

Date of Hearing: March 27, 2012

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Marty Block, Chair  
AB 2478 (Hayashi) – As Introduced: February 24, 2012

SUBJECT: Student residency requirements: veterans.

SUMMARY: Extends resident classification for four years to California Community College (CCC) students who were stationed in California on active duty for more than one year immediately prior to being discharged, creating a reimbursable state mandate if so determined by the Commission on State Mandates.

EXISTING LAW establishes uniform residency requirements for purposes of ascertaining the amount of fees to be paid by students at the University of California (UC), the California State University (CSU), and CCC and establishes various exceptions to these residency requirements, including the following:

- 1) A member of the Armed Forces who is stationed in the state on active duty, except a member assigned for educational purposes. (Education Code § 68075)
- 2) A member of the Armed Forces who is transferred to another state but continuously enrolled at a college in California. (EC § 68075)
- 3) A student who is a dependent of a member of the Armed Forces stationed in this state on active duty. (EC § 68074)
- 4) A student dependent of a member of the Armed Forces may keep his or her resident classification until he or she has resided in the state for the minimum time necessary to become a resident in the event the member of the Armed Forces upon whom they are dependent is transferred outside of the state or retires as an active member of the Armed Forces. (EC § 68075.5)

FISCAL EFFECT: Unknown

COMMENTS: This bill is double-referred to the Assembly Veterans Affairs Committee.

Background. Current law establishes the requirements for determining residency for purposes of paying the lower-cost "in-state" student fees at UC, CSU, and CCC. To qualify for the lower resident fees, students are generally required to have resided in California for more than one year immediately preceding the residence determination date and undertake other specified actions, such as registering to vote or registering one's car in California, in order to demonstrate that they intend to make California their home and to pay the taxes that support California's public services.

Need for this bill. According to the author, this bill will allow veterans who were discharged from a military installation in California additional time to establish residency, if they need to briefly return to their home state prior to attending community college.

Benefits of California-resident classification for tuition and fee purposes. UC, CSU, and CCC are publicly subsidized with the proceeds of state taxes; the lower resident fees for students who reside in California reflect the contribution they and their parents have already made by paying taxes in California. The fees charged to non-California residents are intended to cover the cost of the subsidy that is generated by California taxpayers. Currently, CCC charges \$36 per unit for California residents and \$244 per unit to those who have not established California residency.

Other states. All states appear to require a veteran be a state resident in order to qualify for in-state tuition/fee, and state policies on spouses and dependents also require the veteran be a state resident.

What benefit does this bill provide?

- 1) Veterans from other states would be charged nonresident fees during their first year while they establish residency. The Post-GI Bill benefits fund a student's in-state tuition and fees for 36 months. Thus, this bill would provide a subsidy equaling the difference between the resident and non-resident fees at the student's college for four academic years. *The Committee may wish to consider whether it is appropriate to provide this subsidy to students who do not have to demonstrate any intent to make California their home or support its public services, including higher education.*
- 2) A student with resident classification is eligible for a Board of Governors Fee Waiver; however, a veteran would probably use his or her Post-9/11 GI Bill benefits to cover fees in order to receive the stipend for housing and living expenses.

Recent hearing on student veteran issues. On February 28, 2012, the Assembly Higher Education and Assembly Veterans Affairs Committees held a joint oversight hearing on the challenges facing California student veterans. Several students and representatives from the higher education institutions spoke for the need for more resources for veterans services, including more transition assistance, improving outreach and campus-based programs, and easing the matriculation of prior military learning. *The Committee may wish to consider whether funding fee waivers for out-of-state CCC student veterans should be a priority in light of the need to improve services for California student veterans whose taxes help support their colleges and universities.*

Related legislation. AB 2250 (Gaines), which is set for hearing in this Committee on March 27, 2012, would remove the one-year residency requirement for veterans and their spouses. AB 38 (Salas, 2009), which died in the Assembly Appropriations Committee, would have waived nonresident tuition for one year. SB 272 (Runner), Chapter 356, Statutes of 2007, as introduced would have waived the one-year residency requirement for former military members. This provision was deleted from the chaptered version. AB 2472 (Wyland) of 2006, was substantially similar to this bill and was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Board of Governors of the California Community Colleges

Opposition

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