

Date of Hearing: April 8, 2021

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1113 (Medina) – As Amended March 23, 2021

SUBJECT: Public postsecondary education: exemption from tuition and fees: qualifying survivors of persons providing medical or emergency services deceased during COVID-19 California state of emergency

SUMMARY: Establishes a tuition and fee waivers at campuses of the California Community Colleges (CCC), the California State University (CSU) and the University of California (UC) for spouses and dependents of doctors, nurses, and first responders who died from COVID – 19 during the California COVID – 19 pandemic state of emergency. Specifically, **this bill:**

- 1) Defines the following:
 - a) COVID – 19 pandemic state of emergency as the period of time in California from the first emergency declaration by the Governor on March 4, 2020 until the Governor lifts the state of emergency;
 - b) First responder as the same definition as Section 8562 of the Government Code;
 - c) Licensed nurse as a person with a nursing license who provides medical care as authorized by either the Board of Registered Nursing or the Board of Vocational Nurses and Psychiatric Technicians of the State of California;
 - d) Licensed physician as a person with a physician’s or surgeon’s certification who provides medical care as authorized by the Medical Board of California;
 - e) A surviving child includes a natural or adopted child of the deceased or a stepchild who was living with the deceased at time of death; and,
 - f) A surviving spouse has the same definition as Section 22171 of the Education Code.
- 2) Establishes a tuition and fee waiver at all campuses of the CCC, CSU, and UC for any surviving spouse or child of a deceased person who meets the following requirements:
 - a) The deceased was a resident of the state;
 - b) The deceased was employed to offer medical services or emergency services as a licensed physician, licensed nurse, or as a first responder, as defined, during the COVID-19 pandemic state of emergency; and,
 - c) The deceased died from COVID -19 during the COVID-19 pandemic state of emergency.
- 3) Requires a surviving spouse or child of a licensed doctor, licensed nurse, or first responder who qualifies for the waiver established in (1), to meet the following additional requirements:
 - a) Be enrolled as an undergraduate student at a campus of the UC or CSU or be a student at a campus of the CCC;

- b) Possess an annual income, including the value of any support received from a parent, that does not exceed the maximum income and asset level of an applicant for a Cal Grant A award, as defined;
 - c) Have established California residency during the COVID – 19 pandemic state of emergency, as defined.
- 4) Limits the documentation of proof of eligibility campuses may require from a surviving child or spouse to a certified death certificate and documentation of the deceased’s employment during the COVID -19 pandemic state of emergency.
 - 5) Clarifies California residency to be defined using the same criteria for determining non-resident and resident tuition. Establishes the same exemptions for determining residency for tuition purposes apply when determining eligibility for the tuition waiver.
 - 6) Authorizes the fee waiver to be provided to a surviving spouse until January 1, 2033 and authorizes the fee waiver to be provided to a surviving child until the child reaches age 30.
 - 7) Requires the campuses of the CCC and the CSU and requests the UC to add tuition and fee waivers established in (1) to the existing listing of systemwide fees and/or tuition waivers on their websites that are available to students, and requires the online posting to include:
 - a) A description, including eligibility requirements, of the systemwide fee or tuition waiver and a link to an application for the systemwide fee or tuition waiver on the campus webpage and the campuses’ financial aid webpage (Education Code Section 68120.7).
 - 8) Makes clarifying and conforming changes to existing law.

EXISTING LAW:

- 1) Clarifies a person who is registered domestic partner, as defined will be treated the same as a spouse; and defines a spouse as the following:
 - a) A person who is continuously married to a member for a period of 12 months prior to the death of the member; or,
 - b) A person who was married and had a child within the 12 month period or is pregnant with the member’s child; or,
 - c) A person who was married for less than 12 months but the member’s death was accidental or due to an illness and the marriage took place prior to the injury or death (Education Code (EDC) Section 22171).
- 2) Establishes the CCC, the CSU, and the UC systemwide fees, tuition, or mandatory campus-based fee waivers for any surviving spouse or surviving child of a deceased firefighter, employee of a public agency, contractor or active duty law enforcement who was performing a public service, or who died due to injuries sustained as part of their active duty, as defined. Establishes definitions for a surviving spouse and a surviving child and requires these individuals to meet the following requirements to qualify:

- a) Enrollment in an undergraduate program at a campus of the UC or the CSU or be a student at the CCC; and,
 - b) Documentation that the student's annual income does not exceed the maximum household income and asset level for an application for a Cal Grant B award, as defined (Education Code Section 68120).
- 3) Requires the campuses of the CCC and the CSU and requests the UC to place on their website a listing of systemwide fees and/or tuition waivers that are available to students, and requires the online posting to include:
- a) A description, including eligibility requirements, of the systemwide fee or tuition waiver and a link to an application for the systemwide fee or tuition waiver on the campus webpage and the campuses' financial aid webpage (Education Code Section 68120.7).
- 4) Requires the CCC, the CSU, and the UC to waive tuition and fees for qualifying dependents of California residents who were killed in the September 11, 2001 terrorist attacks, if the dependents meets the financial requirements for the Cal Grant A program and both the dependent were residents of California at the time of the attacks. Requires the California Victim Compensation and Government Claims Board to identify and notify all those who are eligible for these tuition and fee waivers and if requested by the public segments of postsecondary education to verify the eligibility of a person requesting the tuition waiver. Enables spouses to utilize the waivers until January 1, 2013 and enables a surviving child to utilize the waivers until they are 30 years of age (Education Code Section 68121).
- 5) Establishes a \$46 unit fee for students at the CCC, and establishes qualifications for an array of tuition waivers at the CCC (Education Code Section 76300).
- 6) Defines first responders as an employee of the state or local public agency who provides emergency response services including police officers, firefighters, paramedics, emergency medical technicians, a public dispatcher or a public safety telecommunicator, as defined (Government Code Section 8562).

FISCAL EFFECT: Unknown.

COMMENTS: *State of Emergency.* On March 4, 2020, Governor Gavin Newsom invoked privileges afforded to him in the State Constitution to declare a State of Emergency relating to the Coronavirus or COVID-19. In the months that followed the proclamation, the daily lives of Californians changed as lockdowns and mask regulations were issued in an attempt to deter the spread of the virus. As the pandemic continued, doctors, nurses, and emergency service providers worked tirelessly, often into overtime, to assist the onslaught of COVID-19 patients. A year has passed since the original declaration, the State is still in an emergency, healthcare workers have provided care to 3.5 million COVID-19 cases, and the virus has claimed 58,269 lives, according to the California State COVID-19 dashboard as of April 2, 2021.

Need for the bill. According to the author, "throughout our history in California, we have stepped up in nominal ways to honor and support the families of those left behind because of unimaginable tragedies. It is no question, nearly an understatement, to say that COVID-19 has tremendously changed our lives. Devastatingly, the emergency care workers, nurses, and physicians were some of the earliest and hardest hit populations to suffer the effects of the

COVID-19 pandemic. Children and spouses of fire fighters and police officers killed in the line of duty, and victims of the 9/11 attacks have fee waivers because of the tragedy that has struck their lives. AB 1113 simply, solemnly, seeks to add COVID-19 nurses, doctors, physicians, and first responders to that list”.

Existing tuition and fee waivers. The Alan Pattee Scholarship Act of 1970 was created to assist surviving families of firefighters and law enforcement officers who died in the line of duty. The Act was intended to waive all mandatory tuition and fees at public postsecondary institutions. Since its inception, over fifty years ago, the Act has been amended to reflect the hazards of the working conditions of firefighters and law enforcement officers to include those who died as a result of an industrial injury or illness associated with their law enforcement duties or fire suppression duties. The Act was last amended by AB 1090 (Medina), Chapter 516, Statutes of 2019 which requires the CCC, the CSU, and requested the UC to not charge, surviving families of firefighters and law enforcement officers, campus-based mandatory fees.

The Alan Pattee tuition and fee waiver is indefinitely available to the surviving spouse and surviving dependent if they are a California resident and their income threshold meets the qualifications of a Cal Grant B recipient or \$56,000 for a family of four. While it is difficult to determine how many Californians have benefited from the Alan Pattee Scholarship Act, recent financial aid data suggests, in 2019-2020 440 CCC students received the Alan Pattee tuition and fee waiver, and in 2018-2019, 30 CSU students received the Alan Pattee tuition and fee waiver.

