

# HOUSE BILL REPORT

## ESHB 1817

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**As Passed House:**  
January 13, 2014

**Title:** An act relating to adding eligibility criteria for higher education financial aid.

**Brief Description:** Adding eligibility criteria for higher education financial aid.

**Sponsors:** House Committee on Higher Education (originally sponsored by Representatives Hudgins, Chandler, Pettigrew, Ross, Appleton, Moscoso, Santos, Goodman, McCoy, Hunt, Springer, Pollet, Freeman, Habib, Reykdal, Tarleton, Lias, Sawyer, Wylie, Sells, Fitzgibbon, Pedersen, Ryu, Riccelli, Farrell, Cody, Dunshee, Bergquist, Roberts, Maxwell and Fey).

**Brief History:**

**Committee Activity:**

Higher Education: 2/19/13, 2/21/13 [DPS];  
Appropriations: 2/26/13, 3/1/13 [DPS(HE)].

**Floor Activity:**

Passed House: 3/13/13, 77-20.

**Floor Activity:**

Passed House: 1/13/14, 71-23.

**Brief Summary of Engrossed Substitute Bill**

- Adds eligibility for the State Need Grant for individuals granted Deferred Action for Childhood Arrival status that meet a certain criteria.
- Adds eligibility for the State Need Grant for students who qualify under the fifth resident student definition.

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### HOUSE COMMITTEE ON HIGHER EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Seaquist, Chair; Pollet, Vice Chair; Zeiger, Assistant Ranking Minority Member; Fagan, Hansen, Johnson, Pedersen, Reykdal, Riccelli, Sawyer, Sells, Smith, Tarleton and Walsh.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Haler, Ranking Minority Member; Hargrove, Magendanz and Scott.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Megan Wargacki (786-7194).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by 22 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Carlyle, Cody, Dunshee, Fagan, Green, Haigh, Hudgins, Hunt, Jinkins, Kagi, Morrell, Pedersen, Pettigrew, Schmick, Seaquist, Springer, Sullivan and Maxwell.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Wilcox, Assistant Ranking Minority Member; Buys, Dahlquist, Haler, Harris, Parker, Pike, Taylor and Alexander.

**Staff:** Catrina Lucero (786-7192).

### **Background:**

#### Resident Students.

Classification as a resident student allows an individual to pay resident tuition rates. There are 13 categories of resident student, including the following five:

1. a financially independent student who has established a domicile in Washington for one year immediately prior to the first day of class for which the student has registered and has established domicile in the state for purposes other than educational;
2. a dependent student, if one or both of the student's parents or legal guardians have maintained a domicile in Washington for at least one year before starting class;
3. a student classified as a resident on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-83 school year, so long as the student's enrollment is continuous;
4. a student who has spent at least 75 percent of his or her junior and senior years in high schools in Washington, whose parents or legal guardians have been domiciled in the state for at least one year within the five-year period before the student graduates from high school, and who enrolls in a public higher education institution within six months of leaving high school (for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year); or
5. a student who has:
  - a. either completed the full senior year of high school and obtained a diploma at a Washington high school or received the equivalent of a diploma;
  - b. lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;
  - c. continuously lived in the state after receiving the diploma or its equivalent and until being admitted to the institution of higher education; and
  - d. provided to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in other activities necessary to acquire citizenship.

Except as provided in certain sections of the resident student eligibility statute, persons who are not citizens of the United States are considered nonresident students for tuition purposes.

#### State Need Grant.

The State Need Grant (SNG) is designed to offset a portion of educational costs for low-income students. According to the Washington Student Achievement Council, during the 2011-12 academic year:

- 74,703 Washington students attending 68 institutions were served by the SNG;
- 32,171 students were eligible but unserved; and
- \$267 million was dedicated to the SNG, which made up 94 percent of expenditures on Washington student aid programs.

Students are eligible for the SNG only if they are "resident students" according to the first four categories (1 through 4) listed above.

#### Deferred Action for Childhood Arrival Status.

The United States Department of Homeland Security exercises prosecutorial discretion not to remove certain individuals, including those that are granted Deferred Action for Childhood Arrival (DACA) status. Individuals may be granted DACA status for a period of two years, subject to renewal, and may be eligible for employment authorization. Individuals must demonstrate through verifiable documentation to the United States Citizenship and Immigration Services that they meet the following conditions:

- were under the age of 31 on June 15, 2012;
- came to the United States before reaching his or her sixteenth birthday;
- have continuously resided in the United States since June 15, 2007;
- were physically present in the United States on June 15, 2012, and at the time of the DACA request;
- entered the United States without inspection before June 15, 2012, or his or her immigration status expired by that date;
- are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
- have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

#### **Summary of Engrossed Substitute Bill:**

Students are eligible for the SNG if they have been granted DACA status and:

- either completed the full senior year of high school and obtained a diploma at a Washington high school or received the equivalent of a diploma;
- lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; and
- continuously lived in the state after receiving the diploma or its equivalent and until being admitted to the institution of higher education.

