller-Adams, 2015, 2021; Perna et al., 2017). In collaboration with private associations, educational foundations, and philanthropy organizations, local and state municipalities have created scholarship programs designed to reduce tuition costs and fees for eligible students. Often referred to as promise programs, these scholarships are awarded to students from a given geographical community in hopes of increasing the number of students entering

higher education, reducing the overall cost and debt burden students and families endure when pursuing higher education, and improving the overall economic prospects of the community where the scholarship is offered (Bell, 2020; Miller-Adams, 2015, 2021). While promise programs exist that provide scholarship dollars to four-year institutions, community college promise programs remain the most dominant iteration of promise programs in existence today (Miller-Adams, 2015, 2021; Perna & Leigh, 2018). As the sector of American higher education facilitating the growth of promise programs throughout the country, community colleges stand to gains in enrollment that often follows a promise program (Bell, 2020; Bell & Gándara, 2021; Miller-Adams, 2015, 2021) but also face unique challenges and burdens in facilitating enrolment increases that can stretch institutional resources beyond administrative capacity (Littlepage et al., 2018).

Despite the simplicity of the *free college* moniker, the growth of tuition-free programs has led to various program designs, providing scholarship dollars to different students under different timeframes, income limits, pre-college characteristics, and merit-based accomplishments (Bell, 2020; Perna & Leigh, 2018; Perna et al., 2021). While previous research on promise programs failed to account for program design features when evaluating student outcomes or equitability issues, more recent scholarship has raised critical questions about the administrative burden of program design, the political calculations that determine who gets these scholarships, and access issues across students of color and lower-socioeconomic students (Bell, 2020; Gándara, & Li, 2020; Perna et al., 2020, 2021; Rosinger et al., 2021). This critical policy analysis contributes to the growing literature by examining a sample of 202 tuition-free community college legislative frameworks introduced at the state level, evaluating the proposed program design and eligibility requirements when debating a promise program. The analysis takes a critical lens to the tuition-free agenda to ascertain who stands to benefit under specific program designs and what student populations might be excluded from the benefits under certain conditions.

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## **REVIEW OF LITERATURE**

While some form of tuition-free public higher education has been a policy consideration for more than 150 years (Harnisch & Lebioda, 2016), many of these programs have emerged in recent years (Collier & Parnter, 2021; Miller-Adams, 2015). Miller-Adams (2015) identified fifty such programs in an early typological study. Perna and Leigh (2018) expanded Miller-Adams' early typological framework and found 289 programs offering some version of free college. College promise programs vary dramatically in their design (e.g., first-dollar to last-dollar awards, student eligibility requirements, and institutional eligibility type (Davidson et al., 2020; Miller-Adams, 2015; Perna & Leigh, 2019; Rosinger et al., 2021). While no single definition or conceptualization can capture all the potential features of a promise program, a promise scholarship differs from other types of scholarships (e.g., merit-based, need-based) in that these programs offer scholarships that 1) often reduces the cost of tuition to zero for the institution attended, and 2) offer scholarships to all eligible students from a defined cohort, school district, municipality, or state to

stimulate economic growth in the region (Miller-Adams, 2015, 2021; Perna & Leigh, 2019). Because students from a particular region or locality are targeted for the scholarship, promise programs are also referred to as place-based scholarships (Perna & Leigh, 2019).

Early research on promise programs primarily focused on student outcomes, yielding generally positive results for participating students (Bell, 2020). However, many early studies failed to account for program eligibility requirements and their subsequent impact on what student populations can take advantage of promise scholarship opportunities. Newer scholarship has begun to fill this gap (Gándara & Li, 2020; Perna et al., 2020, 2021). Using data from WE Upjohn and the Penn AHEAD inventory of promise programs, Gándara and Li (2020) constructed a sample of thirty-three promise programs that award scholarship dollars to public two-year institutions and compared enrollment data to similar two-year institutions that did not have a promise program. The authors found no positive relationship between promise programs and the enrollment of Asian, Native Hawaiian, or Pacific Islander females and males. Still, they did find a positive relationship for Black, White, and Hispanic females and males. The authors found that first-dollar programs increase White student enrollment over last-dollar programs when looking at program characteristics. In contrast, programs with merit requirements were associated with increases in female student enrollment. Both Perna et al. (2020) and Perna et al. (2021) conducted case studies of four community college promise programs from four different states, evaluating program design characteristics for equality and outcomes. Perna et al. (2020) noted that college administrators employed enrollment strategies (e.g., full-time enrollment over part-time enrollment) to increase completion rates and demonstrate efficiency with the scholarship dollars utilized. However, administrators noted that these eligibility requirements might be detrimental to vertical equity. Perna et al. (2020) explained that horizontal equity awards financial aid dollars equally amongst students from different ethnic or socioeconomic categories, while vertical equity assumes structural barriers in accessing higher education that require dollars and resources to be allocated to students based on their particular needs. Perna et al. (2021) noted how political and organizational characteristics can influence policy design implementation in environments where the goals of promise programs are ambiguous.

