
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair
2019 - 2020 Regular

Bill No: AB 1090 **Hearing Date:** June 5, 2019
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Urgency: No **Fiscal:** Yes
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Subject: Public postsecondary education: waiver of mandatory campus-based fees

SUMMARY

This bill expands an existing exemption from mandatory systemwide tuition and fees at the University of California (UC), the Hastings College of Law, the California State University (CSU), and the California Community Colleges (CCC) for an eligible survivor of active duty law enforcement or firefighters who died in the line of duty to also exempt these eligible survivors from mandatory campus-based fees.

BACKGROUND

Existing law:

- 1) Provides that no mandatory systemwide fees be required by the UC Regents, the Board of Directors of Hastings College of Law, the CSU Trustees, or the Board of Governors of the CCC from any surviving spouse or child, of a deceased person, who met all of the following requirements:
 - a) He or she was a resident of this state;
 - b) He or she was employed by a state or local public agency, or was a contractor, or an employee of a contractor, performing services for a public agency, or was a firefighter employed by the federal government whose duty assignment involved performing firefighting services in California;
 - c) His or her principal duties consisted of active law enforcement service or active fire suppression and prevention; and,
 - d) He or she was killed in the performance of active law enforcement or active fire suppression and prevention duties, died as a result of an accident or an injury caused by external violence or physical force during the performing those duties, or died as a result of an industrial injury or illness arising out of and in the course of performing those duties.
(Education Code (EC) § 68120.)
- 2) Provides that no mandatory systemwide fees be required by the UC Regents, the CSU Trustees, or the Board of Governors of the CCC from any of the following:
(EC § 66025.3 and 76300.)

- a) The dependent of any California resident killed in the September 11, 2001 terrorist attacks;
- b) The dependent of veteran killed or permanently disabled in the line of duty, as specified; and
- c) Current and former foster youth, as specified.

ANALYSIS

This bill expands an existing exemption from mandatory systemwide tuition and fees at the University of California (UC), the Hastings College of Law, the California State University (CSU), and the California Community Colleges (CCC) for an eligible survivor of active duty law enforcement or firefighters who died in the line of duty to also exempt these eligible survivors from mandatory campus-based fees.

STAFF COMMENTS

- 1) **Need for the bill.** Existing law provides that no mandatory systemwide fees or tuition of any kind be collected by the UC (if so directed by the UC regents), CSU or the CCC from any surviving spouse or child of a deceased firefighter or law enforcement officer who was killed in the line of duty. This exemption is known as the Alan Pattee Scholarship Act. According to the author campus based fees could add up thousands of dollars and prohibition of such campus based fees will lighten the burden of Alan Pattee Scholarship Act recipients and will reduce the stress of working and attending college.
- 2) **Alan Pattee Scholarship Act.** The Alan Pattee Scholarship Act of 1970 was created in order to assist surviving family members of firefighters and law enforcement officers who died in the line of duty. The Act waives all mandatory tuition and systemwide fees at UC, Hastings, CSU and the CCC for these survivors. AB 2164 (O'Donnell and Cooper, Chapter 435, Statutes of 2016) expanded the eligibility for this tuition exemption to survivors of firefighters and law enforcement officers who died as a result of an industrial injury or illness arising out of and in the course of performing their duties. Last year, AB 2554 (Bonta, Chapter 191, Statutes of 2018) expanded the exemption to apply to an eligible survivor of a firefighter employed by the federal government who was a resident of California and whose duty assignment involved firefighting in California. This bill adds a new fee category to the list of fees waived for these survivors.
- 3) **Campus based fees.** Campus mandatory fees are paid in addition to systemwide tuition and vary by campus. Campus fees are assessed for a various things for example, for health facilities, instructionally related activities or student centers. Unlike tuition fees, certain campus mandatory fees are agreed upon by the students through referendum conducted by the student body association or via alternative consultation with student representatives. Campus mandatory fees are not as common at community colleges. This bill in addition to waiving tuition cost for surviving dependents of law enforcement and firefighters exempts these

individuals from paying mandatory campus-based fees at UC, CSU and CCC.

- 4) **Waiver expansion.** As noted in the background of this analysis, current law prohibits public postsecondary institutions from applying certain fees to various groups impacted by a tragic event, these waivers include:
- A surviving spouse or child of a deceased person of active law enforcement service.
 - A surviving spouse or child of a deceased person of active fire suppression and prevention.
 - The dependent of any California resident killed in the September 11, 2001 terrorist attacks.
 - The dependent of veteran killed or permanently disabled in the line of duty, as specified.
 - Current and former foster youth.

Last year, about 10 University of California (UC) students and 25 California State University (CSU) students would have qualified for this exemption. As such, the bill's provisions are anticipated to impact a small number of people, within the entire population of students, therefore, in isolation its impact to each segment is expected to be minimal. However, this bill expands overall the category of fees waived at a public higher education institution for Alan Pattee Scholarship Act beneficiaries. It is likely that future legislation prohibiting public colleges and universities from charging tuition or fees to other groups of students will follow suit. The cost of college is a barrier for many individuals with financial hardship, while providing fee exemptions for dependents of those kill in the line of duty is reasonable, the committee may wish to consider the broader policy implications of establishing numerous waiver programs and whether group by group exemptions are an appropriate remedy or whether a comprehensive solution is warranted.

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee this bill would have the following fiscal effect, "minor GF cost pressures to the UC, Hastings and CSU and minor Proposition 98 GF cost pressures to the CCC to waive mandatory campus-based fees of eligible survivors. Last year, about 10 UC students and 25 CSU student would have qualified for this exemption. Total costs to cover these students' mandatory costs would be about \$50,000. The state would need to reimburse any costs related to this bill to the CCC, if the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate."
- 6) **Related legislation.** AB 703 (Weber, 2019) prohibits mandatory systemwide fees or tuition of any kind from being required or collected by the Regents of the UC, the Trustees of the CSU, the Board of Governors of the California

Community Colleges, or any community college district from a student who has been exonerated, as defined in the penal code.

SUPPORT

California Professional Firefighters

OPPOSITION

None received

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