

Date of Hearing: April 16, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 3015 (Ramos) – As Introduced February 16, 2024

SUBJECT: Public postsecondary education: exemption from nonresident tuition and fees: federally recognized Indian tribes.

SUMMARY: Entitles a student to resident classification only for the purpose of determining tuition and fees if the student is a member of a federally recognized Indian tribe, as defined, whose tribal land lies across the state border of California and Arizona, Nevada, or Oregon, and the student has a residence in the bordering state. Specifically, **this bill:**

- 1) Stipulates that a student who meets both of the following requirements will be entitled to resident classification only for the purpose of determining tuition and fees:
 - a) The student is a member of a federally recognized Indian tribe in California whose tribal land lies across the state border of California and Arizona, Nevada, or Oregon; and,
 - b) The student has a residence in the bordering state identified in (a) above.
- 2) Defines, for purposes of this measure, “federally recognized Indian tribe” to mean an Indian tribe acknowledged by the federal government on the annual list published as specified.

EXISTING LAW:

- 1) Defines a “nonresident” as a student who does not have residence in the state for more than one year immediately preceding the residence determination date (Education Code (EC) Section 68018).
- 2) Establishes uniform residency requirements for purposes of ascertaining the amount of fees to be paid by students at CSU and CCC and establishes various exceptions to these residency requirements, including many for current and former members of the Armed Force (EC Sections 68074 and 68075).

The University of California (UC), as a result of its constitutional autonomy, establishes its tuition policies; however, these policies traditionally mirror state policies.

- 3) Authorizes the CSU Trustees to enter into agreements with public colleges and universities in other states whereby qualified students from the CSU may attend the other college or university without payment of any tuition fee charged by that institution to persons who are nonresidents of the state in which it is situated, and students from that institution may attend the CSU without payment of the nonresident tuition established, as specified. No nonresident tuition shall be charged to students attending a campus of the CSU pursuant to an agreement entered into under this section. During any year, however, the number of students attending the CSU from a particular public college or university in another state, pursuant to the agreement, shall not exceed the number of the CSU students attending the institution under that agreement (EC Section 68124).

- 4) Authorizes the CCC Board of Governors (BOG) to enter into an interstate attendance agreement with any statewide public agency of another state that is responsible for public institutions of postsecondary education providing the first two years of college instruction, and that is an agency of a state that is a member of Western Interstate Commission for Higher Education (WICHE) (Education Code (EC) Section 66801).
- 5) Authorizes a CCD to admit nonresident students and requires that these students be charged a tuition fee that is twice the amount of the fee established for in-state resident students, with certain specified exemptions. State statute prescribes a formula for the calculation of the non-resident fee. State law requires the non-resident tuition fee be increased to a level that is three times the amount of the fee established for in-state resident students (EC Section 76140).
- 6) Prohibits nonresident students from being reported as full-time equivalent students (FTES) for state apportionment purposes, except where: (1) the CCD has fewer than 1,500 FTES and is within 10 miles of another state and has a reciprocity agreement with that state or participates in WICHE; or, (2) if a CCD has between 1,501 and 3,000 FTES and is within 10 miles of another state and has a reciprocity agreement with that state or participates in WICHE, they can claim up to 100 FTES for state apportionment purposes (EC Section 76140(h)(i)).
- 7) Exempts no more than 200 students in any academic year from paying non-resident tuition fees if they attend the Lake Tahoe Community College (LTCC) and reside in specified communities in the State of Nevada, and; (2) permits the LTCC District to count these persons as resident FTES for purposes of determining California apportionment funding (EC Section 76140 (a)(6)).
- 8) Exempts, until January 1, 2029, from the nonresident tuition fee, a nonresident, low-income student who is a resident of México, registers for lower division courses at specified CCCs near the California-México border, as defined, and has residence within 45 miles of the California-México border (EC Section 76140 (a)(8)).
- 9) Provides that specified nonresident students exempted from paying nonresident tuition may be reported as resident FTES for purposes of state apportionment. These students are required to pay one and one-half the amount of resident fees (EC Section 76140(j)).

FISCAL EFFECT: Unknown

COMMENTS: *Background.* According to a brief, titled, *Native American Students in Higher Education* (updated November 2023), by the Postsecondary National Policy Institute (PNPI), in 2022, 1% of the total United States population identified as American Indian or Alaskan Native. Among American Indian or Alaskan Native residents aged 25 or over, only 16.8% had earned a bachelor's degree or higher. While this rate is up from 13.4% in 2010, it falls short of the national rate of 35.7%. In fact, of all the more than two million bachelor's degrees conferred in the 2020-21 academic year, 9,545 (0.5%) went to Native American Students.

Further, according to PNPI, in Fall 2021, Native American students made up 0.7% of all postsecondary enrollment. In 2021, 28% of the 18–24-year-old Native American population were enrolled in college compared to 38% of the overall United States population. Since Fall 2010, Native American enrollment has declined from 196,000 to 121,000, a 38% decrease.

Undergraduate enrollment declined from 179,000 to 107,000, a 40% decrease. Graduate enrollment declined from 17,000 to 14,000, a nearly 18% decrease.

