

FINAL BILL REPORT

E3SHB 1488

C 204 L 18
Synopsis as Enacted

Brief Description: Expanding higher education opportunities for certain students.

Sponsors: House Committee on Higher Education (originally sponsored by Representatives Hansen, Haler, Stokesbary, Ortiz-Self, Gregerson, Tarleton, Slatter and Hudgins).

House Committee on Higher Education
House Committee on Appropriations
Senate Committee on Higher Education & Workforce Development

Background:

Resident and Nonresident Students.

Classification as a resident student allows a person to pay resident tuition rates. There are several categories of resident student, including one category that allows an undocumented person to qualify as a resident student if the person:

- completed the full senior year of high school and earned a high school diploma at a Washington high school, or received the equivalent of a diploma;
- lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent;
- continuously lived in the state since receiving the diploma or its equivalent; and
- provides the institution an affidavit indicating the person will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and is willing to engage in any other activities necessary to acquire citizenship.

Students in the above category (often called "1079ers" based on the legislation that created the category) are eligible for the State Need Grant, but are not eligible for the College Bound Scholarship (CBS).

With certain exceptions, a person who does not qualify as a resident student is considered a nonresident. "Nonresident student" includes a person who is not a citizen of the United States and who does not have permanent or temporary resident or refugee status or is not otherwise permanently residing in the United States under color of law and who does not also meet the domicile requirements for residency.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

U and T Visas and Deferred Action.

"Deferred action" is a discretionary decision by the United States Citizenship and Immigration Services (USCIS) to not initiate deportation proceedings against an individual. Persons in deferred action are considered lawfully present during the temporary deferral period.

One type of deferred action is the Deferred Action for Childhood Arrivals (DACA) program that was created in 2012. The DACA program allowed certain undocumented persons who entered the country before the age of 16 and who met other criteria to apply for deferred action status for a period of two years, subject to renewal. Students who have been granted deferred action under the DACA program may be considered residents for purposes of in-state tuition if they meet the statutory criteria for resident students.

The U and T visas provide nonimmigrant status to victims of certain crimes (such as human trafficking) who assist law enforcement agencies with investigating and prosecuting those crimes. Each of the visas have specific eligibility requirements. For a U visa, the person must show, among other things, that he or she has suffered substantial physical or mental abuse as result of being a victim of criminal activity. For a T visa, the person must show, among other things, that he or she would suffer extreme hardship involving unusual and severe harm if removed from the United States. Generally, the U and T visas allow the person to temporarily remain and work in the United States for four years, and if certain conditions are met, the person may apply for lawful permanent resident status.

College Bound Scholarship.

The CBS program is available to low-income students and students in foster care. Eligible students must sign a pledge during their seventh or eighth grade years. Those who graduate and meet certain conditions will receive financial aid to attend a two- or four-year institution of higher education.

Opportunity Scholarship Program.

The Opportunity Scholarship Program (OSP) provides scholarships to certain students to earn baccalaureate degrees in high demand programs of study. Students are eligible for the OSP if they meet certain income eligibility requirements and qualify as resident students under any of the categories of residency, including the 1079 category. Once awarded, and to the extent funds are available, the OSP is automatically renewed as long as the student files the Free Application for Federal Student Aid (FAFSA). Undocumented students are not eligible to receive federal student aid.

Summary:

College Bound Scholarship.

Students who qualify for resident tuition under the "1079" category are eligible for the CBS, as long as they meet the other requirements of the CBS program.

Opportunity Scholarship Program.

Students who are ineligible to apply for federal student aid may renew their OSP award as long as they annually file a state financial aid application approved by the Office of Student Financial Assistance.

Nonresident Students.

The definition of "nonresident student" is amended. "Nonresident student" does not include persons who: (1) have been granted DACA status before, on, or after the effective date of the act, regardless of whether the person is no longer in DACA status due to the termination, suspension, or modification of the DACA program; (2) have U or T nonimmigrant status or are in deferred action status; or (3) have been issued an employment authorization by the USCIS that is valid as of the date the person's residency status is determined.

Votes on Final Passage:

House	56	42	
Senate	34	15	(Senate amended)
House	59	37	(House concurred)

Effective: June 7, 2018