

HOUSE BILL REPORT

EHB 1079

As Passed Legislature

Title: An act relating to resident tuition at institutions of higher education.

Brief Description: Expanding the definition of resident student for higher education purposes.

Sponsors: By Representatives Kenney, Cox, Fromhold, Jarrett, McIntire, Chandler, Miloscia, Quall, Sullivan, Veloria, Chase, Hunt, Pettigrew, Darneille, Conway, Cody, DeBolt, Delvin, Hudgins, Lantz, McDermott, Haigh, Kagi and Mastin.

Brief History:

Committee Activity:

Higher Education: 2/5/03, 2/11/03 [DPA].

Floor Activity:

Passed House: 2/21/03, 75-20.

Senate Amended.

Passed Senate: 4/8/03, 48-0.

House Concurred.

Passed House: 4/21/03, 82-15.

Passed Legislature.

Brief Summary of Engrossed Bill

- Expands the definition of "resident student" for purposes of tuition at public colleges and universities by creating an additional set of qualifying criteria.
- Limits the application of the additional criteria to families of those who hold certain visa types, or who entered the U.S. with certain visa types, or who have received amnesty.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass as amended. Signed by 12 members: Representatives Kenney, Chair; Fromhold, Vice Chair; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Berkey, Buck, Chase, Gombosky, Jarrett, Lantz, McCoy and Morrell.

Minority Report: Do not pass. Signed by 3 members: Representatives Boldt, Clements

and Condotta.

Staff: Sydney Forrester (786-7120).

Background:

State law provides uniform standards for determining whether a student will be charged resident tuition or non-resident tuition at the state's public colleges and universities. The Higher Education Coordinating Board has responsibility for adopting rules for the institutions to use when making these determinations. Factors used to determine a student's eligibility for in-state tuition include:

- Whether the student is financially dependent or independent;
- The permanent home state of the student or his/her parent(s);
- Where the student attended and/or graduated from high school;
- The military status of the student, his/her spouse, or his/her parent(s);
- Whether the student is a member of a federally-recognized Indian tribe; and
- Whether the student is attending under a tuition agreement with another state.

Some Washington high school graduates who lack documentation of official United States residency status currently are charged non-resident tuition regardless of the length of time they have lived in the state. These students are not eligible for federal financial aid or loans. The difference between undergraduate resident and non-resident tuition rates per academic year varies from \$5,200 at the state's community and technical colleges, to \$7,700 at Washington State University, to \$10,700 at the University of Washington.

Summary of Engrossed Bill:

Beginning July 1, 2003, the definition of resident student– is expanded by creating an additional set of criteria by which a student may qualify for in-state tuition at the state's public colleges and universities. A student will qualify as a resident student– for tuition purposes if the student:

- 1) Completes the full senior year of high school and earns a diploma, or earns the equivalent of a high school diploma;
- 2) Lives in Washington for three years immediately preceding the earning of the diploma or its equivalent;
- 3) Lives in Washington continuously since earning the diploma or its equivalent until the time the student is admitted to an institution of higher education; and
- 4) Submits to the college or university an affidavit promising to file for permanent residency at the earliest opportunity the student is eligible and indicating a willingness to engage in other activities necessary to acquire citizenship.

This definition of resident student– applies only to families of those who hold, or entered the United States with, a temporary protected status visa, a work visa, or a green card, or who have received amnesty from the federal government.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill contains an emergency clause and takes effect on July 1, 2003.

Testimony For: The state’s paramount duty principle has resulted in many students reaching their dreams and being college educated. But even those academically able are not financially able to go to college because of high non-resident tuition that acts as a roadblock to higher education.

The bill would make college attendance affordable to all students who have achieved academically in Washington’s high schools. Many children in this state have lived here with their parents for years, since infancy or early childhood, and had no control over the circumstances that brought them here. Many undocumented families are in Washington because of a demand for their labor. Students who are the children of these laboring families should be given the opportunity for an affordable education and the opportunity to compete on the basis of academic potential. Many of them have achieved in high school despite significant obstacles. Fairness and equity require that we recognize the great drive and potential of these students to succeed and become taxpayers and positive role models.

Our communities include a mix of both documented and undocumented students whose only home is Washington. Immigrant families have been in these communities for years and this is a smart investment in the future of our state. Permitting high school graduates to continue their education at an affordable rate is a means of allowing individuals to break out of poverty and to return something to the community. Students currently in high school would be inspired to stay in school and to achieve academically if they knew they would be able to attend college afterward.

Providing education is one of the state’s paramount duties, and the state makes a significant investment in the education of all students in the K-12 system. But when high schools send the message that college is important, it does not fit with the practice of charging non-resident tuition to the state’s high school graduates. Many families can afford in-state tuition but cannot afford out-of-state tuition, which is sometimes two to three times as much. Students with no hope of ever affording college may have little incentive to do well in high school.

The bill would increase diversity and the quality of student populations at the colleges by

broadening the ideas shared. Immigration laws often function as a barrier to these students becoming documented. Many families spend thousands of dollars and many years and still struggle with legal status.

Testimony Against: None.

Testified: Representative Kenney, prime sponsor; Terry Bergeson, Office of Superintendent of Public Instruction; Sam Reed, Secretary of State; Representative Chandler, 15th District;

Armando Munguia, Washington Student Lobby; Ben Medina, Washington Student Lobby; Alexandra Narvaez, Associated Students, University of Washington; Dick Thompson, University of Washington; Ruben Carrera, Sunnyside School District; Barbara Mertens, Washington Association of School Administrators; Cindy Sands, Washington State School Directors Association; Antonio Ginatta, Commission on Hispanic Affairs; Reverend Paul Benz, Lutheran Public Policy Office; Michael Ramos, Washington Association of Churches; Ricardo Sanchez, Latino Education Achievement Project; Bruce Botka, Higher Education Coordinating Board; Rafael Ojeda, Central Latino; Debora Merle, Governor's Policy Office; Jane Yung Dennie, Washington State University; Tom Woodnutt, State Board for Community and Technical Colleges; and Scott Copeland, Centralia College.