

SENATE BILL REPORT

ESHB 1817

As of April 1, 2013

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

Committee Activity: Higher Education: 3/28/13.

SENATE COMMITTEE ON HIGHER EDUCATION

Staff: Kimberly Cushing (786-7421)

Background: Resident Student. Under Washington law, classification as a resident student qualifies an individual to receive in-state tuition rates at public institutions of higher education. There are 13 categories of resident student, including the following four:

- a financially independent student who established a domicile in Washington for one year immediately prior to the first day of class for which the student registered, and established a domicile in the state for purposes other than educational;
- a dependent student, if one or both of the student's parents or legal guardians maintained a domicile in Washington for at least one year immediately prior to the start of class;
- a student who spent at least 75 percent of the student's junior and senior years in high schools in Washington, whose parents or legal guardians were 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 or for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or
- a student who completed the full senior year of high school and obtained a diploma at a Washington public or private 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 a public institution of higher education;

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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.

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 (SNG) Program. The SNG program assists low-income students by offsetting a portion of their higher education costs. For the 2011-12 academic year, the Legislature appropriated approximately \$266 million for the SNG program. As a result, nearly 75,000 undergraduate resident students received a SNG award, while approximately 31,000 were eligible but did not receive an award due to a shortage of program funds.

Deferred Action for Childhood Arrival (DACA) Status. The United States Department of Homeland Security exercises prosecutorial discretion to not remove certain individuals, including those that are granted DACA status. Individuals may be granted DACA status for a period of two years, subject to renewal, and may be eligible for employment authorization. When requesting consideration of DACA from United States Citizenship and Immigration Services, an individual must submit evidence, including support documents, showing that they met the following:

- were under the age of 31 as of June 15, 2012;
- came to the United States before reaching their 16th 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 without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012;
- are currently in school, graduated from or obtained a certificate of completion from high school, 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
- were not convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

Federal and Other State Financial Aid Policies. Students without legal immigrant status are ineligible for federal financial aid. Three of the 12 states that allow undocumented students to receive in-state tuition rates also allow undocumented students to receive state financial aid – California, New Mexico, and Texas.

Summary of Bill: Students are eligible for SNG if they meet the category of resident student that includes any person who:

- completed the full senior year of high school and obtained a diploma at a Washington public or private 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 a public 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.

Additionally, students are eligible for SNG if they are granted DACA status, and:

- completed the full senior year of high school and obtained a diploma at a Washington public or private 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 a public institution of higher education.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill syncs our financial aid policy with our tuition policy and is about our kids in Washington State. The bill passed the House with a bipartisan vote. This bill is not about immigration reform or funding higher education. This bill does state a policy that if you grow up and graduate from a Washington State high school, the state Legislature will treat you the same as any other graduate. This allows students to be an active, engaged part of the community. Of the people who pick our crops and help build our successful agriculture economy, 60-70 percent are here without proper documentation. Their children came here through no fault of their own. This is an opportunity to fulfill the American dream for these children. This is my home and I love the nation I have lived in since kindergarten. Undocumented students are getting accepted into the best schools in Washington, despite facing many social issues. However, the inability to access financial aid limits a student's potential. I work 30-55 hours per week to pay for higher education. The DACA program helps students work and live a more normal life. Tuition is over \$12,000 per year. This is too much to pay on your own. While scholarships help, they are hard to find. I worked hard throughout four years of high school, taking rigorous classes and being involved in many activities. I want a chance to attend a university without going into debt. However, I cannot apply for financial aid. I should have the same opportunity if I have the same potential. The only difference between undocumented students and others is birth. Knowing college is unaffordable makes it discouraging to work hard and stressful to think about the future. Opportunities are available to my peers that are not available to me despite the fact my family has paid taxes for years. We do not know the exact number of undocumented students in the K-12 system, but the number is sizeable and growing. The wage premium of a college degree is approximately 70 percent. It is challenging to access higher education as it is; without financial aid, there is no hope to do so. It means something to a middle school student to know they will have a future. Fully

fund SNG and allow undocumented students to be eligible as long as they meet the income guidelines. By 2018, over two-thirds of all jobs will require some form of post-secondary education. There are not enough people to fill high-demand jobs. Providing financial assistance to students will provide long-term returns to the state in the form of more earnings and tax revenue.

CON: It is the fault of the parents for bringing their children illegally to the U.S., and the parents will benefit as well as students if this bill passes. Rewarding bad behavior encourages more bad behavior. U.S. citizens bear the burden of the cost of illegal immigration. We want people to obey laws and should not put law breakers ahead of honest people. What about those who waited patiently to get a visa? Washington does not have unlimited resources. As long as citizens cannot find work and their children cannot afford the cost of education, we should not give in to those with problems of their own making. This bill's timing is way off. There are better days ahead and we can revisit the proposal later. These children were put between a rock and a hard spot, but legal residents are being denied SNG. This bill would be magnet for illegal immigrants to immigrate to Washington. Each immigrant must achieve their own success by hard work; it can not be handed out by the government in the form of a check. Americans work hard to pay taxes. The state has a responsibility to its own citizens.

Persons Testifying: PRO: Representative Hudgins, prime sponsor; Representative Chandler, sponsor; Senator Murray; Tania Santiago, William Lee, Gamito Diaz, Jessica Oscoy, Francisco Navarro, Lummy Lin, Yadira Lopez, Danna Culhane, Gustavo Ramos, students; Nicholas Lovric, Council of Faculty Representatives University of WA, WA State University, Western WA University, Eastern WA University, Central WA University, The Evergreen State College; Carl Bruner, Mount Vernon School District Superintendent; Kip Herren, Auburn School District Superintendent; Mark Mitsui, North Seattle Community College; Ray Corona, Moses Chege, Maletino Hola, Our Future Matters; Emily Murphy, One America; Jorge Baron, NW Immigrant Rights Project; Maria Jimenez, Krista Jensen, WA Dream Act Coalition Beyond HB1079; Gustavo Ramos, Jr., Housing Authority of Skagit County; William Lee, Jane Wall, The Council of Presidents; Alejandra Perez, University of WA Bothell; Morelia Ayala, Gamito Dia, Yadira Lopez, William Lee, Carlos Martinez, Jennifer Martinez, Jenesis Garcia, Armando Torres, Fredy Zarate, Darlene McCarty, WA Can; Jessica Oscoy, Danna Culhane, Mick Miller, Ricardo Sanchez, Antonio Lopez, Cinthya Munoz, Latino Educational Achievement Project.

CON: Bill Thompson, Kirk Groenig, Brian Reiswig, Remember Us We the People; Frank Schrader, Mimi Silver, Grey Wunderly, Jack Tripping, Robin Roy, Joe Winkler, Craig Keller, Respect WA; Albert Pong, Phil Watkins, City of Kennewick; Matt Barry, Emily Anderson, Bob West, Bob Damerson, Philip Brendale, Bill Thompson, Keith Gunnar, Antje Gunnar, citizens.

OTHER: Carl Bruner, Mouth Vernon School District 320.