Both Bell (2020) and Rosinger et al. (2021) provided key insights into the political dynamics in free-college program design. Using political design theory and utilizing a nationally representative sample of 2,850 individuals, Bell (2020) found that individuals were more inclined to support tuition-free policies when the program included a merit-based requirement, such as GPA. However, respondents were less willing to support tuition-free programs with a means-tested income limit and preferred program designs with universal eligibility. Rosinger et al. (2021) drew on theoretical insights from administrative burden to typologize twenty state-enacted tuition-free programs. The authors found that program design features would increase students' responsibility as they navigate application and eligibility requirements, which vary dramatically from program to program. In addition to indexing program design elements that would increase administrative burden, the authors also indexed

support initiatives that would potentially lessen these burdens but were less frequent than elements that added to the administrative burden. Together, these studies demonstrate that specific program design features related to socially constructed target populations can determine which political coalitions form to support tuition-free policies and how program requirements may exacerbate educational inequities. Drawing on additional critical disciplines and methodologies will enable researchers to evaluate promise program design thoroughly and these programs' capacity to create effective change and equitable outcomes within educational contexts.

### **CRITICAL POLICY ANALYSIS**

Critical Policy Analysis (CPA) is both a critical orientation and methodology that illuminates and critiques the power dynamics in the construction of public policy (Fairclough, 2003, 2013; Levinson et al., 2009; Young, 1999; Young & Diem, 2018). CPA asserts that knowledge creation and production is a critical component of the policy process and attempts to draw out various epistemological assumptions in the policy formation that tacitly (or explicitly) reinforce socially constructed positions of marginality. By bringing a critical eye to the epistemological assumptions underlying the positivist approach to policy formation, CPA scholars closely examine the positions of power and how social phenomena are interpreted and communicated to reinforce socially constructed power relations (Levinson et al., 2009; Young & Diem, 2018).

Popkewitz (1997), Levinson et al. (2009), and Young and Diem (2018) argued that knowledge production and dissemination are essential in the policy process and that critical policy scholars illuminate how knowledge is negotiated through social power structures that often exclude particular frames of knowledge from groups that lack social power. Fairclough (2013) explained that policy documents are constructed from ideological problem-solution paradigms. Policy documents have a practical argumentative structure grounded in how policymakers with power problematize a specific policy agenda. These problematizations rest on ideological presuppositions about the conditions of the world and value prerogatives about how the world should be organized. Saarinen (2008a) described how presuppositions in policy texts assume background knowledge on behalf of the reader, but these presuppositions are often described as common ground despite being ideologically loaded. By critically examining tuition-free program legislation, scholars can gain a deeper understanding of how policymakers conceptualize the free college agenda and hypothesize about the social conditions necessary for coalitions to form in support of these programs. A better understanding of these conditions will enable advocates for tuition-free community college to craft messages and policy designs that foster broader coalition support by mitigating the burdens that might deter students of color and those from lower socioeconomic backgrounds from benefiting.

## METHODS AND DATA

This article analyzes 202 state-level legislative documents around the tuition-free college agenda. The Education Commission of the States, a non-partisan educational policy organization based in Denver, Colorado, collected data on tuition-free college legislation nationwide and created a dashboard displaying each state's legislation and bill status (e.g., passed, tabled, in committee). I reached out to a member at Education Commission of the States whose role was to track and update this dashboard, allowing me to access the list of state-proposed and/or enacted free college legislation sponsored between 2014 and March 2020. This original sample included 253 pieces of legislation and ten resolution documents from thirty-seven states and the District of Columbia. While my initial plan was to search out the specific legislative state from each state's legislative website (all proposed legislation is available via state websites that share updates of the legislation as it moves through its respective committees and edits), Education Commission of the States also provides me greater access to each legislative text, allowing me skip searching out each document on my own<sup>1</sup>.

This study aimed to analyze salient program features and eligibility requirements; therefore, I excluded large omnibus appropriation bills that did not include specific program features. I also excluded legislative documents that provided scholarship dollars exclusively to four-year institutions. After these exclusions, the sample included 202 documents from 35 states and the District of Columbia. In many instances, the same legislative framework was proposed multiple times throughout a legislative session or was sponsored by different legislators in different years if the bill did not initially pass. To account for this overlap, I identified the number of legislative documents from each state included in the sample and the number of unique legislative frameworks contained within each state's legislative agenda (Table 1). A legislative framework is considered unique if it was not an exact duplicate of another legislative text or did not substantially alter the program's application and eligibility requirements. The final sample of 202 legislative documents included 122 unique legislative frameworks. The purpose of this study was not to document or inventory the frameworks that have become law, but to interrogate the various ways policymakers conceptualize the free college movement by illuminating the different ways tuition-free college is operationalized within all types of legislative frameworks, even those that have not been passed. Thus, this analysis examined all 122 unique legislative frameworks, regardless of their legislative status, in an effort to gain a deeper understanding of the entire policy landscape surrounding tuition-free college and the critical issues associated with all potential legislative frameworks. I used

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<sup>1</sup> Specific mention must be given to Dr. Sarah Pingel and her work at the Education Commission of the States, who not only made this research possible, but who graciously shared time and resources that allowed me to skip searching out each legislative document from various state websites.

