

SENATE BILL REPORT

EHB 1079

As Reported By Senate Committee On:
Higher Education, March 27, 2003

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: 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: 3/20/03, 3/27/03 [DPA].

SENATE COMMITTEE ON HIGHER EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current Washington law, some children who were born outside of Washington, but have attended and graduated from a Washington high school, are required to pay the higher, nonresident tuition rate at a Washington public university or college.

Summary of Amended Bill: Any person who has completed a full senior year at a Washington high school and obtained a diploma from that high school, or any person who has received the equivalent of a high school diploma, is permitted to pay resident tuition at Washington public universities and colleges if the person has lived in the state for at least three years immediately prior to receiving the diploma or its equivalent. After receiving the diploma or its equivalent, the person must live in the state of Washington continuously up until such time as he or she is admitted to a higher education institution. The person must also provide to the institution an affidavit indicating that he or she will file an application for permanent residency as soon as he or she is eligible to do so. The affidavit must also indicate a willingness to engage in the activities necessary to become a citizen of the United States, including taking citizenship review courses.

Amended Bill Compared to Original Bill: Students meeting the definition of resident as created by this bill are exempt from the definition of "nonresident" that is currently in statute. Rather than file an application for permanent residency prior to gaining a degree, the student must file an affidavit with the college or university indicating that the student will file an application for permanent residency as soon as he or she is eligible to do so and must indicate in the affidavit that he or she is willing to engage in any other activities necessary to acquire citizenship. Instead of three years of high school attendance, the individual must now live

in the state for at least three years immediately prior to receiving the high school diploma or the equivalent of a diploma. The individual must live continuously in Washington after receiving the high school diploma or its equivalent and until such time as he or she is admitted to a college or university.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: We are proud of our state constitutional requirement to provide ample provisions for the K-12 education of the children in our state. Education is the great equalizer but higher education is not available to many families and their children. This bill will provide that college opportunity for students who have attended and graduated from our high schools and proven themselves but cannot afford to continue their education because, through no fault of their own, they are waiting to attain legal status. These families have tried for a long time to gain citizenship and spent a lot of money but are still waiting. The "I Have a Dream" program helps underprivileged students get prepared for colleges and universities but we cannot help some of these students because their parents are not citizens and the children cannot afford to go to college. This bill would help.

There is a lot of misinformation and misunderstanding about this bill and its intent. Some say this would violate federal law when in fact it would not. It has not been challenged in any of the four other states that have passed this same law. Additionally, this bill does not grant special privileges. The students covered by this bill must still meet all admissions criteria of the college and compete on an equal footing with all other students. What this bill is, is a matter of justice and equity for those people in our state who do pay taxes and who have contributed greatly to our state. These students have great potential and a desire to succeed and they want to have the opportunity to become a valuable contributing member of our community.

These students have been in our country for a good part of their lives. They are constrained by the inability to enter into higher education and are forced into a continuing cycle of poverty. These kids are not going anywhere and it is important for their own welfare and for our state's welfare to provide this opportunity to allow them to become productive citizens. Our economy loses when these students can't get higher education because we need more skilled workers in this state. These students will strengthen our state and nation economically and culturally.

This bill has wide support at the state level and national level. It is supported by the Attorney General, OSPI and the Secretary of State as well as many congressional members. There is broad K-12 support for this bill. We have made an investment in these students and know they can contribute to our state. This bill enhances all the work teachers are doing in our K-12 schools to ensure that students are prepared to succeed in life. These are hard-working, successful students who should be rewarded for their success. Sixteen school boards have formally and publically supported this legislation. The purpose of the community and technical colleges is to offer an open door to everyone in our community at a cost within their means. This bill would help us meet that purpose. Passage of this bill will reinforce the link

between K-12 schools and higher education and is a strong step toward a collaborative effort between higher education and K-12.

If students know that they can move on into higher education to pursue a career, they will have an incentive to stay in school and work hard toward that goal. These students' potential and talents will not be fully developed if they cannot pursue higher education. It is very frustrating to meet students who are motivated to pursue higher education and have worked hard toward that end, only to then have the door closed on them. The difference between in-state and out-of-state tuition is the difference of access or not for these students.

We are a nation of immigrants and are stronger because of it. The economy depends on immigrants - we use their labor and it is only fair to give their children an opportunity to go to college. We must support the immigrants in our country and not penalize them as they work in our state and try to succeed. If these children had the chance to attend college, they could get better jobs and be more productive members of our community and our economy. This is the only country they know and they want to participate and contribute to it. They would like the opportunity to give back to the community that has given to them.

Testimony Against: None.

Testified: PRO: Representative Kenney, prime sponsor; Representative Cox, sponsor; Jan Kumasaka, Seattle School Board; Ben Medina, Alex Narvaez, ASUW; Dick Thompson, UW; Jeff Johnson, WA State Labor Council; Armando Mungia, WSL; Tom Woodnutt, SBCTC; Barbara Mertens, WASA; Dan Steele, WASDA; David Del Villar Fox, NASW; Bruce Botka, HECB; Rev. Paul Benz, Lutheran Public Policy Office; Ivanne Pena, Grupo Mexico; Deanna Green, Bill Byrd, Yaser, I Have A Dream; Jane Yung Dennie, WSU; Mario Reyes, NCW Hispanic Chamber of Commerce; Guadalupe Gamboa, United Farm Workers of America; Ricardo Sanchez, LEAP; Jimmy Matta, Labor Council for Latin American Advancement; Marty Varela, MEDC.