

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1606 (Ramos) – As Amended March 16, 2022

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

**SUBJECT:** Public postsecondary education: veterans: waiver of mandatory systemwide tuition and fees

**SUMMARY:** Makes modifications to programs and definitions that serve veterans and their dependents. Specifically, this bill:

- 1) Requires that the annual income of the child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability not exceed the area median income, as defined, if that child's tuition and fees are not being charged, as specified.
- 2) Defines "area median income" as the median family income in the geographic area of the state where the dependent resides.
- 3) Defines "dependent of a veteran" to mean the natural or adopted child of a veteran, or stepchild of a veteran as defined by the United States Department of Veterans Affairs for compensation purposes, the unmarried surviving spouse of a veteran, or the spouse of a veteran with a disability rating of 70 percent or greater.
- 4) Repeals existing law prohibiting a dependent of a veteran from receiving specified state benefits while the dependent is entitled to receive specified federal educational benefits or duplicate assistance from any other government source.
- 5) Makes various technical and nonsubstantive changes, as specified.

**EXISTING LAW:**

*Federal law.* Establishes educational benefits for the spouse and children of both currently serving members of the Armed Forces of the United States and veterans, in such instances where the servicemember or veteran is permanently and totally disabled due to a service-connected disability, or died while on active duty or as a result of a service-connected disability. (38 U.S. Code Section 3500, et seq.)

*State law.*

- 1) Establishes the UC as a public trust to be administered by the Regents of the University of California (UC); and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive

bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a) of the California Constitution).

- 2) Establishes the Donahoe Higher Education Act, setting forth the mission of the UC, California State University (CSU), and California Community Colleges (CCC) (Education Code (EDC) Section 66010, et seq.).
- 3) Confers upon the CSU Trustees the powers, duties, and functions with respect to the management, administration, control of the CSU system and provides that the Trustees are responsible for the rule of government of their appointees and employees (EDC Sections 66606 and 89500, et seq.).
- 4) Establishes the CCC under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in this state. The CCC shall be comprised of community college districts (EDC Section 70900).
- 5) The Donahoe Higher Education Act prohibits campuses of those segments from charging mandatory systemwide tuition or fees to specified students who apply for a waiver, including a child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level. (EDC Section 66025.3, et seq.)
- 6) Establishes various educational benefits for dependents of veterans who were killed during military service or are totally disabled, as specified; defines “dependent of a veteran” to include the spouse of a totally disabled veteran; and prohibits a dependent of a veteran from receiving these educational benefits during the time the dependent is entitled to receive specified federal educational benefits or duplicative duplicate assistance from any other government source. (Military and Veterans Code (MVC) Section 890, et seq.)

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Purpose of the bill.* According to the author, “Military service imposes unique and long-term burdens that make it difficult to impossible for active duty service members and their dependents to improve their education and professional standing. Both the federal and state governments have long acknowledged the unalloyed public benefit provided by aiding veterans and their dependents in transition to civilian life. In addition to the education benefits provided to veterans and their dependents, California offers the College Fee Waiver for Veteran Dependents benefit to veteran dependents attending a California public college or university. It is a generous benefit, but it is complicatedly structured, and provides benefits to children and spouses in some cases, but not to spouses in others. In other cases it imposes an income ceiling on eligibility, in others it does not. In still others, concurrent receipt of equivalent federal benefits renders a dependent child ineligible, while in others it does not. This complexity and inconsistency does not appear to have a policy justification.”

*Federal benefits.* The U.S. Department of Veterans Affairs administers education benefits for dependents and survivors. There are two main programs offering educational assistance to survivors and dependents of Veterans. The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) is for children and spouses of active duty servicemembers who

died in the line of duty on or after September 11, 2001, or members of the Selected Reserve who died from a service-connected disability on or after September 11, 2001.

The Fry Scholarship can provide up to 36 months of benefits, including: money for tuition (full in-state tuition costs at public schools and up to \$26,381.37 per year for training at private or out-of-state schools), funding for housing, and funding for books and supplies.

The Survivors' and Dependents' Educational Assistance (DEA, also called Chapter 35) program offers education and training to qualified dependents of veterans who are permanently and totally disabled because of a service-related condition, or died while on active duty or as a result of a service-related condition. DEA recipients receive a monthly payment to help cover the cost of college or graduate degree programs, career training certificate courses, educational and career counseling, apprenticeships, and on-the-job training. The current rate of funding for DEA recipients is \$1,298 per month for 36 months.

