

# SENATE BILL REPORT

## SB 6523

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As Passed Senate, January 31, 2014

**Title:** An act relating to expanding higher education opportunities for certain students.

**Brief Description:** Expanding higher education opportunities for certain students.

**Sponsors:** Senators Bailey, Tom, Fain, Litzow, Hill, Dammeier, Kohl-Welles, McAuliffe, Pedersen, Billig, Ranker, Hatfield, Mullet, Hobbs, Liias, Fraser, Nelson, Conway, McCoy, Keiser, Chase, Hasegawa, Frockt, Rolfes, Cleveland, Darneille, Kline and Eide.

**Brief History:**

**Committee Activity:**

Passed Senate: 1/31/14, 35-10.

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**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. Approximately 74,000 low-income recipients received SNG funds during the 2012-13 academic year. However, 32,000 students were unserved for one or more terms. The Legislature appropriated \$605 million for the SNG program in the 2013-15 budget.

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 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 16 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.

The Act is known as the Real Hope Act.

**Appropriation:** \$5 million

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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