
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 893
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Urgency: Yes
Consultant: Olgalilia Ramirez
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Fiscal: Yes

Subject: Postsecondary education: tuition and fees

SUMMARY

This bill, an urgency measure, prohibits the Regents of University of California (UC), the board of Directors of the Hastings College of the Law, the Trustees of the California State University (CSU) and governing board of each community college district from collecting systemwide fees or tuition from an undergraduate student who is the surviving dependent of any individual killed in the San Bernardino terrorist attack on December 2, 2015, as specified.

BACKGROUND

Existing law authorizes the UC, CSU and requires the California Community Colleges (CCC) to collect fees from students attending those postsecondary education institutions. (EC § 89700)

Existing law prohibits UC, CSU and CCC from charging tuition or fees to the surviving spouse or child of a deceased law enforcement or fire suppression personnel, as specified. Current law also prohibits those institutions from charging mandatory systemwide tuition or fees to the surviving dependent of any California resident killed in the September 11, 2001 attack, as specified. The fee waivers are limited to undergraduate students who meet the specified financial need requirements. (EC § 68123 and EC § 76300)

Existing law also exempts certain CCC students from the fee requirement, including students who meet specified income thresholds and students who are the dependent or surviving spouse of a California National Guard member killed or disabled as a result of their service, as specified. (EC § 76300)

Existing law provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400 and 68134)

ANALYSIS

This bill:

- 1) Prohibits the Regents of University of California, the board of Directors of the Hastings College of the Law, the Trustees of the California State University and

governing board of each community college district from collecting systemwide fees or tuition from an undergraduate student who is the surviving dependent of any individual killed in the San Bernardino terrorist attack on December 2, 2015, as specified. Specifically it,

- 2) Requires, in order to be eligible, that a student:
 - i) Meet the financial need requirements of the Cal Grant A program.
 - ii) Be enrolled in an undergraduate program.
 - iii) Be a California resident or a dependent of California resident killed on the date of the attack.
- 3) Requires the Victims Compensation and Government Claims Board to:
 - a) Notify beneficiaries in writing about this fee waiver by July 1, 2016.
 - b) Confirm an individual's eligibility if so requested by University of California (UC), California State University (CSU), California Community College (CCC), or Hastings College of Law
- 4) Defines, for purpose of this bill, "dependent," to mean the surviving spouse or a surviving child, natural or adopted, of an individual killed during the attack, as specified.
- 5) Provides that a surviving child be entitled to a waiver until age 30 and specifies that a surviving spouse and dependent deemed eligible by the Victim Compensation Government Claims Board be entitled to a waiver for an unspecified length of time.
- 6) Provides that these provisions are applicable to UC only if the Board of Regents, by resolution, make it applicable.
- 7) Establishes, if the Commission on State Mandates determines that this act contains costs mandated by the state, the state will reimburse applicable entities.
- 8) Makes the bill an urgency measure in order to provide immediate educational and economic relief to the specified surviving dependent.
- 9) Makes various technical and clarifying changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** On December 2, 2015, 14 people were killed and 22 people injured at the Inland Regional Center in San Bernardino County. President Obama recognized the attack as an act of terrorism and Governor Brown issued

a State of Emergency to assist San Bernardino County with state resources. According to the author, historically the surviving dependents of victims of the September 11th terror attacks received tuition fee waivers and currently there is no such benefit for family members of those killed in the San Bernardino attack. This bill provides financial assistance to the surviving dependents of the San Bernardino terrorist attack by waiving undergraduate tuition fees at public postsecondary institutions.

- 2) **Who is eligible?** This bill outlines various eligibility criteria for the fee waiver including a financial need determination based upon Cal Grant A. Cal Grant A is also the basis for determining eligibility for the September 11th tuition fee waiver. The 2016-17 income ceiling for the Cal Grant A is \$90,500 for a family of four. The fee waiver proposed by this bill would offer financial assistance to students with low to moderate incomes. Of those eligible, it's unclear how many would use the San Bernardino waiver. Arguably, the number could be relatively low given that some dependents would naturally qualify for other student aid programs (i.e. Board of Governors waiver or Cal Grant).

This bill limits the length of eligibility for a surviving child but is silent with regard to the length of eligibility for a surviving spouse. Consistent with the author's request, **staff recommends the bill be amended** to set *January 1, 2027* as the eligibility cutoff date for a surviving spouse. This date mirrors the length of time (10 years) given to those eligible for the September 11th fee waiver program.

This bill specifies that a dependent, who is identified by the Victim Compensation and Government Claims Board, be entitled to a waiver until an unspecified length. There are no other dependents, beyond a child or spouse, who would qualify for a fee waiver under this bill's provisions. As such, it is redundant to grant or determine a length of eligibility for this group (dependents identified by the Victim Compensation and Government Claims Board). For this reason **staff recommends the bill be amended** to strike provisions on page 4, lines 19-23 and on page 9, lines 36-40.

- 3) **Other technical amendments.** Consistent with the author's request, staff recommends technical amendments as follows:
- Under findings and declarations, clarify the number of people injured in the attack from 21 to 22.
 - Modify the date by which the Victim Compensation and Government Claims Board identifies all persons eligible for the waiver from July 1, 2016 to *July 1, 2017*.
- 4) **Other 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 other tragic events. The fee waiver program outlined

in this bill only applies to those impacted by the San Bernardino attack and not to victims of other tragedies that occur in the state or even on college campuses.

SUPPORT

California Teamsters Public Affairs Council
County of San Bernardino

OPPOSITION

None received.

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