

# SENATE BILL REPORT

## E3SHB 1488

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As Reported by Senate Committee On:  
Higher Education & Workforce Development, February 22, 2018

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

**Committee Activity:** Higher Education & Workforce Development: 2/20/18, 2/22/18 [DPA, DNP].

### Brief Summary of Amended 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 (WASFA).
- Expands the criteria of what is not a nonresident student to include individuals with Deferred Action for Childhood Arrivals (DACA) status or with certain authorizations from the United States Citizenship and Immigration Services (USCIS).
- Appropriates \$500,000 from the State General Fund in fiscal year 2019 to fund the State Need Grant.

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### SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass as amended.

Signed by Senators Ranker, Chair; Palumbo, Vice Chair; Hawkins, Ranking Member; Carlyle, Liias, Miloscia and Nelson.

**Minority Report:** Do not pass.

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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.*

Signed by Senators Ericksen and Short.

**Staff:** Kellee Gunn (786-7429)

**Background:** College Bound Scholarship (CBS). The CBS is a need-based grant for low-income undergraduates whose current income is at or below 65 percent of the median family income. Eligible students must sign a pledge during their seventh or eighth grade years that includes a promise to maintain a 2.0 GPA, on a 4.0 scale throughout high school, and have no felony convictions. At the completion of high school, the applicant must complete the Free Application for Federal Student Aid (FAFSA) or, if ineligible to apply for the FAFSA, the WASFA, and be accepted into an institution of higher education in Washington. Students without legal immigrant status are ineligible for federal financial aid.

1079 Standard. The Legislature passed HB 1079 in 2003, which allows eligible undocumented students to pay in-state tuition at state universities and colleges if they meet all of the following criteria:

- received a diploma from a high school or the equivalent in Washington State;
- lived in the state for at least three calendar years prior to receiving their diploma or equivalent; and
- continuously lived in the state since receiving the high school diploma.

Eligible students must provide, to the institution, an affidavit indicating they will file an application to become a permanent resident at the earliest opportunity and are willing to engage in other activities necessary to acquire citizenship including, but not limited to, citizenship or civics courses.

Opportunity Scholarship Program (OSP). The OSP supports low and middle-income resident students whose income is at or below 125 percent of the state median family income pursuing eligible high demand majors in science, technology, engineering, mathematics, and health care, and encourages scholarship recipients to work in the state upon completion of their degrees. The scholarship is funded through state and private funds, by way of public-private partnerships with businesses. To be eligible, the applicant must have earned a high school diploma or GED from a high school in Washington State, be working on a first bachelor's degree, enrolled in an eligible state college or university, have a cumulative GPA of 2.75 or higher, and completed a FAFSA or WASFA.

DACA. Deferred action is a discretionary decision by the USCIS to not initiate deportation proceedings against an individual. Persons in deferred action are considered lawfully present during the temporary deferral period.

The Department of Homeland Security announced on June 15, 2012, that certain individuals who came to the United States as children could be granted DACA status. The status was for a period of two years and was subject to renewal. When requesting consideration of DACA from USCIS, an individual would submit evidence, including support documents, showing that they met the following:

- was under 31 years of age as of June 15, 2012;
- came to the United States while under the age of 16;
- has continuously resided in the United States from June 15, 2007, to the present;

- was physically present in the United States on June 15, 2012, and at the time of making the request for consideration of deferred action with USCIS;
- had no lawful status as of June 15, 2012;
- was currently in school, had graduated from high school, had obtained a GED, or had been honorably discharged from the Coast Guard or armed forces;
- had not been convicted of a felony offense, a significant misdemeanor, or more than three misdemeanors of any kind; and
- did not pose a threat to national security or public safety.

Additional guidance issued in the summer of 2015 from the USCIS provided that undocumented students who had DACA status were eligible to be considered as Washington residents if they met domicile requirements.

USCIS stopped accepting initial or renewal requests for individuals applying for DACA status as of September 5, 2017.

U and T Visas. 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 the person has suffered substantial physical or mental abuse as a result of being a victim of criminal activity. For a T visa, the person must show, among other things, that the person 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.

**Summary of Amended Bill:** The CBS. 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.

The OSP. 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 WAFSA Office.

U and T Visas and DACA. The definition of nonresident student is amended. Nonresident student does not include persons who:

- have been granted DACA status before, on, or after the effective date of the act, regardless of termination, suspension, or modification of the DACA program;
- have U or T nonimmigrant status or are in deferred action status; or
- 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 HIGHER EDUCATION & WORKFORCE DEVELOPMENT COMMITTEE AMENDMENT(S):**

- Removes the \$500,000 appropriation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Engrossed Third Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is similar to a senate bill that was heard and passed out of this Committee. There are some differences. The senate version has more technical changes in it and the house version has an appropriation attached. This bill makes the residency the same across all scholarship programs and streamlines eligibility. The rescission of DACA has a direct impact on College Bound eligible students. Without DACA, students who have been told they qualify for College Bound would instead need to apply for State Need Grant, which is unfunded and has no guarantee. These students are not eligible for federal aid. This bill provides clarity for administrators and counselors.

There are over 16,000 DACA recipients in Washington State. It is important for Washington to assert the decision made years ago regarding these students. This would sustain the growing diversity and provide opportunities to communities and give hope. Immigrants in Washington State are losing their status. This bill makes sure the College Bound Scholarship is available to those who qualify. It now seems more and more likely that DACA will go away. There is broad bipartisan support for this. This bill would provide access and hope to these students. This scholarship is more than financial assistance. It gives hope for a better future. This means more doctors, nurses, engineers, and others who care about our world. This legislation supports students on a path to citizenship. All Washingtonians deserve access to education. These DACA students are a motivated population meant to do good things for the state of Washington.

The Center for American Progress estimates a \$1.9 billion increase in GDP for Washington State if even half of the Dream Act eligible students complete their associate's degree or attain two years of their bachelor's degree. This bill could then generate an additional \$45 million in GDP for this state. The Independent Colleges of Washington supports this. This is the one of the highest priorities of our association. These are invaluable, hardworking members of our society and we appreciate Washington is taking a proactive stance on this.

**Persons Testifying:** PRO: Representative Drew Hansen, Prime Sponsor; Lin Nelson; Becky Thompson, Washington Student Achievement Council; Bob Zeigler; Devon Crouch, Independent Colleges of Washington; Michelle Alejano, Director, College Bound Outreach, Washington College Access Network; Salvador Salazar Cano, Olympia Advocate for the University of Washington Bothell; Alex Hur, OneAmerica; Graciela Nunez, Washington State Labor Council, AFL-CIO; Daniela Suarez, State Board of Community and Technical Colleges; Leslie Vazquez, citizen; David Morales, Vice Chair, Commission on Hispanic Affairs; Rosa Rice-Pelepko, Associated Students of Western Washington University; Arne Nelson, Washington Students Association.

**Persons Signed In To Testify But Not Testifying:** No one.