**Table 1: Sample of Legislative Documents and Unique Legislative Frameworks Included in Analysis**

State	# of Legislative Documents <i>N</i> = 202	# of Unique Legislative Frameworks <i>N</i> = 122	Legislative Documents
Alabama	2	2	SB 357(2018-2018), HB 96(2018-2018)
Arizona	4	3	SB 1284(2020-2020), HB 2427(2019-2019), HB 2145(2018-2018), SB 1463(2020-2020)
Arkansas	1	1	HB 1426(2017-2017)
California	3	3	AB 2(2019-2020), SB 291(2019-2020), AB 19(2017-2018)
Connecticut	5	4	SB 15(2020-2020), HB 7424(2019-2019), SB 273(2019-2019), SB 747(2019-2019), HB 5371(2018-2018)
District of Columbia	2	2	SB 357(2018-2018), B 2281(2017-2018)
Florida	4	1	SB 1004(2020-2020), SB 132(2020-2020), HB 55(2020-2020), SB 1354(2019-2019)
Hawaii	12	5	HB 2375(2019-2020), HB 519(2019-2020), HB 2501(2017-2018), HB 2165(2017-2018), HB 1594(2017-2018), SB 2250(2017-2018), SB 2206(2017-2018), HB 1591(2017-2018), SB 2061(2015-2016), SB 135(2017-2018), SB 1020(2017-2018), HB 1154(2017-2018)

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State	# of Legislative Documents <i>N</i> = 202	# of Unique Legislative Frameworks <i>N</i> = 122	Legislative Documents
Illinois	11	8	SB 2324(2019-2020), HB 5239(2019-2020), SB 2329(2019-2020), HB 901(2019-2020), SB 2091(2019-2020), HB 3581(2019-2020), HB 5514(2017-2018), HB 4030(2017-2018), HB 3900(2017-2018), HB 3498(2017-2018), SB 2146(2015-2016)
Indiana	2	2	SB 520(2019-2019), SB 198(2017-2017)
Kansas	1	1	HB 2515(2019-2020)
Kentucky	2	2	SB 231(2018-2018), HB 626(2016-2016)
Maine	2	2	LD 860(2019-2020), LD 1445(2019-2020)
Maryland	14	6	SB 307(2020-2020), HB 415(2020-2020), HB 268(2019-2019), SB 260(2019-2019), SB 240(2019-2019), HB 16(2018-2018), SB 1141(2018-2018), HB 1830(2018-2018), HB 1203(2018-2018), HB 329(2018-2018), SB 7(2018-2018), HB 931(2017-2017), SB 1173(2017-2017), HB 1608(2017-2017)
Massachusetts	11	7	H 1211(2019-2020), S 769(2019-2020), S 744(2019-2020), H 1245(2019-2020), H 1221(2019-2020), H 1216(2019-2020), H 3004(2017-2018), H 633(2017-2018), S 681(2017-2018), S 692(2017-2018), S 687(2015-2016)

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State	# of Legislative Documents <i>N</i> = 202	# of Unique Legislative Frameworks <i>N</i> = 122	Legislative Documents
Michigan	7	5	SB 268(2019-2020), HB 5580(2019-2020), HB 4464(2019-2020), HB 4456(2019-2020), SB 267(2019-2020), HB 6259(2017-2018), HB 4834(2017-2018)
Minnesota	3	3	SF 1308(2019-2020), HF 4361(2017-2018), S.F. 5(2015-2016)
Mississippi	8	5	HB 59(2020-2020), SB 2617(2019-2019), HB 72(2019-2019), SB 2581(2018-2018), HB 1255(2018-2018), HB 1253(2018-2018), HB 87(2018-2018), SB 2323(2017-2017)
Missouri	2	2	SB 783(2018-2018), HB 986(2015-2015)
Nevada	1	1	SB 391(2017-2018)
New Jersey	10	5	S 1477(2020-2021), A 2691(2020-2021), A 5979(2018-2019), A 3090(2018-2019), S 1281(2018-2019), A 1936(2018-2019), A 5315(2016-2017), A 5108(2016-2017), S 2558(2016-2017), A 4086(2016-2017)
New Mexico	7	4	SB 323(2020-2020), HB 14(2020-2020), HB 139(2020-2020), SB 195(2020-2020), SB 293(2019-2019), HB 313(2019-2019), SB 84(2018-2018)