Eligibility for the SNG includes the fifth category of "resident students" as defined above. This category includes any person who has:

- either completed the full senior year of high school and obtained a diploma at a Washington high school or received the equivalent of a diploma;
- lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;
- continuously lived in the state after receiving the diploma or its equivalent and until being admitted to the institution of higher education; and
- provided to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in other activities necessary to acquire citizenship.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Higher Education):**

(In support) This bill talks to another generation. Every student that graduates from a Washington high school should be given the same opportunity. The children in our communities will either be leaders contributing to stronger, safer communities, or they will not. Our communities will be better off if they do. Extending higher education opportunities to these students will help make that happen. As a kid, you do not have a say in where you move or are born. The kids that this bill covers are children who have chosen to work hard or graduate from high school. This bill does not offer any preferential treatment, it just levels the playing field. This bill syncs up our state with a federal program. This looks like a clarifying bill. Leveling the playing field and clarifying who has access to financial aid are efforts that are rather small. But for the children affected by this bill, this is a huge deal. This bill gives these students a chance to attend college and give back to their communities. If the state is going to sell airplanes and apples better, this needs to be done. If this is not accomplished, in our global economy, these children will go elsewhere. This is good for the children it affects, but also good for the state as a whole. Seventy percent of Washington jobs in 2018 will require some postsecondary education. The unemployment level for individuals with undergraduate degrees is 3 percent. The SNG program should be fully funded to support our students. The SNG mitigates borrowing for the lowest income students. This bill supports postsecondary education for all students. College should be available to all students. Without financial aid, college is often out of reach. These students are as committed to Washington as anyone else. It is a moral obligation to support those who seek to attend institutions of higher education. If this bill is passed, more students could pursue their dreams. This is the land of opportunities. Young people are told that with dedication and hard work, they will be able to make it. These students are categorically barred from financial aid. This state should give all students the opportunity for financial aid. The only way to move up the financial ladder is by attending college. Washington should keep the tradition of allowing students to attend higher education. This bill would provide financial

aid to those who meet a certain criteria. This bill would allow more people to become great leaders. The undocumented population provides to this community and has the opportunity to make this country a better place. Because of deferred action, some people are now able to work. Currently, people are prevented from going to college based on their socioeconomic and immigration status. The money that these students will be able to make with postsecondary education will increase and allow them to give back and pay taxes. The personal stories of young people is what drives this issue. One of the students that received resident tuition with House Bill 1079 received a law degree and is now pursuing a medical degree. The Legislature is faced with 30,000 students who are currently unserved by the SNG. The hill gets steeper when you are looking at a billion dollar deficit and a billion dollars needed for K-12 education. But, there is an economic impact if higher education participation is increased. Washington is number one in many agricultural productivity categories. The undocumented workers have a dramatic economic impact on this country. The anger and desperation is huge when families cannot afford the education for their children. In a nation that values education and diversity, this bill is necessary. There is a concern about the language that links financial aid to DACA because that status may change. The stories of these immigrant youth need to be acknowledged. Most undocumented students want to attend higher education, but cannot pay for it. Many have applied for scholarships, but this is not enough. There are not many scholarships available for undocumented students. Sometimes it appears that going to university is just a dream. These young people consider themselves American because they lived here most of their life despite what documents say. It is time to start demonstrating love and compassion for all. Faculty are united in supporting the dreamers receiving financial aid. The state will be better served if we provide this aid to these students. The key to a better future is education. College brings education and money to students. The headaches that students get staying up all night studying during college is a reminder of a better future ahead. Many of these young people come here at a young age and their parents work very hard in difficult jobs. There is nothing negative to this bill and it is not harming anyone. This bill will provide tremendous opportunities for young people who are willing to contribute to their community. During the past few years, dreamers have put a face to undocumented students. These students have testified before congress. They brought this issue to the forefront of this country. These students have a very strong respect for their parents and dedication to higher education. They focus on what is needed to succeed. They have an extremely hard work ethic, a high level of maturity, a need to give back to their communities, like the energizer bunny. Most of these students have no path to citizenship. If they are victims of a crime, they may be able to, but there are very few paths to citizenship. This should not be a dream, it should be a right. Young people are always told is that hard work is always followed by opportunity, but that is not always the case. All the struggle and long hours that parents put in working, and students have put in studying, will amount to nothing without this bill. Everyone should have an equal opportunity to receive higher education. These students play a vital role in our community and we should remove the barriers to their success.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Higher education should be accessible to all students, including aspiring citizens. The focus of this discussion should not be on concerns that making more students eligible for

the State Need Grant will be unfair to currently eligible students by increasing the number of students who are not served. The real problem is the state's disinvestment in higher education, which has led to large tuition increases and student debt. Funding for financial aid has not kept up with the increasing costs of higher education. The costs in the fiscal note are negligible. This is predominately a policy bill. It creates hope for students in high school who currently do not have the financial means to pay for higher education.

(Opposed) None.

**Persons Testifying** (Higher Education): Representative Hudgins, prime sponsor; Representative Chandler; Jane Wall, Council of Presidents; Scott Copeland, State Board for Community and Technical Colleges; Ben Crowther, Washington Student Association; Kelly Cannard, Vancouver Public Schools; Yeony Yoo, Elizabeth Lara, Susie Roman, Nora Castaneda, Cecilia Vizeaino, Ana Arellano, Jessica Tapia, Jenesis Garcia, Gamiro Diaz, and Noe Flores, OneAmerica; Francisco Navarro, Karen Gomez, Ricardo Sanchez, and Joyce Diaz, Latino/a Educational Achievement Project; Tania Santiago, Alejandra Perez, Jaime Bautista, Carlos Padilla, and Krista Jensen, DREAM TEAM; Rafael Pruneda and Nicholas Lovrich, Washington State University; and Craig Williams, Pride Foundation.

**Persons Testifying** (Appropriations): Ben Crowther, Washington Students Association; and Emily Murphy, One America.

**Persons Signed In To Testify But Not Testifying** (Higher Education): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.