

HOUSE BILL REPORT

E3SHB 1488

As Amended by the Senate

Title: An act relating to expanding higher education opportunities for certain students.

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).

Brief History:

Committee Activity:

Higher Education: 2/10/17, 2/17/17 [DPS], 1/10/18, 1/24/18 [DP3S];

Appropriations: 2/23/17, 2/24/17 [DP2S], 2/3/18, 2/5/18 [DP3S(HE)].

Floor Activity:

Passed House: 2/13/18, 56-42.

Senate Amended.

Passed Senate: 3/1/18, 34-15.

Brief Summary of Engrossed Third Substitute Bill

- Allows students who meet the 1079 residency criteria to be eligible for the College Bound Scholarship program.
- Provides that students who have received Opportunity Scholarships may renew their scholarships by filing the Washington Application for State Financial Aid (WAFSA).
- Provides that, for the purposes of residency for in-state tuition, a person is not a "nonresident student" if the person: (1) has been granted Deferred Action for Childhood Arrival (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) has U or T nonimmigrant status with the United States Citizenship and Immigration Services (USCIS); (3) has been issued a work permit by the USCIS; or (4) is in deferred action status.
- Appropriates \$500,000 from the State General Fund in fiscal year 2019 to fund the State Need Grant.

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.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by 7 members: Representatives Hansen, Chair; Pollet, Vice Chair; Haler, Orwall, Sells, Stambaugh and Tarleton.

Minority Report: Do not pass. Signed by 2 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member.

Staff: Trudes Tango (786-7384).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The third substitute bill by Committee on Higher Education be substituted therefor and the third substitute bill do pass. Signed by 22 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Cody, Fitzgibbon, Graves, Haler, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 10 members: Representatives MacEwen, Assistant Ranking Minority Member; Buys, Caldier, Condotta, Harris, Manweller, Schmick, Taylor, Vick and Wilcox.

Staff: Lily Sobolik (786-7157)

Background:

Resident 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 not 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.

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 other statutory criteria for resident students. The USCIS is no longer accepting new applications under the DACA program, but is accepting requests for renewals.

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 of Engrossed Third Substitute Bill:

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 (WAFSA).

U and T Visas and Deferred Action.

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.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removed the \$500,000 appropriation to fund the State Need Grant.

Appropriation: The sum of \$500,000.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Higher Education):

(In support) A few years ago, there was a bipartisan effort to expand state financial aid for undocumented students, and the Legislature inadvertently left out those students from the CBS program. Some undocumented students get CBS if they are under the DACA status, but that program is in legal jeopardy. This state is committed to students having an education. This bill also includes students who are in U or T visa status or in deferred action. U and T visa holders are victims of very serious crimes who have cooperated with law enforcement. This bill makes the requirement for state residency the same for tuition, and it simplifies and streamlines the state financial aid programs. It improves opportunities for students. The CBS and State Need Grant are connected. State financial aid makes a difference for students and they are more likely to attend college if they are enrolled in these financial aid programs. It is not these students' fault that they are undocumented and they should not be punished. They are part of the community. It is hard for undocumented students to feel like they have a future especially in the current political climate. Undocumented students feel stigmatized already and their future is in doubt. Less severe restrictions and removing barriers to higher education will help.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill would be a very important step forward to increase access to higher education. It is likely that 99 percent of colleagues on the State Board of Education would support this bill. In 2003 the requested legislation that resulted in granting in-state tuition to undocumented students had broad bipartisan support; particular thanks go to Representative Hansen and Representative Chandler. A number of students were granted hope, and gained great success and opportunity through access to higher education as a result of the legislation passed in 2003 and 2014.

The federal government is debating the future of the Deferred Action for Childhood Arrival (DACA) program, which creates a great deal of uncertainty and risk for undocumented individuals and families. Living in fear of deportation is real and negatively impacts the future and planning for postsecondary education of undocumented students. This bill would preserve the access and affordability of higher education for undocumented students. Really, There is no alternative for these students. Washington cannot afford to not pass this bill; with the College Bound Scholarship portion of this bill, there would be an estimated \$45 million increase to the Gross Domestic Product in the state. This bill would support the future of higher education access as well as the future of the Washington workforce. This bill is an important step in providing hope to the immigrant community. The community and technical colleges stand for open access and inclusion in higher education, the same principles as this bill.

(Opposed) None.

Persons Testifying (Higher Education): Representative Hansen, prime sponsor; Monserrat Padilla, Washington Immigrant Solidarity Network; Daniela Murguia; Jennifer Fichamba; Zawadi Chege; Cinthia Illan Vazquez and Alejandra Perez, Washington Dream Coalition; Rosa Rice-Pelepko, Associated Students of Western Washington University; Paulina Lopez and Linda Vargaz, Sea Mar Latino/a Educational Achievement Project; Salvador Salazar Cano, Washington Student Association; Roxana Norouzi, OneAmerica; Alex Hur, Seattle Education Access; Elmer Coria-Islas, Pacific Lutheran University; Francisco Flores, Associated Students of Eastern Washington University; Carlos Alvarez, Independent Colleges of Washington; Ernie Tao, Osmen Salahuddin, Mennah El-Gammal, and Matthew Cohn, Associated Students of the University of Washington; Kendra Canton, Diversity Efforts – University of Washington; Graciela Nunez, Washington State Labor Council; Ruben Flores, State Board for Community and Technical Colleges; Daniela Suarez, Washington Community and Technical College Student Association; Citali Ramirez; Neil Strege, Washington Roundtable; Scott Kennedy, Seattle Metropolitan Chamber of Commerce; Wendy Rader-Konofalski, Washington Education Association; Becca Kenna-Schenk, Western Washington University; Juliette Schindler Kelly, College Success Foundation; and Becky Thompson, Washington Student Achievement Council.

Persons Testifying (Appropriations): Ricardo Sanchez; Gillermo Rogel, Washington Student Association; Daniela Suarez, Washington Community and Technical Colleges Student Association; Alex Hur, OneAmerica, Seattle Education Access, and Equity in Education Coalition; and Bob Zeigler.

Persons Signed In To Testify But Not Testifying (Higher Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.