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State	# of Legislative Documents <i>N</i> = 202	# of Unique Legislative Frameworks <i>N</i> = 122	Legislative Documents
New York	19	9	A 8616(2019-2020), S 6002(2019-2020), S 5821(2019-2020), A 7486(2019-2020), A 2997(2019-2020), S 2114(2019-2020), S 1725(2019-2020), A 10134(2017-2018), S 4794(2017-2018), S 4749(2017-2018), A 4100(2017-2018), A 2917(2017-2018), A 2261(2017-2018), S 2020(2017-2018), A 929(2017-2018), A 5098(2015-2016), S 4760(2015-2016), A 3573(2015-2016), S 484(2015-2016)
North Carolina	1	1	SB 524(2019-2020)
North Dakota	2	1	SB 2334(2019-2020), HB 1273(2019-2020)
Oklahoma	2	1	HB 2926(2015-2016), HB 1733(2015-2016)
Oregon	10	7	SB 1566(2020-2020), HB 2910(2019-2019), HB 3345(2019-2019), SB 497(2019-2019), SB 1032(2017-2017), SB 1043(2017-2017), HB 3004(2017-2017), HB 2488(2017-2017), SB 577(2017-2017), HB 3423(2017-2017)
Pennsylvania	4	1	HB 244(2019-2020), SB 111(2019-2020), SB 1111(2017-2018), HB 2444(2017-2018)
Rhode Island	2	2	HB 5862(2019-2020), HB 5773(2017-2018)

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State	# of Legislative Documents <i>N</i> = 202	# of Unique Legislative Frameworks <i>N</i> = 122	Legislative Documents
South Carolina	4	1	H 3214(2019-2020), S 25(2019-2020), H 4439(2017-2018), S 339(2017-2018)
Tennessee	7	4	SB 2259(2017-2018), HB 2114(2017-2018), SB 1218(2017-2018), HB 531(2017-2018), HB 1071(2017-2018), SB 605(2015-2016), SB 2471(2013-2014)
Texas	11	6	HB 630(2019-2020), HB 2887(2019-2020), HB 1040(2019-2020), HB 998(2019-2020), HB 730(2019-2020), HB 2727(2019-2020), SB 33(2019-2020), SB 32(2019-2020), HB 4251(2017-2018), HB 1947(2017-2018), HB 2517(2015-2016)
Utah	2	2	HB 103(2020-2020), HB 260(2019-2019)
Vermont	4	1	S 38(2019-2020), H 792(2017-2018), S 231(2017-2018), S 102(2017-2018)
Washington	14	9	SB 6614(2019-2020), HB 2255(2019-2020), HB 2254(2019-2020), SB 5884(2019- 2020), HB 1950(2019-2020), SB 5393(2019-2020), HB 1340(2019-2020), HB 1123(2019-2020), SB 6101(2017-2018), SB 5666(2017-2018), HB 1840(2017-2018), HB 2955(2015-2016), HB 2820(2015-2016), SB 6481(2015-2016)
West Virginia	6	3	HB 4750(2020-2020), SB 1(2019-2019), HB 2450(2019-2019), HB 2449(2019-2019), SB 284(2018-2018), HB 4267(2018-2018)

qualitative software to organize the legislative documents. I developed a list of attributes used to classify and categorize the legislative texts from consulting the literature surrounding tuition-free college programs and reading the legislative texts themselves. As I read more legislative documents, particular attributes of the legislative agenda became more salient, requiring me to add new attributes and those classifications to previously read documents.

## **FINDINGS**

### **Last-Dollar Promise Design and the FAFSA**

More than three-fourths of the legislative frameworks evaluated for this analysis were constructed as last-dollar programs requiring completion of the FAFSA (Table 2), a feature consistent with the majority of promise programs in existence today (Miller-Adams, 2015; Perna & Leigh, 2017). Under a last-dollar scholarship design, students must first apply for and accept other financial aid awards that do not require repayment (often referred to as gift aid) before any additional promise scholarship is added to their accounts. The promise scholarship fills the gap between the total amount of gift aid awarded to the students and the total cost of attendance.