More recently, in response to the 9/11 terrorist attacks, the State Legislature passed AB 1746 (Liu), Chapter 450, Statutes of 2002, which provided a systemwide tuition and fee waiver to surviving dependents and spouses of California residents who died in the September 11, 2001 terrorist attacks. With so few Californians being present and killed in the September 11, 2001 attacks, the Legislature raised the income threshold for this tuition and fee waiver to the income eligibility of a Cal Grant A recipient or \$106,500 for a family of four. Unlike the Alan Pattee Scholarship Act, the September 11, 2001 terrorist attack tuition and fee waiver was only available to surviving spouses until January 2013 and to the surviving child until they reached 30 years of age. In 2001, the California Victim Compensation and Government Claims Board estimated there were roughly 30 people who would qualify for the tuition waiver and as of the academic year 2019 – 2020, only 5 CCC students received a September 11, 2001 terrorist attack tuition and fee waiver.

While the existing code of the Alan Pattee Scholarship Act of 1970 and the September 11, 2001 terrorist attack tuition and fee waiver requires the UC to waive tuition and fees for qualifying spouses and dependents, the UC is a constitutionally autonomous system and therefore the Regents have to approve a resolution accepting these tuition and fee waivers. All nine UC campuses provide the Alan Pattee and the 9/11 tuition and fee waiver.

Arguments in support. The CCC Chancellor’s Office highlights the need for AB 1113 as “57,000 Californians have passed away due to the virus. This tragic loss of life cannot be understated and has led to greater health inequities among Black and Latinx populations. This death toll also includes many workers who continued to provide essential services despite health and safety risks. AB 1113 will reduce the stress of working and attending college for individuals who lost their parent or spouse from COVID-19 because they were providing medical care or emergency services”.

Committee Comments. Doctors, nurses and emergency responders responded to the State-wide emergency in the same manner police officers and firefighters respond to community emergencies. Similarly healthcare personnel and emergency responders faced hazardous work conditions and were expected to provide care, often to the detriment of their own health. Since the beginning of the pandemic, State and local agencies have tracked COVID-19 cases, positive test results, deaths, and now vaccination rates. Despite the diverse and plentiful data provided, very few data systems have tracked the occupations of those who have died due to complications from COVID-19. According the Center for Disease Control and Prevention, as of April 2, there have been 1,522 COVID-19 related healthcare personnel deaths nationwide. In California, the Los Angeles County Department of Public Health has maintained data related to COVID-19 cases among healthcare workers and first responders. As of March 25, 2021, the number of deceased Los Angeles County healthcare workers and first responders whose occupation would qualify their dependents for the AB 1113 tuition and fee waiver is 135. *Since there is an unknown number of COVID-19 victims who could qualify and the number of deaths continues to rise, the author may wish to consider changing the income threshold for those who would qualify for the tuition waivers from Cal Grant A to Cal Grant B. This would provide congruency in the code with the Alan Pattee Scholarship, which was created for a larger population.*

Previous legislation.

- 1) AB 1090 (Medina), Chapter 516, Statutes of 2019, expanded existing mandatory systemwide tuition and fee waivers at the CCC, CSU, and UC for qualifying surviving spouses and dependents of active duty law enforcement or firefighters to include mandatory campus-based fees.
- 2) AB 2164 (O'Donnell), Chapter 435, Statutes of 2016, expanded existing systemwide tuition and fee waivers at the CCC, CSU, and UC for surviving spouses and dependents of active duty law enforcement or firefighters to include those who died as a result of an industrial injury or illness arising from work in law enforcement or fire suppression.
- 3) AB 1746 (Liu), Chapter 450, Statutes of 2002, established a tuition and fee waiver for qualifying surviving dependents and spouses, as defined of individuals killed in September 11, 2001 terrorist attacks on the World Trade Center, the Pentagon, or the crash of United Airlines Flight 93 in southwestern Pennsylvania.

REGISTERED SUPPORT / OPPOSITION:

Support

California Community Colleges Chancellor's Office
Cerritos Community College

Opposition

None on file.

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