

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1620 (Santiago) – As Amended March 28, 2019

SUBJECT: Public postsecondary education: exemption from payment of nonresident tuition

SUMMARY: Expands the eligibility for exemption from paying nonresident tuition at California's public postsecondary educational institutions, as established for undocumented students under AB 540 (Firebaugh, 2001) and subsequent legislation. Specifically, **this bill, as proposed to be amended:**

- 1) Expands, as follows, the circumstances under which an undocumented student is exempt from paying nonresident tuition at the California State University (CSU) and the California Community Colleges (CCC) – and at the University of California (UC) to the extent the UC Regents enact the same provisions as requested.
 - a) Reduces, from three to two, the minimum number of years of full-time attendance a qualifying student must attain at a California high school, adult school, or CCC.
 - b) Adds eligibility after two years of full-time attendance at a UC, CSU, or campuses of the state's independent institutions of higher education.
- 2) Makes conforming changes.

EXISTING LAW:

Exempts specified California nonresidents - meeting the requirements of 1) and 2) below - from paying nonresident tuition at UC, CSU, and CCC, also known as the AB 540 nonresident tuition waiver:

- 1) Satisfaction of the requirements of either (a) or (b):
 - a) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:
 - i) California high schools;
 - ii) California high schools established by the State Board of Education;
 - iii) California adult schools established by any of the following entities:
 - (1) A county office of education.
 - (2) A unified school district or high school district.
 - (3) The Department of Corrections and Rehabilitation.
 - iv) Campuses of the CCC.

A combination of those schools set forth in clauses (i) to (iv), inclusive.
 - b) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.

- 2) Satisfaction of any of the following:
 - a) Graduation from a California high school or attainment of the equivalent thereof;
 - b) Attainment of an associate degree from a campus of the CCC; or
 - c) Fulfillment of the minimum transfer requirements established for UC or CSU for students transferring from a campus of the CCC. (Education Code (EC) 68130.5.)

Current law also provides that a student exempt from nonresident tuition pursuant to the above (an “AB 540” student) is:

- 1) Eligible to receive a scholarship that is derived from nonstate funds received, for the purpose of scholarships, by the segment (UC, CSU, or the CCC) at which they are a student. (EC Sect. 66021.7)
- 2) Eligible to apply for, and participate in, any student financial aid program administered by the state to the full extent permitted by federal law. (EC Sect. 69508.5.)

FISCAL EFFECT: Unknown

COMMENTS: *Background.* The difference between paying resident tuition at UC or CSU, versus paying nonresident tuition is significant. Currently nonresident students at UC pay an additional \$29,000 in systemwide tuition and fees annually, and CSU nonresident students pay almost \$12,000 more each year in tuition. Given the other significant cost associated with UC or CSU attendance, these additional tuition charges can be a considerable barrier, particularly for low-income students. Moreover, undocumented students face an additional challenge in that they are unable to access any federal form of student financial aid, such as Pell Grants or subsidized student loans.

Legislative History. With AB 540 (Firebaugh), Chapter 814, Statutes of 2001, California first provided an exemption from nonresident tuition at its public colleges and universities for undocumented persons. In order to qualify for this benefit, AB 540 required these students to have attended high school in California for three or more years and to have graduated from a California high school or attained the equivalent thereof.

According to the author of AB 540, many of the students that would benefit were the children of parents who had been granted amnesty by the federal government and were waiting for their own applications for citizenship to be accepted by the Immigration and Naturalization Service. The majority of these students considered California their home and expected to become citizens. Supporters argue that the bill would help talented California high school students, who cannot afford to pay nonresident tuition, to attend college.

While AB 540 provided considerable financial relief to undocumented students, as of its enactment, these students could not avail themselves to state financial aid programs. This was subsequently addressed in 2011, when, after several years of failed attempts, the Legislature enacted AB 130 (Cedillo) and AB 131 (Cedillo), which allowed AB 540 students to be receive institutional scholarships derived from non-state funds (AB 130) and to participate in state and

institutional financial aid programs (AB 131). The legislation is known as the California Dream Act.

In 2014, eligibility under AB 540 was expanded, through enactment of AB 2000 (Gomez), to include attainment of credits earned in California from a California high school equivalent to three or more years of full-time coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools. According to the author, the bill was intended to provide eligibility for high school students that accelerate their learning (e.g. through concurrent community college enrollment to obtain high school credits) and graduate ahead of completing the existing three-year high school attendance requirement of AB 540.

In 2017, AB 540 eligibility was expanded considerably. SB 68 (Lara) provided eligibility to students who have completed three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools; and, required that the students graduate from a California high school or attain the equivalent, attain an associate degree from a campus of the CCC, or fulfill minimum transfer requirements established for the UC or CSU for students transferring from CCC campuses.

The author of SB 68 contended that many undocumented students often cannot complete high school in time to qualify under AB 540, as it existed at that time, and instead may take a path through adult school and community college to access higher education. As noted in the Senate Education Committee analysis of SB 68, the bill was in part expanding eligibility to students that are likely to be older than traditional students.

Purpose. This bill further expands AB 540 eligibility by requiring two years, instead of three years, of full-time attendance and attainment of credits at a California high school or public or private non-profit postsecondary educational institution, or at a combination of such schools.

The author states, “AB 1620 will expand in-state tuition eligibility for qualifying undocumented students by reducing the current attendance requirement at qualifying institutions from 3 years to 2 years and by counting all institutions of higher education in California towards eligibility.

“Under existing law many undocumented students in California have been able to pay in-state tuition by meeting certain criteria, such as having three years of full-time attendance at a California high school, community college, and/or adult school. However, there are still undocumented students that live in California and do not qualify under these laws. Such students have difficulties pursuing higher education due to lack of access to financial resources.

“Undocumented students who did not attend three years of K-12 education in California are required two years of attendance at community colleges and possibly another year of attendance at adult schools. Moreover, students who were already enrolled in 4-year institutions at the passing of SB 68 (Lara) [effective January 2018], which allowed community college attendance to count towards in-state tuition eligibility, are not allowed to go back to community college or adult school to fulfill the requirements. These students have been forced to pay nonresident tuition at UC and CSU.

“Despite the intention of providing access to financial resources to all students in California, existing law has left out a population of undocumented students that have been living, working, paying taxes and contributing to the state of California.

“AB 1620 will help California move one step closer to achieving educational equity by reducing the current attendance requirement for in-state tuition to 2 years and acknowledging attendance at all institutions of higher education in California.”

Given that the most recent expansion of AB 540 eligibility requirements just took effect on January 1, 2018 (through SB 68), the committee may wish to consider whether a further expansion of eligibility is warranted at this time.

Amendments. The suggested, clarifying amendments, with which the author concurs, are reflected in this analysis. *For timing purposes, these amendments will be taken in the Appropriations Committee.*

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Americans Advancing Justice - California
ASPIRE for Justice
California Dream Network
Coalition for Humane Immigrant Rights
Korean Resource Center
UPLIFT

Opposition

None on file.

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