**Table 2: Descriptive Findings of Program Requirements and Attributes**

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# of Legislative Texts	# of Legislative Texts
Target Populations of Scholarship	
High School Graduate	88
Any State Resident	82
Adults	9
Adult w/ Previous College Credit	5
Public Servant	3
State-Identified Industry	2
Indigenous Population	2
Business Identified Industry	3
State-Identified Industry	2
Specified High School Graduate	1
Pell Eligible Students	1
Medicare Eligible	1
BA Recipients without employment	1
Homeless Students	1
Range of Scholarship	
Statewide	177
Business Identified Industry	2
County	3
Multi-Region	9

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Single Community College	2
IHE's the Scholarship can be used at	
Multiple Two- and Four-Year Institutions	69
Multiple Two-Year Institutions	127
Single Two-Year Institution	5

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# of Legislative Texts	# of Legislative Texts
Last-Dollar	154
First-Dollar	43
FAFSA Required	
Yes	157
No	39
Income Cap	
Yes	62
No	140
Enrollment Status	
Full or Part-Time	116
Full-Time	72
Part-Time	4

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Under most last-dollar scholarship designs, students need only apply for any potential gift aid; they do not need to be awarded grants or scholarships to benefit from the promised scholarship. From an economic perspective, higher-income students gain the greatest financial benefit from last-dollar program designs, as most gift aid applied to a student's account is need-based. While merit-based scholarships are included in the gift-aid analysis, the federal Pell grant remains the most predominant award that calculates the total gift aid. As a need-based award, the Pell grant is awarded to those students who demonstrate the greatest economic need when completing the Free Application for Federal Student Aid (FAFSA). In cases where students demonstrate the most significant financial need, their federal Pell grant award can often cover the published cost of tuition and fees at an American community college, essentially nullifying any potential dollars that could be awarded via the promise program (Ma et al., 2024).

Because low-income students have most, if not all, of their published tuition and fees covered by existing federal and state dollars, last-dollar, community college programs have been criticized as a disingenuous promise, as students from higher-income brackets receive the larger amount of promise program scholarship dollars (Gándara & Li, 2020; Perna et al., 2020). Viewed only through an economic lens, scholars correctly demonstrate the unequal amounts of scholarship dollars applied to students across the economic threshold. However, several studies have noted that last-dollar, community college promise scholarships increase both enrollment and retention for lower-income students (Carruthers & Fox, 2016; Pluhta & Penny, 2013), and that by promising students at a young age that their tuition and fees will be

covered encourages students to enroll in higher education who might not have (Dynarski et al., 2018). From this perspective, the success of tuition-free programs relies on their simplistic message: if you pursue higher education and complete all necessary steps to enroll and secure your awards, your tuition will be covered. Thus, proponents of tuition-free community college exist in the tension between recognizing the success of last-dollar programs in aiding lower-income students with their higher education pursuits while simultaneously advocating for all the necessary funding and services needed for equitable student outcomes. Holding this tension might necessitate that higher-income students receive the benefits of a promise scholarship.

While gains in equitable access to higher education have been documented through last-dollar program designs, another barrier to higher education becomes salient when constructing promise scholarships around existing federal dollars: completing the FAFSA. Several legislative frameworks included in this analysis were constructed as last-dollar programs that do not specifically mention the FAFSA as a required source of gift aid. Still, virtually every last-dollar program design requires the student to complete the FAFSA to gain access to the promise scholarship:

The grant shall supplement and shall not replace state grants, gift aid, institutional aid, or federal aid through the Free Application for Federal Student Aid process. The board shall promulgate regulations to ensure funds from this program do not affect eligibility for other state grants, gift aid, institutional aid, or federal aid through the Free Application for Federal Student Aid process. (MA H1221)

Subject to the amounts appropriated by the general assembly, a Tennessee Promise Scholarship shall be the cost of tuition and mandatory fees at the eligible postsecondary institution attended less all other gift aid, as defined in § 49-4-902. Gift aid shall be credited first to the student's tuition and mandatory fees. (Tennessee, SB 2471)

While completing the FAFSA has become ubiquitous with the college enrollment process, previous research on FAFSA completion has demonstrated that lower-income students and students of color complete the FAFSA at different rates relative to their higher-income peers and White peers, respectively (Snyder et al., 2019), and that community college students complete the FAFSA in lower rates relative to students in other higher education sectors (Holzman et al., 2019; McKinney & Novak, 2012).

Advocates for generous program designs may feel concerned over the FAFSA's continued role in providing post-secondary students with financial access to higher education. However, emerging evidence on the relationship between promise programs and FAFSA completion does show promising results. That is, FAFSA completion rates appear to increase after implementing a program that requires the FAFSA for participation (Cannon & Joyalle, 2016; Davidson et al., 2020; Pluhta & Penny, 2013). While these increased completion rates are positive, it is unclear if these gains have been made equitably across all students of color and students from

different socioeconomic quartiles. Exacerbating this inequality is that undocumented students and international students are not eligible for Title IV awards that come from completing the FAFSA. More research is needed to ensure that traditionally under-resourced students have access to the supports required to secure their promise awards. In addition, programs that utilize the FAFSA as the gateway to the promise scholarship cannot assume that all eligible students will have the cultural capital to navigate the FAFSA's administrative requirements. This is particularly true at community colleges, where previous research has shown that community college students are more likely to be selected for financial aid verification relative to their peers at four-year institutions (Rios-Aguilar et al., 2018). As more time unfolds after a program is enacted requiring the FAFSA, state policymakers and higher education scholars need to be mindful of equity issues in navigating the federal financial aid process and ensure that FAFSA completion rates are equitable across historically underrepresented student populations.

