

Date of Hearing: March 1, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1633 (Seyarto) – As Amended February 22, 2022

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

SUBJECT: Public postsecondary education: veterans' educational benefits: information sharing

SUMMARY: Requires the California State University (CSU), and requests the University of California (UC), to electronically transmit specified personal information regarding students whose tuition or fees are paid, or intended to be paid, using GI Bill educational benefits to the Department of Veterans Affairs (CalVet). Specifically, **this bill**:

- 1) Specifies that, notwithstanding any other law, commencing with the 2023–24 academic year, and annually thereafter for each academic year, the CSU will, and the UC is requested to, electronically transmit to CalVet, all of the following personal information regarding each student whose tuition or fees, or both, are paid, or intended to be paid, using GI Bill educational benefits, if the student has provided a written consent to the disclosure, as specified.
 - a) True, full name;
 - b) Email address;
 - c) Mailing address; and,
 - d) Mobile telephone number.
- 2) Specifies that, for purposes of 1) above, both of the following apply:
 - a) The first data transfer shall include all students using or intending to use GI Bill educational benefits for the 2023–24 academic year; and,
 - b) Each annual data transfer after the first data transfer shall include only new students not identified in the prior data transfer who are using or intending to use GI Bill educational benefits for the academic year.
- 3) Specifies that on or before June 1, 2023, the Student Aid Commission (CSAC) will develop and post on its internet website a template for a written consent to be used on an existing financial aid form or on a new financial aid form that permits a student, when applying for financial aid, to opt in to having the student's personal information shared with the CalVet, as specified.
 - a) Requires the written consent to be developed and administered in compliance with federal and state laws relating to individual privacy, including the requirements of the

federal Family Education Rights and Privacy Act of 1974 (Public Law 93-280, as amended) and applicable regulations, as these provisions may from time to time be amended.

- 4) Requires that the information obtained by CalVet, as specified, will only be used for purposes related to benefits and support services for veterans and will not be disseminated except for those purposes.
- 5) Defines “GI Bill educational benefits” to mean any educational benefit administered by the United States Department of Veterans Affairs pursuant to Title 38 of the United States Code that is designed to help eligible veterans of the Armed Forces of the United States or other eligible persons with a relationship to a veteran of the Armed Forces of the United States to cover the costs associated with enrollment as a student.

EXISTING LAW:

- 1) Provides federal educational benefit awards for certain members and veterans of the Armed Forces of the United States. (38 U.S. Code Section 3001 et al.)
- 2) Establishes that CalVet within state government has specified powers and duties relating to veterans, including those relating to education benefits. (Military and Veteran Code (MVC) Section 699.5 et al.)
- 3) Authorizes the CCC and CSU, and encourages the UC, to report to CalVet, on an annual basis, specified information, including the total education benefits obtained by all qualified students assisted by a specified office. (Education Code (EDC) Section 69786)
- 4) Establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs available to students attending all segments of postsecondary education. (EDC Section 69510 et al.)

FISCAL EFFECT: Unknown

COMMENTS: *Purpose.* According to the author, “One of the primary reasons veterans struggle when coming back to our communities, is simply the lack of connection to many of the resources we offer both as a state and federally. Unfortunately, CalVet does not have accurate up-to-date information sources and is primarily reliant on veterans themselves showing up and asking for help. This bill will connect veterans with CalVet through their use of education benefits, and every connection made is a connection to help a veteran and their family.”

“While the Federal Government provides many benefits for veterans, California has also stepped up and offered more benefits to resident veterans. Benefits that include property tax breaks and education tuition reductions for [families], are just two benefits that California uniquely offers veterans who qualify. Some of the benefits are connected to disability ratings with Veteran Affairs (VA) and others are connected to time in service. The real connection comes in the form of CalVet who is charged by the state to connect the veterans living in California with their benefits”.

“Unfortunately the current process for CalVet to connect with a veteran is limited to two methods, one where the veteran comes into either a CalVet office or a local County Veteran

Service Office (CVSO) and the other where the Department of Defense shares the ‘Home of Record’ for the service members who exited the military that year. Both of these options do not reach the main body of veterans in the community and neither provides a viable way of keeping the veteran up-to-date with benefits and their qualifications.”

Background. According to CalVet, California is home to some 1.6 million veterans, and nearly 60,000 of whom are attending California colleges and universities. CalVet has been working to increase awareness of federal, state, and local benefits, utilizing initiatives like the California Transitional Assistance Program (CalTAP) to ensure that veterans are contacted at pivotal moments throughout their post-military experience to educate them about the services and benefits they have earned.

Even with CalTAP outreach efforts, there is a concern that servicemembers and veterans are not accessing all of the benefits and resources available to them.

Educational benefits. Servicemembers and veterans of the armed forces have access to many different kinds of benefits, including various federal educational aid programs if they meet the applicable eligibility criteria. These include:

- 1) The Post-9/11 G.I. Bill is available for military members, veterans, and National Guard members who have served on active duty for at least 90 days after September 11, 2001. This benefit covers full tuition and fees at public schools or covers \$26,043 at a private institution, with a monthly housing allowance and a stipend for books for up to 3 years.
- 2) The Montgomery G.I. Bill is available for military members, veterans, and National Guard members who served on active duty for at least two years after June 30, 1985. This benefit provides up to \$25,800 per year for tuition and fees for up to 3 years. A benefit by the same name is available for Military and National Guard members who serve on reserve with a six-year enlistment; they can be eligible for \$4,884 per year for up to 3 years.
- 3) The Survivors’ and Dependents’ Educational Assistance (DEA) program provides tuition assistance and job training to the spouse and children of a veteran or service member who has died, is captured or missing, or has service-connected disabilities. Beneficiaries using this program can be provided up to \$15,576 in tuition and fees.
- 4) The Military Tuition Assistance Program eligibility varies by military branch, but provides up to \$4,500 per year in tuition and fees with a lifetime limit of a certain number of credits for undergraduate and graduate work; the beneficiary must remain in service during their coursework to qualify.
- 5) The Yellow Ribbon Program is a provision of the law that created the Post-9/11 GI Bill. The Yellow Ribbon Program is available for Institutions of Higher Learning (degree granting institutions) in the U.S. or at a branch of such institution located outside the U.S. The program allows approved institutions of higher learning and the VA to partially or fully fund tuition and fee expenses that exceed the established thresholds under the Post-9/11 GI Bill (VA matches the amount contributed by the school). Schools have the flexibility to designate the number of students and contributions based on student status (undergraduate, graduate, doctoral) and college or professional school.

- 6) VA Vocational Rehabilitation and Employment (VR&E) is available for veterans with a service-connected disability that limits their ability to work or prevents them from working. Services in this program include (among others): post-secondary training at a college, vocational, technical, or business school; on the job training (OJT), apprenticeships, and non-paid work experiences; and supportive rehabilitation services including case management, counseling, and medical referrals. In some cases, veterans participating in the VR&E program may receive a subsistence allowance while they pursue an educational or training program in preparation for a future career. The subsistence allowance is paid each month, and is based on the rate of attendance in a training program (full time, three quarter time, or half time), the number of dependents, and the type of training. If a veteran qualifies for the Post-9/11 GI Bill they may be eligible to receive the Basic Allowance for Housing (BAH) rate for subsistence. A full time student with no dependents is eligible for a subsistence allowance of \$670.77 per month.
- 7) Troops to Teachers (TTT) is a U.S. Department of Education and Department of Defense program that helps eligible military personnel begin a new career as teachers in public schools. Pending availability of funds, financial assistance may be provided to eligible individuals as stipends up to \$5,000 to help pay for teacher certification costs or as bonuses of \$10,000 to teach in schools serving a high percentage of students from low-income families. Participants who accept the Stipend or Bonus must agree to teach for three years in schools that serve.
- 8) The California Military Department (CMD) G.I. Bill issues educational awards to qualifying members of the California Army or Air National Guard, California State Guard, and the California Naval Militia. This State Grant can pay for up to 100% of the tuition and fees at a UC, CSU, or a California Community College (CCC). It can also be used for eligible California proprietary and private institutions.

Successful past efforts. The author has indicated that this legislation builds on successful data sharing efforts in existing law. Specifically, the 2010-2011 State Budget (Chapter 712, Statutes of 2010) and 2011-2012 State Budget (Chapter 6, Statutes of 2011) contained provisions requiring the Department of Motor Vehicles (DMV) and CalVet requiring the application for a driver license or identification card to contain a space for an applicant to indicate they had served in the Armed Forces of the United States and to give their consent to be contacted regarding eligibility to receive state or federal veterans benefits.

The provisions detailed in the 2011-2012 State Budget contained similar restrictions around how the collected data can be used as the restrictions in this legislation, yet the collaboration still resulted in over 28,500 veterans requesting information through their DMV application in just 18 months. Further legislative efforts in 2014 required DMV to issue driver licenses and identification cards with a veteran designation to eligible applicants, and utilized County Veteran Service Officers (CVSO) to process and certify servicemembers' discharge papers.

As of December 31, 2018, 106,852 veterans have opted to have the veteran designation on their license. According to the CalVet, 35,261 veterans applied for benefits as a result of their visit with a CVSO to get the paperwork necessary for the veteran designation. Those veterans are now receiving nearly \$74 million in annual benefits. In addition, nearly \$40 million in benefits have been awarded retroactively.

Committee comments. Absent from this legislation is the CCC, which plays a crucial role in educating servicemembers, veterans, and their families. *Moving forward, the author may wish to consider* requiring community colleges to also collect and transmit data as provided in this bill.

AB 1633 also includes language that makes provisions of this bill operative “notwithstanding any other law”. This legislation has been amended to now be opt-in, and requires the written consent to comply with FERPA and other privacy laws. Even with these changes, the presence of “notwithstanding any other law” may inadvertently create conflict in code. *Moving forward, the author may wish to consider* removing the “notwithstanding any other law” language found in 66014.4 (b).

Prior legislation. Assembly Bill 935 (Frazier, Chapter 644, Statutes of 2014) requires the DMV to offer a driver license or identification card printed with the word “veteran” to an eligible applicant.

AB 105 (Blumenfield, Chapter 6, Statutes of 2011) codified the information sharing relationship between DMV and CalVet as mandated by SB 870.

Senate Bill (SB) 870 (Ducheny, Chapter 712, Statutes of 2010) requires the DMV to include on all driver license and identification card applications, both paper and electronic, a field where an applicant can indicate if they are a veteran and if they want DMV to send their name and mailing address to CalVet for the purpose of receiving information regarding veteran benefits. SB 870 also requires DMV to enter an agreement with CalVet that establishes a data-sharing agreement for the information DMV collects from veterans as part of the application process.

SB 1680 (Wyland, Chapter 123, Statutes of 2008) authorized the CCC and the CSU, and would encouraged the UC, to report to CalVet, on an annual basis, specified information relating to Military and Veterans Offices.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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