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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 172 **Hearing Date:** June 7, 2017  
**Author:** Chávez  
**Version:** January 17, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Olgalilia Ramirez

**Subject:** Public postsecondary education: residency: dependents of armed forces members

**NOTE:** This bill has been referred to the Committees on Education and *Veterans Affairs*. A "do pass" motion should include referral to the Committee on *Veterans Affairs*.

## SUMMARY

This bill expands the current eligibility for resident classification extended to *enrolled* dependents of an Armed Forces member who transfer or retires to include *admitted* dependents of the Armed Forces member, for purposes of determining postsecondary institution tuition and fees.

## BACKGROUND

Existing law:

- 1) Entitles a student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty to resident classification only for the purpose of determining the amount of tuition and fees.
- 2) Prohibits such a dependent from losing resident classification if the Armed Forces member is thereafter transferred on military orders to a place outside this state or thereafter retires as an active member of the Armed Forces, as long as the student remains continuously enrolled at that institution. (Education Code § 68074)
- 3) Provides numerous exemptions from nonresident tuition, including for dependents of members of the Armed Forces stationed in California on active duty and for recipients of federal financial aid such as the Federal Montgomery GI bill or Post 9/11 GI bill program. (EC § 68074 and 68075.7)

## ANALYSIS

This bill:

- 1) This bill expands the current eligibility for resident classification extended to enrolled dependents of an Armed Forces member who transfer or retires to include admitted dependents of the Armed Forces member, for purposes of

determining postsecondary institution tuition and fees. To qualify for the resident classification the dependent is required to remain continuously enrolled at the institution.

- 2) Requests that the University of California (UC) to establish these same residency benefits for UC enrolled students.

## STAFF COMMENTS

- 1) ***Rationale for the bill.*** According to the author, this bill clarifies the granting of resident classification for purposes of determining tuition and fees to a non-resident service member or dependent to be at the time of “admission or attendance” rather than solely “attendance.” The author asserts that there have been instances where loopholes have undermined the intent this resident classification resulting in a dependent losing their residency waiver after being accepted, committee to attending a school, and approved for a waiver but before attending classes.

Current law provides that in-state residency classification of the dependent of an Armed Forces member is contingent upon attendance and continuous enrollment at the institution. This bill would additionally authorize resident classification at the time of admission to ensure that a dependent does not lose the benefit of in-state residency if their sponsor is re-assigned by the military prior to the dependent beginning to attend classes.

- 2) ***Related legislation.***

SB 25 (Portantino, 2017) would modify eligibility requirements for the exemption from paying nonresident tuition for students who meet the requirements to qualify for education benefits under either the federal Montgomery GI Bill or Post 9/11 GI Bill program, to align with federal law. SB 25 was approved by this committee by a vote of 7-0 and is pending a vote on the Senate Floor.

AB 1936 (Chavez, 2016) identical to this bill, would have expanded the current eligibility for resident postsecondary tuition and fees currently provided for *enrolled* dependents of an Armed Forces member who either transfers or retires, to those that are *admitted* to the institution. AB 1936 was approved by this committee by a vote of 9-0 and subsequently held in the Senate Appropriations committee’s suspense file.

## SUPPORT

American G.I Forum of California  
 American Legion, Department of California  
 AMVETS, Department of California  
 Associated Students, Incorporated, California State University Sacramento  
 California Community Colleges Chancellor’s Office  
 California Council of Chapters  
 Faculty Association of California Community Colleges (FACC)  
 Military Officers Association of America

San Diego Military Advisory Council  
Vietnam Veterans of America, California State Council

**OPPOSITION**

None received

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