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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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<b>Bill No:</b>	SB 967	<b>Hearing Date:</b>	April 11, 2018
<b>Author:</b>	Berryhill		
<b>Version:</b>	March 8, 2018		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Public postsecondary education: waiver of mandatory systemwide tuition and fees: current or former foster youth

## SUMMARY

This bill prohibits the University of California (UC), the California State University (CSU) and the California Community Colleges (CCC) from charging mandatory tuition or fees to any undergraduate student who is a current or former foster youth, as specified. The provisions of this bill would apply to UC only to the extent that the UC Regents adopt a resolution to so do.

## BACKGROUND

Existing law:

- 1) Authorizes the UC, CSU and requires the CCC to collect fees from students attending those postsecondary education institutions. (EC § 89700)
- 2) Prohibits UC, CSU and CCC from charging mandatory systemwide tuition or fees to the surviving spouse or child of a deceased law enforcement or fire suppression personnel, as specified and the surviving dependent of any California resident killed in the September 11, 2001 attack, as specified. The fee waivers are limited to undergraduate students who meet the specified financial need requirements. (EC § 68120 and EC § 68121)

Also prohibits UC, CSU and CCC from charging mandatory systemwide tuition or fees to the dependents or survivors of disabled or deceased California veterans, as specified and certain recipients (or children of recipients) of a Congressional Medal of Honor, as specified. (EC § 66025.3)

- 3) Exempts certain CCC students from the fee requirement, including students who meet specified income thresholds (i.e. California College Promise Waiver formerly known as the BOG waiver) and students who are the dependent or surviving spouse of a California National Guard member killed or disabled as a result of their service, as specified. (EC § 76300)
- 4) Provides that statutes related to UC (and most other aspects of the governance and operation of UC) are applicable only to the extent that the Regents of UC make such provisions applicable. (EC § 67400 and 68134)

**ANALYSIS**

This bill prohibits the University of California (UC), the California State University (CSU) and the California Community Colleges (CCCs) from charging mandatory tuition or fees to an undergraduate student who is a current or former foster youth. Specifically, it:

- 1) Requires, in order to be eligible, that a student:
  - a) Be 25 years of age or younger.
  - b) Been in foster care for at least 12 months in total after reaching 10 years of age.
  - c) Complete and submit the Free Application for Federal Student Aid (FAFSA).
  - d) Maintain a minimum grade point average and meet other conditions necessary for the student to be in good standing at the public postsecondary educational institution in which he or she attends, as determined by the appropriate public postsecondary segment.
  - e) Not exceed a total of the equivalent of attendance in a four-year undergraduate program.
- 2) Allows the amount of a student's tuition or fee waiver to be reduced by any state or federal financial aid, including scholarships or grants, received by the student, as specified.
- 3) Establishes if the Commission on State Mandates determines that this act contains costs mandated by the state, the state shall reimburse the applicable entities.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, "there continues to be a wide gap in postsecondary education attainment between youth in foster care and other young adults. Compared to their non-foster care peers, youth in foster care are less likely to enroll in college if they complete high school, and less likely to graduate from college if they enroll. Several factors, including both academic and non-academic challenges, contribute to this gap in postsecondary educational attainment. Additionally, adoption is already an expensive endeavor without even considering the cost of college tuition and fees. This can be a considerable deterrent for parents considering adoption. Parents, who adopt teenage foster children, often do not have the savings in place to pay for higher education." This bill proposes to waive undergraduate tuition and fees for foster youth at public postsecondary institutions. This bill additionally allows the amount of the fee waiver to be reduced by other aid.
- 2) ***Net effect?*** Absent the change provided by the provisions in this bill, foster youth would likely receive financial assistance from, state, federal and/or institutional

aid programs to cover the cost of tuition. The California Chafee Foster Youth Grant program is a federal and state-funded program that provides up to \$5,000 in financial assistance for current or former California foster youth for college or career and technical training. Chafee Grants may also be used to pay for childcare, rent, and transportation while the recipient is in school. The state Cal Grant program provides full-tuition coverage for financially needy undergraduate students enrolled at California State University (CSU) and University of California (UC). This award is guaranteed to an otherwise eligible applicant who applies within one year of graduating high school or is transferring from a California Community Colleges (CCC) to a four-year university. Similar to the Cal Grant, the federal Pell Grant provides need-based grants to low-income undergraduate students enrolled in participating institutions. The UC and CSU offer tuition assistance through their respective institutional aid programs. Lastly, the CCC, the Board of Governors Fee Waiver program (now California College Promise Waiver) fully waives enrollment fees for financially needy students. There is no limit to how long a CCC student can receive a waiver.

