
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 2554 **Hearing Date:** June 6, 2018
Author: Bonta
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Urgency: No **Fiscal:** Yes
Consultant: Olgalilia Ramirez

Subject: Public postsecondary education: exemption from mandatory systemwide tuition and fees: surviving child or spouse of a federal firefighter.

SUMMARY

This bill extends an existing exemption from mandatory 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 surviving spouse or child of a California firefighter killed in the performance of duties to include survivors of a *federally* employed firefighter whose regular duty assignment was in California.

BACKGROUND

Existing law:

- 1) Provides that no mandatory systemwide fees or tuition of any kind be collected by the UC, CSU or the CCCs from any surviving spouse or child, natural or adopted, of a deceased person who met all of the following requirements.
 - a) Was a California resident.
 - b) Was employed by a public agency to provide active law enforcement or fire suppression/prevention services.
 - c) Was killed in the performance of active duty. (Education Code (EC) § 68120 et seq.)
- 2) Also prohibits UC, CSU and CCC from charging mandatory systemwide tuition or fees to the dependents or survivors of disabled or deceased California veterans as specified and certain recipients (or children of recipients) of a Congressional Medal of Honor, as specified. (EC §66025.3)
- 3) Extends health benefit coverage to the surviving spouse or eligible family member of a firefighter employed by the federal government who was a resident of, and whose regular duty assignment was to perform firefighting services in, this state, and who dies as a result of an injury or disease sustained in the line of duty. (Government Code § 22820)

ANALYSIS

This bill:

- 1) Extends an existing exemption from mandatory 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 surviving spouse or child of a California firefighter killed in the performance of duties to include survivors of a *federally* employed firefighter whose regular duty assignment was in California.
- 2) States legislative findings and declarations relative to the contributions of federal firefighters to this state.
- 3) Establishes if the Commission on State Mandates determines that this act contains costs mandated by the state, the state shall reimburse the applicable entities.

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, clarification of current law is needed to ensure that survivors of California's federal firefighters killed in the line-of-duty are indeed eligible for the same educational benefit currently granted to family members of state and local firefighters. Existing law enables a spouse or child, natural or adopted, or stepchild of a firefighter killed in the line of duty to receive a public postsecondary educational fee waiver at our public institutions. According to the author, the program has been administered in a manner that excludes survivors of fallen federal firefighters who resided in California and provided services within the state.

This bill extends benefits provided by the state of California to state and local firefighters to those employed by the federal government.

- 2) **Existing Federal Benefit.** The Public Safety Officers Educational Assistance (PSOEA) Program, pursuant to Federal Law Enforcement Dependents Assistance Act of 1996, provides assistance with higher education expenses to spouses and children of federal, state, or local police, fire, and emergency public safety officers killed or permanently and totally disabled in the line of duty. A surviving spouse is eligible for benefits anytime during his or her lifetime, and a surviving child is eligible until his or her 27th birthday. PSOEA funds may be used to defray expenses for tuition, room and board, book, supplies, and education-related fees for up to 45 months of full-time college attendance. The PSOEA benefit for full-time attendance is currently \$485 per month. Funding for this program is subject to annual appropriation by Congress.
- 3) **Could a State waiver offset PSOEA dollars?** Similar to this bill, AB 384 (Portantino, Chapter 225, Statutes of 2007) proposed, among other things, extending the Alan Pattee waiver to the families of federal firefighters. However, the provision was later removed, as noted in the Senate floor analysis, "because it is understood that these provisions (fee waiver) could reduce or eliminate

existing federal benefits for the family members of firefighters killed in the line of duty. According to provisions relative to administration of the Public Safety Officers' Education Assistance (PSOEA), this federal benefit will be reduced by scholarships and tuition waivers received by State or other public sources. It is possible that the proposed state waiver could reduce the amount of the federal award, than they could otherwise receive, but only for those eligible for both programs.

Proponents of this bill argue that the State provides tuition waivers for state and local firefighters presently and that assistance is currently offsetting potential federal assistance under the PSOE program. Additionally, these firefighters live and work in California and their families should be granted the same protections and support from the state, should their loved one fall in the line duty.

- 4) **Other state fee waiver programs.** 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. According to California State University (CSU), in 2016-17 the system waived \$51 million in tuition and fees in total for Alan Pattee waiver, Military Veterans and Medal of Honor survivors. In the same year about \$30 million of in-state tuition and fees were waived by University of California (UC), specifically for eligible dependents of deceased or disabled veterans. Staff was unable to find data for similar waivers granted at California Community Colleges (CCC).

This bill provides no funding to backfill for the loss of fee revenue that would result from the tuition waiver. Its "costs" would be borne by UC (if they so choose) and CSU, and community college. According to the Assembly Appropriations Committee analysis, in the past ten years, one federal firefighter's death was job-related. Actual impact would depend upon the number of existing and future survivors of fallen federal firefighters who utilize these benefits.

5) **Related legislation.**

SB 967 (Berryhill, 2018) would, prohibit public institutions from charging mandatory systemwide tuition or fees to current or former foster youth, who meet certain requirements, for a total of the equivalent of attendance in a 4-year undergraduate program.

AB 2990 (Low, 2018) also on today's committee agenda, would require public institutions to place a link on the financial aid section of the campus website describing the exemption from mandatory tuition and systemwide fees for an eligible survivor of a state or local public agency firefighter or law enforcement officer whose death was work related.

SUPPORT

Western Association for College Admission Counseling
California Professional Firefighters
California State Firefighters' Association
California Fire Chiefs Association

Fire Districts Association of California
OPPOSITION

None received

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