### **Income Cap Requirements**

While most legislative frameworks rely on the FAFSA, thirty percent implemented an income cap, targeting students who demonstrated some level of financial need. Some legislative frameworks specify income quartiles based on state income data, while others rely on the estimated family contribution (EFC) number generated when students complete the FAFSA.

...has an adjusted gross income of less than thirty-six thousand dollars (\$36,000) per year. (New Mexico, SB 84)

A dependent student who reports on a Free Application for Federal Student Aid a parental federal adjusted gross income of \$60,000 or less. (Arizona, SB 1284)

...have an annual family income that does not exceed \$125,000, where "annual family income" means both taxable and nontaxable income, as derived from the Free Application for Federal Student Aid (FAFSA) for the academic year. (New Jersey, A 1936)

...has completed the Free Application for Federal Student Aid or an institutionally approved student aid application, (F) has an expected family contribution, as computed from the student's Free Application for Federal Student Aid, of five thousand three hundred dollars or less, and (G) has accepted all available financial aid... (Connecticut, HB 5371)

While state-specific economic conditions explain some of the wide variances in eligible incomes, the disparity between some of the highest and lowest income caps reveals that states have different conceptualizations of what constitutes economic need for family households. Designing tuition-free community college programs with income-based means-tested parameters (public policies available only to targeted

populations based on predefined criteria, instead of universal policy designs targeted to an entire population) will result in the loss of students whose family income is just above the income threshold. These income caps most likely affect the “hard-working middle-class,” whose income is just enough to bring them above poverty thresholds but whose household income lacks the healthy financial margin necessary to meet college costs (Bell, 2020, p. 7).

In addition to excluding students on the income margins of the program’s design, income cap eligibility requirements require institutions and state higher education agencies to institute some form of income verification. While verifying incomes when clear thresholds might be more manageable, several frameworks create more complicated formulas for determining what incomes qualify for the scholarship:

In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college promise scholarship. For the purposes of this act, students who demonstrate financial need are students with family incomes at or below seventy percent of the state median family income, adjusted for family size. (Washington, HB 1340)

These income verification requirements compel institutions and/or state agencies to divert financial and student support resources away from direct interventions proven to foster student success. In addition to the lost resources required by institutions to administer the scholarships, the mere presence of an income cap is likely to discourage eligible students from pursuing the scholarship, as administrative burdens such as these stigmatize low-income families as financial dependent and in need of services, creating a psychological burden associated with the scholarship (Rosinger et al., 2021).

Placing an income cap on such programs, specifically those designed as last-dollar, exacerbates the criticisms leveled towards last-dollar programs that do not provide any real scholarship dollars to students. That is, lower-income caps will only include students whose household income will qualify them for the federal Pell grant and other state need-based aid. Theoretically, a state could design a promise program with income caps that would specifically target Pell-eligible students, essentially requiring little to no investment by the state. The community college sector may face further decreases in state appropriations, as state legislators consider implementing programs primarily designed around the Pell Grant. This effort aims to increase overall enrollment, potentially supplanting previous state appropriations with increased revenue from the federal government.

Income cap requirements also face a difficult political terrain. Both Bell (2020) and Perna et al. (2021) found that income cap diminishes political support for the program, particularly from students and families whose income level excludes eligibility. In a progressive income tax context, households pay higher income tax as their income increases. Higher tax obligations mean that higher-income households pay more to support local public spending, such as community colleges. Excluding students from higher-income brackets fractures the political coalitions needed to maintain a tuition-free program.

## **Reimbursement and Post-Residency Requirements**

Below are examples from six states with post-residency requirements associated with reimbursement provisions that have been proposed and enacted as part of state-sponsored tuition-free programs.

...maintain residence in the state for a length of time equal to the number of years the student receives a scholarship under the program, beginning once the student receives a degree... If a scholarship award recipient fails to maintain residency in the state, the funds received under this subtitle shall be converted from a scholarship award to a loan payable to the state... (Maryland, SB 1049)

... A student shall agree to reside in the state for three consecutive years and be employed within six months after receiving a bachelor's degree, associate degree, or certificate... If a student does not comply with the provisions of this subsection, the scholarship shall convert into a loan and the student shall be liable for repayment of the scholarship amount in its entirety at an interest rate and on a schedule as determined by the board. (Missouri, SB 783)

If a scholarship recipient fails to meet the requirements of subsection (a). of this section, the authority shall retroactively convert the recipient's scholarship award into a loan, pursuant to regulations adopted by the authority. (New Jersey, A 5315)

