

Date of Hearing: June 18, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Mike Fong, Chair
SB 971 (Portantino) – As Amended May 16, 2024

SENATE VOTE: 33-4

SUBJECT: Community colleges: exemption from nonresident tuition fee: resident of a region impacted by war or regional conflict

SUMMARY: Allows Glendale Community College (GCC) and two other colleges selected by the California Community College (CCC) Chancellor to exempt from nonresident tuition fees a low-income student who is a resident of a region impacted by war or regional conflict and limits the number of students who may be exempted in any given academic year to no more than 150 full-time equivalent students at a community college. Specifically, **this bill:**

- 1) Allows a GCC and two other community colleges selected by the CCC Chancellor in the Central Valley Mother Lode Region and in the Far North Region, to exempt from nonresident tuition fees a student who meets all of the following criteria:
 - a) Is a nonresident, low-income student who was a resident of a region impacted by war or other regional conflict that the chancellor has identified;
 - b) Registers for lower division courses at GCC or two other community colleges selected by the chancellor, one in the Central Valley/Mother Lode Region and one in the North/Far North Region; and,
 - c) Has indicated that they have sought residency in California in an effort to find relief from identified conflicts in their nation of origin.
- 2) Requires that the chancellor develop guidelines for the implementation of the exemption established in the bill and include standards for appropriate documentation of student eligibility, to the extent feasible.
- 3) Requires that the governing board of GCC College and of the selected colleges that elect to use the exemption established by the bill adopt one uniform policy that accomplishes all of the following:
 - a) Determines a student's residence classification;
 - b) Establishes procedures for an appeal and review of the residence classification; and,
 - c) Determines whether a student is low-income.
- 4) Prohibits in any academic year more than 150 full-time equivalent students at a community college from benefiting from the exemption established by the bill.

- 5) Requires, by January 1, 2029, the governing boards of GCC and of the selected community colleges that choose to use the exemption established by the bill to submit jointly a report to the Legislature, as specified, that includes demographics, attendance rate, and class completion rate of students receiving the exemption.
- 6) Allows GCC and the selected community colleges to claim state apportionment funding for nonresident students eligible for the exemption established by the bill.
- 7) Sunsets the bill's provisions on January 1, 2029.
- 8) States various findings and declarations relative to California's global standing as an economic leader that strives to promote democratic causes and support humanitarian efforts and that California has recognized the impact of global conflicts, including passing a resolution in support of ethnic Armenians in Artsakh and providing support for Ukraine.

EXISTING LAW:

- 1) Authorizes a community college district to admit non-resident 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 including any nonresident who is both a citizen and resident of a foreign county with demonstrated financial need. State statute prescribes a formula for calculating non-resident fees. 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. (Education Code (EDC) Section 76140)
- 2) Provides for various exemptions, some that are mandatory, from nonresident tuition fees or exceptions to residency classification for students enrolling at a California Community College (CCC), including all of the following:
 - a) All nonresidents who enroll for six or fewer units. (EDC Section 76140 (a)(1))
 - b) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. (EDC Section 76140 (a)(2))
 - c) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005-06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, but could not attend due to Hurricane Katrina. (EDC Section 76140 (a)(3))
 - d) A special part-time student, other than a person excluded from the term "immigrant" for purposes of the federal Immigration and Nationality Act. (EDC Section 76140 (a)(4))
 - e) A nonresident student who is a United States citizen who resides in a foreign country due to parent or guardian deportation or voluntary departure. (EDC Section 76140 (a)(5))
 - f) A student who attends Lake Tahoe Community College and who has residence within specified counties in close proximity to the California and Nevada state boundary. (EDC Section 76140 (a)(6))

