

Date of Hearing: April 5, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1936 (Chávez) – As Introduced February 12, 2016

**[Note: This bill is double referred to the Assembly Veteran's 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 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 Sec. 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 Sec. 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. In December of 2015, this committee was contacted by a member of the armed forces regarding the UC nonresident tuition exemption status of his dependent, whom had been accepted to a UC campus. According to the service member, his dependent was granted a nonresident tuition exemption in

April 2015 based on his station in California and his orders showing his prospective rotation date of January 2016.

According to the service member, as often happens within the military, orders were changed and he was required to leave the state earlier than expected. As a result of not being stationed in California on "active duty" on the Residence Determination Date of September 24, 2015, the service member's dependent was determined ineligible for the nonresident exemption.

According to documentation provided by the service member, the decision was appealed and, in January of 2016, the UC campus determined that based upon new information and unique circumstances, 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.* According to the author, 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 their dependent attends an institution.

**REGISTERED SUPPORT / OPPOSITION:****Support**

National Association of Social Workers – California Chapter

**Opposition**

None on File

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