

Date of Hearing: March 14, 2017

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 172 (Chávez) – As Introduced January 17, 2017

[Note: This bill is doubled referred to the Assembly Veterans Affairs Committee and will be heard as it relates to issues under its jurisdiction.]

SUBJECT: Public postsecondary education: residency: dependents of armed forces members

SUMMARY: Provides, for purposes of determining postsecondary institution tuition and fees, provides an exemption from nonresident tuition for dependents of members of the Armed Forces, as specified. Specifically, **this bill:**

- 1) Provides that if a member of the Armed Forces of the United States stationed in California, whose dependent natural or adopted stepchild, or spouse has been admitted to a public postsecondary institution is thereafter transferred on military orders out of state where the member continues to serve, the student dependent shall not lose his or her resident classification as long as he or she is continuously enrolled.
- 2) Requests the Regents of the University of California (UC) to establish the aforementioned residency benefits for students enrolled at the UC.
- 3) Provides for reimbursement to local agencies and school districts for costs associated with this bill, should the Commission on State Mandates determine this bill contains state mandated local costs.

EXISTING LAW:

- 1) Provides that each student shall be classified as a resident or nonresident at UC, the California State University (CSU), or the California Community Colleges (CCC). (Education Code Section 68040).
- 2) Requires a student classified as a nonresident to pay, in addition to other fees required by the institution, nonresident tuition. (EC 68050).
- 3) Provides numerous exemptions from nonresident tuition, including for dependents of members of the Armed Forces stationed in California on active duty. Provides that a student in attendance at a public institution that is granted residency status shall retain that residency classification so as long as he or she is continuously enrolled at that institution. (EC 68074).

FISCAL EFFECT: Unknown

COMMENTS: *Background.* Under California law, to qualify for an exemption from nonresident tuition as a dependent child of a member of the military, the service member must be stationed in California on active duty as of the Residence Determination Date (EC 68074).

According to the author, there have "...been instances in the past where loopholes have undermined the purpose of this residency classification, resulting in [dependents] losing their residency waiver after they were accepted, committed to attending a school, and approved for the waiver, but before they start attending classes."

Last year, this Committee heard and unanimously approved AB 1936 (Chávez), a bill that is identical in content to AB 172. The Committee analysis for AB 1936 detailed the story of a servicemember's dependent child who, after being admitted to a UC campus, lost their nonresident exemption because of a change in their parent's military orders.

This decision was later appealed, and the UC campus found that it would be unreasonable to withhold a military exemption due to the service member's requirement to report prior to the original prospective rotation date. The UC campus determined that an exception to UC's policy was appropriate in this case.

Purpose of this Bill. This bill specifies the point at which in-state tuition is granted to a nonresident dependent to be at the time of admission or attendance rather than just attendance. According to the author, applying a dependent's in-state residence classification at the time of admittance rather than just attendance will eliminate the issues that often arise when a member of the Armed Forces is deployed before a dependent attends an institution.

REGISTERED SUPPORT / OPPOSITION:

Support

American G.I. Forum of California
American Legion-Department of California
AMVETS-Department of California
Faculty Association of the California Community Colleges
Military Officers Association of America, California Council of Chapters
Vietnam Veterans of America-California State Council

Opposition

None on file

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