- g) A nonresident, low-income student who is a resident of México (MX), registers for lower division courses at specified community colleges near the California-México border, as defined, and has residence within 45 miles of the California- México border. (EDC Section 76140 (a)(8))
- h) A nonresident student who enrolls in a credit English as a second language course at a CCC. (EDC Section 76140 (a)(7))
- i) Community College disqualifying a nonresident tuition fee, for the time a student living in the district resided out of the state, if the change was due to a job transfer, and the transfer was made at the request of the student's employer or the employer of the student's spouse. (EDC Section 76143 (1))
- j) A student who was a member of the Armed Forces station in California on active duty for more than one year immediately prior to being discharged. (EDC Section 68075.5)
- k) A special visa holder from Iraq and Afghanistan or refugee. (EDC Section 68075.6)
- l) A student who meets the definition of “covered individual” under federal law and is eligible for federal GI benefits. (EDC Section 68075.7)
- m) A student who has three or more years of full-time attendance in a public school, college, or adult school, has earned a high school diploma or associate degree or completed transfer requirements, and filed an affidavit confirming the student’s eligibility for the exemption. (EDC Section 68130.5)
- n) Dependents of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center in New York City, the Pentagon building in Washington, D.C., or the crash of United Airlines Flight 93 in southwestern Pennsylvania. (EDC Sections 68121 & 76300)
- o) Students enrolled in noncredit courses. (EDC Section 76380)
- p) Students enrolled in apprenticeship courses. (EDC Section 76350)
- q) Any surviving spouse or surviving child of a deceased person who was killed in the performance of active law enforcement or active fire suppression and prevention duties. (EDC Section 68120)
- r) Any surviving spouse or child of a licensed physician, licensed nurse, or first responder, who died of COVID-19 during the COVID-19 state of emergency in California. (EDC Section 68120.3)
- s) Students who have been granted a T or U Visa. (EDC Section 68122 (a))
- t) A student under the age of 18 who remains in California after his or her parent previously established California residency but left the state. (EDC Section 68070)

- u) A student who has been entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date, with the intention of becoming a resident. (EDC Section 68071)
- v) A student who is under the care of any adult, other than a parent, for a period of at least 2 years, provided that the adult has lived in California during the year immediately prior to the residence determination date. (EDC Section 68073)
- w) A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces stationed in California on active duty. (EDC Section 68074)
- x) A student who is a member of the Armed Forces stationed in California, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education. (EDC Section 68075)
- y) A student who has not been an adult resident of California for more than one year and is the dependent child of a California resident parent. (EDC Section 68076)
- z) A student who is a graduate of any school located in California that is operated by the United States Bureau of Indian Affairs. (EDC Section 68077)
- aa) A student holding a valid credential authorizing service in a public school and is employed by a school district in a full-time position requiring certification qualifications. (EDC Section 68078)
- bb) A student who is a minor and resides with either his father or mother in a district or territory not in a district. (EDC Section 68080)
- cc) A student who is enrolled in a state government legislative, executive, or judicial fellowship program administered by the state or the California State University. (EDC Section 68081)
- dd) A Native American student if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district. (EDC Section 68082)
- ee) Team USA student athlete who trains in the state. (EDC Section 68083)
- ff) A student who has a parent who is a federal civil service employee. (EDC Section 68084)
- gg) Students enrolled in career development and college preparation or noncredit courses. (EDC Section 68086)
- hh) A student who has been hired by a California public agency as a peace officer and has enrolled in police academy training courses. (EDC Section 76140.5)

- ii) A student who lives with a parent who meets the requirements for agricultural laborers, or the student meets the requirements for an agricultural laborer. (EDC Section 68100)
- jj) A student who is a full-time employee of an institution or state agency or a student who is the child or spouse of a full-time employee of an institution or state agency. (EDC Section 68079)
- kk) A student who is 19 years of age or under, is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system. (EDC Section 68085)

FISCAL EFFECT: According to the Senate Committee on Appropriations, this bill would have the following fiscal impact:

- 1) This bill could result in Proposition 98 General Fund costs in the low millions of dollars each year as a result of the bill's exemption. This estimate assumes the three community colleges would claim 150 full-time equivalent students (FTES), which is the maximum number allowed pursuant to this bill, at the 2023-24 Student Centered Funding Formula (SCFF) credit apportionment rate of \$5,238. However, the exact cost will depend on how many FTES at each college will claim state apportionment each year. There could also be one-time Proposition 98 General Fund costs of between \$15,000 and \$23,000 for each of the colleges to develop a uniform policy and report specified data regarding the nonresident tuition exemption.
- 2) The Chancellor's Office estimates one-time General Fund costs of between \$38,000 and \$120,000 for various administrative activities, including the development of guidelines and regulatory changes.