*The committee may wish to consider whether, an equivalent benefit is already provided and whether an independent tuition and fee waiver policy is necessary.*

- 3) ***Existing state foster youth definitions.*** This bill provides tuition waivers for “foster youth and former foster youth.” To be eligible this bill requires a student to have been in foster care for at least 12 months in total after reaching 10 years of age and be under age 25. The existing programs designed to serve foster youth in postsecondary education differ from the eligibility criteria established under this bill for who is a “former and current foster youth.”

To qualify for the California Chafee Foster Youth Grant program the applicant, among other things, must be a current or former foster youth who was a dependent or ward of the court, living in foster care, between the ages of 16 and 18 and must not have reached his/her 22nd birthday as of July 1st of the award year.

The Cooperating Agencies Foster Youth Educational Support *program*, established by SB 1023 (Liu, Chapter 771, Statutes of 2014), authorizes the CCC Chancellors Office to enter into agreements with CCC districts to establish an additional supplemental component of the Extended Opportunity Programs and Services in order to provide additional funds for services in support of postsecondary education for foster youth. A student participant in this program must be a current or former foster youth in California whose dependency was established or continued by the court on or after the youth’s 16th birthday and be no older than 25 years of age at the commencement of any academic year in which he or she participates in the program. Those same criteria must also be met to qualify for *priority registration* at California’s public higher education segments.

This bill requires a student to have been in foster care for at least 12 months in total after reaching 10 years of age and be under age 25. *Should the bill be amended to conform to the definition of foster youth and former foster youth for existing programs designed to serve foster youth in postsecondary education?*

- 4) **Who is eligible?** To qualify for the waiver, this bill also requires a student to complete and submit the Free Application for Federal Student Aid (FAFSA) as well as be an undergraduate in good academic standing. The FAFSA is used to apply for most state, federal and institutional aid programs. Since these aid programs would cover tuition for a student that meets income and asset requirements, the tuition waiver proposed in this bill would primarily benefit students ineligible for existing tuition aid programs. Traditionally, the legislature has supported need-based financial aid. This bill could result in subsidizing tuition costs for students regardless of their financial need. **Staff recommends that the bill be amended** to additionally require a student to meet the financial need requirements established for the Cal Grant A Program pursuant to §69432.7 of the Education Code.
- 5) **Other fee waiver programs.** As noted in the background of this analysis, current law prohibits public postsecondary institutions from applying certain fees to various groups impacted by tragic events. According to California State University (CSU), in 2015-16 the system waived \$51 million in fees.
- 6) **Related and prior legislation.**

SB 940 (Beall, 2018) This bill expands eligibility for Cal Grant B Entitlement award for a student who is a current or former foster youth by extending the window of time for submission of an initial financial aid application up to age 26 and by increasing the total award level for this student group from 4 to 8-years of full-time attendance in an undergraduate program. SB 940 was approved by this committee on March 21<sup>st</sup> by a 6-0 vote.

AB 3089 (Thurmond, 2018) Commencing with the 2019–20 award year, this bill would provide that new Chafee grant awards may be available to students as long as they are under the age of 28 by December 31 of the award year. AB 3089 would appropriate an additional \$250,000 from the General Fund annually to expand the state's allocation to the Chafee Educational and Training Vouchers program. The bill would require the commission to annually report to the Legislature specified information regarding Chafee grant awards for the preceding award year. AB 3089 was referred to the Assembly Higher Education Committee and is pending hearing.

SB 893 (Nguyen, 2015) prohibits the Regents of University of California, the Board of Directors of the Hastings College of the Law, the Trustees of the CSU and governing board of each community college district from collecting systemwide fees or tuition from an undergraduate student who is the surviving dependent of any individual killed in the San Bernardino terrorist attack on December 2, 2015, as specified. SB 893 was held in the Senate Appropriations Committee.

## SUPPORT

Youth Law Center  
Children's Law Center of California

**OPPOSITION**

None received

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