If a student or former student fails to fulfill any of the requirements set forth in clause (i) of this subparagraph, the trustees shall convert to a student loan the full amount of the tuition which would have been paid by such student, as ~~determined by the New York state higher education services corporation, plus~~ interest, according to a schedule to be determined by such corporation. (New York, A 8616)

A student shall be required to sign a contract agreeing to reside in New York state for a period of five years subsequent to completion of his or her academic program. (New York, A 5098)

Upon completion of his or her program of study, or upon disenrollment from an eligible postsecondary institution, the student must reside and work within this state for the same period of time he or she received funds from the program. If the student does not reside and work within this state for the specified period, the student must repay the total amount awarded, plus an annual interest rate equal to the federal student loan interest rate in effect when the student entered the program. (Florida, SB 132)

Under these provisions in Florida, New York, New Jersey, Missouri, and Maryland, students must agree to remain in the state after securing their post-secondary award

and maintaining gainful employment for a specified number of years. While exemptions allow students to leave the state for additional education and military service, most students must remain in the state and begin a service term of employment. By requiring their scholarship recipients to work after graduation, the state benefits from increased tax revenue from its newly educated citizens. Students who fail to meet these post-residency requirements often have their initial scholarship converted to a student loan that must be repaid to the state, usually at a prorated amount based on the number of years the student worked in the state after graduation.

These post-residency requirements and reimbursement provisions unveil the growing neoliberal disposition of the state towards its citizens. The state does not have a moral obligation to invest in its citizenry and help craft the next generation of a democratically engaged population capable of addressing emerging social concerns. Rather, the citizen is reoriented as an economic investment opportunity only deserving of educational investment when the state receives a reasonable rate of return on its investment. The most comparable analogy to this financial relationship is an employer's reimbursement provisions on an employee who severs their ties to the organization after financing additional education and training. Employers often place years of service agreements with tuition reimbursement policies to retain an educated employee (and theoretically, a more innovative and profitable employee) in the years after the education is received. By requiring their citizens to remain in the states in the years after a scholarship has been offered, the citizens' relationship to their civil authority is reoriented to one of employer-employee. It is not the moral responsibility of the civil administration to provide economic and social services to its citizens to live healthy, productive, and engaged social lives. Rather, the citizen is a means to economic development, an entity that deserves economic and civic investment if and only if the said investment has a financial benefit to the civil authority.

Under such provisions, recent college graduates would be forced to turn down employment opportunities that align with their long-term career goals, potentially hindering their overall career aspirations. Additionally, graduates would be unable to relocate closer to family if a member falls ill or is unable to follow a spouse whose job relocates outside the state. In extreme cases, a college graduate could lose their job should an employer require them to move out of state. While these provisions would affect all college graduates' livelihoods, low-income students, in particular, would be significantly harmed by these provisions, as students with limited financial capital would be unable to endure the sudden shock of their college debt.

### **Specified Degree Pathways**

In certain legislative frameworks, students are only eligible for scholarships when enrolled in specified certificate or degree pathways that align with desired workforce credentials:

Approved programs shall be consistent with those sectors identified by the four (4) workforce development districts across the state, and the career-tech programs shall lead to high-skill, high-wage jobs. (Mississippi, SB 2581)

A student enrolled in a four - year institution under the control of the state board of higher education is eligible for a tuition waiver under this chapter if the student is pursuing a major in a field of science, technology, engineering, or mathematics. A student enrolled in a two - year institution under the control of the state board of higher education is eligible for a tuition waiver under this chapter if the student is pursuing a degree or certificate in a field of technology or a skilled trade. (North Dakota, SB 2334)

Pennsylvania Targeted Industry Cluster Certificate Scholarship Program. -- Notwithstanding any provisions of law, the agency may use money allocated for adult reeducation for the Pennsylvania Targeted Industry Cluster Certificate Scholarship Program. Priority. When reviewing an application for aid under this section, the agency shall prioritize aid for programs that lead to an industry-recognized credential that is articulated with college credit. The agency shall annually determine and post on its publicly accessible Internet website industry recognized credentialed programs which qualify for aid priority under this section. (Pennsylvania, SB 111).

The terms and conditions of this clause may also be deferred for a grace period, to be established by the corporation, following the completion of an approved undergraduate program or a graduate or higher degree program or other professional licensure degree program. (New York, S 1725).

~~In some state contexts, such as North Dakota, specific industries are identified~~ for the scholarships, while other frameworks, such as Mississippi and Pennsylvania, have simply targeted industries recognized by the state. The frameworks reinforce the narrative that higher education only has social utility if it benefits the market and creates incentives for students to pursue academic pathways that might not align with their ultimate career or social goals. Should students be implicitly compelled to choose an academic pathway that does not fit with their educational desires and dispositions because the state has deemed it beneficial? This inequitable context is exacerbated by the reality that the state has played a crucial role in creating this economic context, slashing appropriations to higher education that have forced students and families to rely on a higher level of student loans (Canché González, 2020; Velez & Woo, 2017). Faced with dire economic prospects, low-income students might feel compelled to pursue these limited academic pathways in the hopes of deferring high post-secondary costs.