COMMENTS: *Purpose.* According to the author, "There are a growing number of regional conflicts throughout the world causing large scale displacements. The United Nations High Commissioner for Refugees has expressed growing concern for 'refugee-like' situations, defined as groups of persons who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained. This includes a large number of Armenians displaced from Artsakh, which totaled more than 91,000 individuals even prior to the escalations in the conflict in 2023. California is home to the largest diaspora of Armenian people outside of Armenia and will continue to see immigration of individuals seeking safety and community. Similar displacements have been seen in Ukraine. The United Nations indicates that over 6 million individuals have sought refugee status...California has a strong, recent history of supporting and welcoming immigrants. Far too many young people have been forcibly uprooted from their homeland and reside in California, where they strengthen our state and contribute positively to our economy. Helping young people attain a higher education degree is the sensible and nurturing thing to do."

Background. Existing law prohibits CCC from applying nonresident fees to various groups impacted by tragic events. These policies are structured around predetermined categories, like special visa holders from Iraq and Afghanistan or individuals with refugee status, or specific events, such as students impacted by the September 11 attack. As detailed in the *Existing Law* section of this analysis, includes over 35 various categories of nonresident tuition fee

exemptions. Tuition costs pose a barrier for many individuals with financial hardship. *Committee staff notes* that the CCC Chancellor's Office is currently engaging in a review of all nonresident tuition exemption statutes to determine to what extent they overlap or duplicate each other.

Questions have been raised regarding the proliferation of measures in recent years that have broadened eligibility for nonresident tuition fee exemptions, leading to unintended consequences in implementation and determining who qualifies for what. It is likely that future legislation allowing or mandating districts to exempt other groups of students will follow suit.

This Committee may wish to consider whether group-by-group exemptions for nonresident tuition fees is an appropriate remedy, or is a more comprehensive solution, like one based on financial need, warranted.

Is it possible to use current exemptions for these students? Individuals impacted by war or conflict may already qualify for one or more of the many existing exemption categories (over 35) designed for residents of a foreign country or for those with temporary protected status holders, asylees, or asylum seekers. Without this bill, it is likely that students who meet the characteristics described in the bill could receive benefits from an existing exemption.

Resident and Nonresident Tuition Fees. Resident tuition fees for CCC are \$46 per credit. A full course load is defined as between 12 and 15 credits per semester, equating to tuition fees annually of between \$1,104 and \$1,380, respectively. Nonresident tuition fees average about \$346 per credit. A full course load is defined as between 12 and 15 credits per semester, equating to tuition fees annually of between \$10,104 and \$10,380, respectively. This bill would allow colleges to charge the eligible students the lower resident tuition rate.

Arguments in support. Glendale Community College District wrote in support of this bill, noting that "At [GCC], we have seen an enormous influx in recent immigrants from these regions seeking higher education as a way to better their lives and the lives of their families. These increases are what led to our sponsorship of SB 971, as a way of creating an educational pathway for students from conflict and war-torn regions and making a statement that we support them and their belonging here in our community."

"Many individuals have sought safe haven in California, where they have turned to education to improve their lives and become full participants in our communities. While here in Glendale those displaced by conflict tend to be from Europe, many colleagues have expressed that they see similarly displaced communities from Africa and the Middle East. These individuals travel across continents and often through multiple countries to find peace, safety, and opportunity. Just this week a young student described how she had to flee Ukraine to Sweden, because the embassies in Ukraine are not open, preventing her from attaining travel documents in her home country. The process just to get to California took over six months...SB 971 will help provide educational assistance to these individuals by removing such a significant financial barrier and make higher education more accessible.

REGISTERED SUPPORT / OPPOSITION:

Support

California Immigrant Policy Center

CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO
Faculty Association of California Community Colleges
Glendale Community College District
San Jose-evergreen Community College District

Opposition

None on file.

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960