

# HOUSE BILL REPORT

## HB 1488

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**As Reported by House Committee On:**  
Higher Education

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

**Brief Description:** Expanding higher education opportunities for certain students.

**Sponsors:** Representatives Hansen, Haler, Stokesbary, Ortiz-Self, Gregerson, Tarleton, Slatter and Hudgins.

**Brief History:**

**Committee Activity:**

Higher Education: 2/10/17, 2/17/17 [DPS].

**Brief Summary of Substitute Bill**

- Allows students who qualify for resident tuition under the "1079" category to be eligible to receive aid under the College Bound Scholarship program.
- Allows students receiving Opportunity Scholarship funds who are ineligible for federal student aid to renew their scholarship funds by filing a state financial aid application.
- Provides that the term "nonresident student" does not include persons who have U or T nonimmigrant status and persons in deferred action status.

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### HOUSE COMMITTEE ON HIGHER EDUCATION

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

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

**Staff:** Trudes Tango (786-7384).

**Background:**

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*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.*

### 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 eligible to receive aid under 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 (U.S.) and who does not have permanent or temporary resident or refugee status or is not otherwise permanently residing in the U.S. 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 U.S. 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. Students who have been granted deferred action under the Deferred Action for Childhood Arrivals (DACA) program may be considered residents for purposes of tuition if they meet the other statutory criteria for a resident student.

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 U.S. Generally, the U and T visas allow the person to temporarily remain and work in the U.S. 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, including certain residency criteria, will receive financial aid to attend a two-year or four-year institution of higher education. Students in the 1079 category are not eligible to receive the CBS.

### Opportunity Scholarship Program.

The Opportunity Scholarship Program (OSP) provides scholarships to certain students to earn baccalaureate degrees in high demand programs of study. The OSP is funded through private funds and state matching funds. 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 federal form for federal student aid (FAFSA). Generally, undocumented students are not eligible to receive federal student aid.

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### **Summary of 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 for the CBS. They must sign the affidavit indicating they will apply to become permanent residents at the earliest opportunity they are eligible to do so, and they are willing to engage in any other activities necessary to acquire citizenship.

#### Opportunity Scholarship Program.

Students who are not able to apply for federal student aid using the FAFSA may still renew their OSP aid as long as they annually file a state financial aid application approved by the Office of Student Financial Assistance.

#### U and T Visas and Deferred Action.

The definition of "nonresident student" is amended. "Nonresident student" does not include persons who have U or T nonimmigrant status and persons in deferred action status.

### **Substitute Bill Compared to Original Bill:**

The substitute added language requiring the CBS students to sign the affidavit regarding filing an application to become permanent residents or citizens as soon as they are eligible to do so.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(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. Some undocumented students get the CBS if they are under the DACA program, but that program is in legal jeopardy. This bill also includes students who have U or T visas or are in deferred action. Those 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. 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 for being 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.

**Persons Testifying:** Representative Hansen, prime sponsor; Rachelle Sharpe, Washington Student Achievement Council; Ruben Flores, State Board of Community and Technical Colleges; Brenda Portaro; Juliette Schindler Kelly and Graciela Nunes, College Success Foundation; Nora Selander, Associated Students of Western Washington University; Andres Pena; Faviola Martinez; Cynthia M.; Yenny M.; and Jessi Bagdasarov, Associated Students of Bellevue College.

**Persons Signed In To Testify But Not Testifying:** None.