According to PNPI, Native American students are much more likely to attend public versus private institutions of higher education. In Fall 2021, 77% of Native American students attended public institutions. Of that number, 45% attended public four-year institutions and 32% attended public two-year institutions. Nearly 80% of the Fall 2021 enrollment at Tribal Colleges and Universities (TCU) were Native American students.

Additionally, according to PNPI, 54% of Native American students received some form of federal Title IV financial aid in the 2019-20 academic year, compared to 55% of all students; and, 45% of Native American students received a Pell grant, compared to 40% of all students. Further, 26% of Native American students received a federal student loan, compared to 35% of all students. Among Native American students who received federal Title IV aid, the average amount received was \$6,985, which is the lowest of any racial/ethnic group. The average Pell grant amount for Native American students was \$4,144. The average Federal student loan amount for Native American students was \$6,908.

Need for this measure. According to the author, “Native Americans are among the most underrepresented groups within higher education.”

The author contends that, “the benefit being proposed by AB 3015 seeks to ensure that qualified students from California’s federally recognized tribes are not disadvantaged by arbitrary state boundaries, expand diversity within California’s public systems of higher education, and make access to education more affordable and accessible to students of all backgrounds.”

Native American Opportunity Plan. Established by the UC in 2021, the goal of the “UC Native American Opportunity Plan” is to make college more affordable and accessible for California’s Native American students. The initial phase of the plan ensures that in-state systemwide tuition and student services fees are fully covered for California residents who are members of federally recognized Native American, American Indian, and Alaska Native tribes. The plan applies to: new and continuing undergraduate, graduate, and professional school students in state-funded degree programs, who do not already qualify for financial aid that covers their tuition.

According to the UC, 276 students participated in the “UC Native American Opportunity Plan” in the 2022-23 academic year.

Currently, this plan only exists at the UC and does not receive any state funding.

This measure, in part, seeks to expand on this plan for eligible Native American students attending a CCC, CSU, or UC.

How many federally recognized Native American tribes could qualify under this measure? The following six Native American tribes could qualify under the provisions of this measure:

- 1) Chemehuevi Indian Tribe (California and Arizona);
- 2) Colorado River Indian Tribe (California and Arizona);
- 3) Fort Mojave Indian Tribe (California, Arizona, and Nevada);

- 4) Quechuan Tribe of the Fort Yuma Indian Reservation (California and Arizona);
- 5) Timbisha Shoshone Tribe (California and Nevada); and,
- 6) Washoe Tribe (California and Nevada).

Total number Native American student enrollment at the CCC, CSU, and UC. According to data obtained from the author's office, as of Fall 2023, the CCC, CSU, and UC have a combined, systemwide total of 8,535 enrolled Native American Students. The breakdown is as follows:

1,725 at the UC; 883 at the CSU; and, 5,927 at the CCC.

Committee Staff understands that the data above reflects overall Native American enrollment levels within California's public institutions of higher education. These students come from communities and locations across California, and are nearly all California residents. If this measure is enacted, a limited number of additional students within the current six tribes noted above would be eligible for California residency status for purposes of tuition and fees.

Committee comments. Various measures have been enacted by this State whereby, for very narrow and specific circumstances, in-state tuition and fees, and/or a reduction of out of state tuition and fees is assessed on nonresident students enrolled in a California postsecondary institution (see *Existing law* section of this analysis); reciprocity agreements with the neighboring states have typically been involved.

Reciprocity agreements mean that eligible California students who choose to attend a college or university in the neighboring state, will be assessed the same discounted tuition and fees as the eligible students from neighboring states who choose to attend a college or university in California.

This measure does not have a reciprocity agreement; meaning that a student who is not from this State, but is a member of a federally recognized Indian tribe, whose tribal land lies across the state border of California and Arizona, Nevada, or Oregon, and the student has a residence in the bordering state can attend an eligible campus of the CCC, CSU, or UC and not be assessed out of state tuition and fees upon enrollment, however, a California Native American from a federally recognized Indian tribe, whose tribal land lies across the state border of California and Arizona, Nevada, or Oregon, and chooses to attend a college or university in the neighboring states, would be assessed out of state tuition and fees.

Moving forward, the author may wish to ensure a reciprocity agreement is established for purposes of this measure, thus ensuring parity for all students who would be eligible.

Arguments in support. According to the UC, sponsors of this measure, "Native Americans are among the most underrepresented groups within higher education. The benefit being proposed by AB 3015 seeks to ensure that qualified students from California's federally recognized tribes are not disadvantaged by arbitrary state boundaries, intends to expand diversity within California's public systems of higher education, and make education more affordable and efficient for those students who have traditionally faced challenges accessing higher education opportunities.

By allowing Native American students who are members of a multi-state, border straddling, federally recognized tribe - but are residing in bordering states - to be eligible for in state, resident tuition at the University of California, California State University, and California Community Colleges, AB 3015 will ensure that Native American students within select tribes located at the California border are treated fairly and appropriately.”

REGISTERED SUPPORT / OPPOSITION:**Support**

California Student Aid Commission
Community College League of California
Faculty Association of California Community Colleges
University of California (Sponsor)

Opposition

None on file.

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