Scholars must also ask critical questions about how the state identifies these particular sets of skills and credentials over others. Scholarship on higher education policymaking has noted the private sector's increased efforts to usurp the state's role in framing educational policy reforms (Ball & Olmedo, 2011; Fontdevila et al., 2019;

Lubienski, 2016). Corporate leaders use their privileged positions within local and state contexts to influence pro-market reforms within the educational policy context (Fontdevila et al., 2019). The academic pathways identified in the above state contexts do not include traditional liberal arts curriculum or other academic pathways that do not have precise labor force alignment. A promise scholarship that provides opportunities to every academic pathway an institution of higher education offers allows students to pursue a diverse array of curricular options based upon their academic dispositions and goals. It recognizes the market utility of a college education and the benefit to both the public and private sector without reorienting the purpose of college to a sole market pursuit.

## **DISCUSSION**

The extent to which tuition-free college will remain salient in the public and private discourse surrounding higher education is uncertain, given the recent change in federal education policy priorities brought about by the second Trump administration (Heritage Foundation, 2023). However, it is vital that scholars and policymakers remain aware of the ongoing research surrounding existing promise programs and the ways that these programs provide opportunities to historically underrepresented populations. This research contributes to the literature on tuition-free college programs by taking a critical perspective on the various provisions that state policymakers consider when debating and enacting these programs. Taking a critical perspective of education policy and the specific provisions that policymakers consider when debating and enacting these programs can help scholars and tuition-free college advocates better understand the ideological assumptions of policymakers and their approach to addressing both economic workforce and higher education access issues simultaneously. The criticism or issues identified in this paper are not exhaustive of all potential concerns of tuition-free college, and different theoretical orientations grounded in critical policy analysis can certainly bring awareness to other potential gaps between the policy rhetoric of policymakers and the actual legislation they craft (Young & Diem, 2018). Further research on promise programs should continue to investigate important outcome metrics, such as student enrollment and persistence rates, while holding a critical eye on how policy design options might help or hinder various student populations.

This research began at the onset of the COVID-19 pandemic, so the legislative documents included in this analysis do not include any tuition-free plans crafted over the previous year. Both Michigan and Alaska have passed legislation that would provide tuition for displaced workers and first responders (Schwartz, 2021; The Office of Governor Gretchen Whitmer, 2020). Before the pandemic, only a few legislative frameworks proposed scholarships to civil servants and other public service workers. With the worst of the pandemic subsiding, it seems reasonable to assume that more state legislators will propose promise scholarships targeting those populations who sacrificed time and health to serve the rest of society. Targeting deserving populations for tuition-free programs may be an honorable policy to acknowledge the sacrifices and suffering of many frontline workers and first

responders; however, equity issues surrounding women's access to higher education must also be considered. As we emerge from the pandemic, it is becoming more apparent that females were far more likely to leave the labor force to care for children or other dependents (Boesch et al., 2021). Having left the paid workforce to attend to their households, women might not enjoy the benefits of tuition-free programs relative to their male peers.

Targeted populations within tuition-free program design highlight a general tension in the tuition-free community college policy landscape (and in the general educational policy landscape, for that matter). Targeting specific student populations for education interventions and rewards might inadvertently leave other deserving populations outside the benefit. Yet, creating universal programs that fail to account for the specific inequities faced by low-income communities and communities of color might create educational environments that allow traditionally privileged populations to benefit from free college in more substantial ways relative to their peers. The tuition-free movement could increase higher education access and provide economic relief to students and their families who feel that a college education is beyond their financial means. However, the analysis reveals that gaining access to a tuition-free program is not as similar as the *free college* moniker suggests. Whether its specific provisions for target populations (e.g., first responders, income thresholds) or provisions that disproportionately affect students of color or lower socioeconomic students (e.g., post-residency, FAFSA completion), program design choices will influence who ultimately gains access to these programs.

The criticisms leveled at policy implementation and program design options in this analysis are not exhaustive nor meant to dissuade the reader from the utility of the tuition-free agenda in achieving equitable student outcomes. My experience as a post-secondary administrator who ran a promise program, along with my previous scholarship on the subject, has shown me the power of a promise scholarship in helping students from traditionally underserved populations access higher education and progress through graduation (Ison, 2022). However, assuming that state policymakers are motivated to implement policies that achieve equitable outcomes over policy considerations is misguided (Bell, 2020). To ensure that equitable outcomes for all students are achieved through free college initiatives, a collation of supports must reflect on their program design choices and be willing to address areas where equity was sacrificed for political expediency. In addressing these gaps, institutional leaders and policymakers can craft a more equitable future for the free-college agenda.

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