*College Fee Waiver for Veteran Dependents.* The California Department of Veterans Affairs (CalVet) administers the College Fee Wavier for Veteran Dependents, which waives mandatory system-wide tuition and fees at any State of California Community College, California State University, or University of California campus. This program does not cover the expense of books, parking or room and board. There are four plans under which dependents of Veterans may be eligible, Plans A, B C, and D.

Plan A is restricted to:

- 1) The unmarried child of a veteran who is totally service-connected disabled or whose death was officially rated as service-connected is eligible. The child must be over 14 years old and under 27 years old to be eligible. If the child is a veteran, then the age limit is extended to age 30.
- 2) The spouse of a wartime veteran who is totally service-connected disabled is eligible. There are no age limit restrictions.
- 3) The unmarried surviving spouse of a wartime veteran whose death has been rated as service-connected is eligible. There are no age limit restrictions.
- 4) Any dependent of any Veteran who has been declared missing in action, captured in the line of duty by hostile forces, or forcibly detained or interned in the line of duty by a foreign government or power is eligible.

The veteran must have served at least one day of active duty during a period of war as declared by the U.S. Congress, or during any time in which the veteran was awarded a campaign or expeditionary medal. Concurrent receipt of benefits under Plan A and VA Chapter 35 benefits is prohibited.

Plan B covers the child of a veteran who has a service-connected disability, or had a service-connected disability at the time of death, or died of service-related causes is eligible. The child's annual income, which includes the child's adjusted gross income, plus the value of support provided by a parent, may not exceed the annual income limit. The current academic year entitlement is based upon the previous calendar year's annual income.

Under Plan B, wartime service is not required and there are no specific age requirements. Children are the only dependents eligible under this plan. There is no prohibition against receiving concurrent VA Chapter 35 benefits.

Plan C covers any dependent of any member of the California National Guard, who in the line of duty while on active service to the state, was killed, died of a disability resulting from an event that occurred while in active service to the state, or is permanently disabled as a result of an event that occurred while in the service to the state is eligible. Surviving spouses who have not remarried are also eligible. "Active service to the state," for the purpose of this benefit, means a member of the California National Guard activated pursuant to Section 146 of the MVC.

Plan D covers Medal of Honor recipients and children of Medal of Honor recipients under the age of 27 may qualify. Benefits under Plan D are limited to undergraduate studies only, and applicants are subject to both income and age restrictions. There is no prohibition against receiving concurrent VA Chapter 35 benefits.

*Area median income.* This proposal replaces the national poverty level income cap metric for CalVet College Fee Waiver for Veteran Dependents, instead electing to use "area median income." This is defined in AB 1606 as the median family income in the geographic area of the state where the dependent resides.

*Committee comments.* This definition is quite broad, and would be clearer if the author tied the median family income to a specific metric.

*Moving forward, the author may wish to consider* revising the "area median income" to align with an annually published metric.)

This bill modifies the requirements of Plan A to define a dependent as being the child of natural or adopted child of a veteran, or stepchild of a veteran as defined by the United States Department of Veterans Affairs for compensation purposes, the unmarried surviving spouse of a veteran, or the spouse of a veteran with a disability rating of 70 percent or greater – as opposed to a "totally disabled veteran."

The discussion of the practical implications of a shift in disability rating are within the purview of the Assembly Committee on Military and Veterans Affairs, and will be addressed in that Committee's analysis.

*Arguments in support.* The Academic Senate of the CCC (ASCCC) wrote in support of AB 1606, noting that CCCs "...have great respect for the service of veterans. Many former and present service members are students in the community college system. Veteran Resource Centers are common on community college campuses, and several colleges have direct associations and instructional agreements with military bases in the state. The ASCCC has demonstrated its support for veterans through resolutions passed at the organization's bi-annual plenary sessions such as Resolution 7.05 in Spring 2017: 'Chancellor's Office Support for Veterans Resource Centers,' Resolution 20.01 in Spring 2009: 'Post-9/11 G.I. Bill, Veterans and Financial Aid,' and Resolution 18.04 in Spring 2011: 'Academic Credit for Veterans and Military Service Members.' Support for the veteran community is something in which we believe strongly."

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Academic Senate for California Community Colleges

**Opposition**

None on file.

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