

CALIFORNIA IMMIGRANT WELFARE COLLABORATIVE  
**California Update**

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**GOVERNOR SIGNS AB 540**

***Immigrant California Grads Eligible for In-State Tuition***

Immigrant rights advocates scored a major victory October 11 when California Governor Gray Davis signed Assembly Bill (AB) 540, a bill authored by Marco Firebaugh (D-East Los Angeles) and Abel Maldonado (R-Santa Maria) that will allow California high school graduates to pay in-state tuition to attend public colleges and universities, regardless of their immigration status. The bill covers the California State Universities and the California Community Colleges. The rules will apply to the University of California only if approved by the U.C. Board of Regents.

"This new law will allow hard-working students to fulfill their dreams," declared Sylvia Mora of the Coalition for Humane Immigrant Rights of Los Angeles. "It sends an important message that all Californians are part of our community."

The new law will become effective on Jan. 1, 2002. To be allowed to pay the in-state tuition, students who do not have legal immigration status will need to show they meet

all the following criteria:

- They attended a California high school for three or more years.
- They graduated from a California high school or obtained their GED.
- They have filed an affidavit stating that they have filed, or will file, an application to legalize their immigration status as

*Please see "In-State Tuition," page 2, column 1*

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***EXPRESS LANE ELIGIBILITY SHOULD IMPROVE ACCESS TO HEALTH COVERAGE FOR KIDS IN NUTRITION PROGRAMS***

***Need to Monitor Implementation for Immigrant Families***

Governor Gray Davis has signed two "express lane eligibility" bills that link Medi-Cal and Healthy Families with food and nutrition programs, creating new pathways for eligible, uninsured children to obtain health coverage. These changes can especially benefit immigrant families. Over half of the children eligible for Medi-Cal or Healthy Families but not enrolled have at least one immigrant parent, and children in immigrant families are more than twice as likely to be uninsured as children of U.S. natives.

The new legislation eliminates significant barriers to health care program enrollment. However, immigrant families have unique concerns in deciding whether to share information and to enroll. Advocates will need to play an

*Please see "Express Lane," page 2, column 1*

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***Signed Bill Creates Children's Health Initiative Matching Fund***

Governor Gray Davis has signed Assembly Bill (AB) 495 (Diaz-San Jose), which establishes a state Children's Health Initiative matching fund to provide local health coverage programs for certain children who are ineligible for the Healthy Families program. Sponsored by the South Bay AFL-CIO Labor Council, the bill initially was intended to help counties such as Santa Clara County provide universal access to health care for kids. However, the bill was amended to cover only U.S. citizen and "qualified" immigrant children with family incomes between 250 and

*Please see "Health Initiative," page 3, column 2*

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***In-State Tuition*** (continued from page 1)

soon as they are eligible to do so.

At the end of a long battle by advocates to reverse a policy that had kept thousands of students from being able to pursue higher education goals, the governor declared, "Kids who grew up and graduated from high school here should not be priced out of a future." Currently, nonresident fees at California's community colleges are approximately \$130 per unit versus \$11 for California residents. In its 2001-02 academic year, the California State University system will charge a full-time resident student \$1,876, while a nonresident will pay \$8,808 to attend the university full time.

Students, teachers, and counselors were instrumental in securing this victory. Hundreds of organizations and community groups built momentum by participating in petition drives, press conferences, and visits with their representatives. Although the governor had vetoed a similar measure last year, support for AB 540 grew steadily, as stories emerged of students with 4.0 averages finding the doors to higher education closed to them because of high tuition costs. In emotional testimony before the Senate Committee on Higher Education on June 27, two students, Elizabeth and Gabriel, described how they had struggled for years to get high marks, excelling in every area, only to

find that through no fault of their own, their efforts were unrewarded. Both had entered the country without documents as children and had attended California schools for most of their lives.

By the summer of 2001, AB 540 was backed by a long and impressive list of supporters, including: the California State Universities, the California Community Colleges, the University of California, the Los Angeles and San Francisco Boards of Education, the California Faculty Association, the California Federation of Teachers, the California Teachers Association, the California Labor Federation, the AFL-CIO, the California Catholic Conference, and the California Chamber of Commerce, as well as dozens of schools and community groups. Before it was signed by the governor, the bill cleared the Senate and Assembly with broad bipartisan support.

Once the law goes into effect, there remain numerous questions about how it will be implemented. Students and advocates will need to monitor the development of regulations and forms used by the community college and California State College systems. On November 14 and 15, the Board of Regents of the University of California may consider whether to apply AB 540's rules to the U.C. system. Finally, a broad education effort will be needed to inform students, parents, and counselors about the opportunities made possible by the passage of AB 540.

***Express Lane*** (continued from page 1)

active role in the program's implementation to ensure that immigrant families have the information they need to decide whether to participate in government health care programs.

Senate Bill (SB) 493 (Sher) promotes Medi-Cal and Healthy Families enrollment among eligible food stamp recipients. The new law requires county welfare departments to develop a notice advising eligible food stamp recipients that they may qualify for Medi-Cal or Healthy Families. The bill specifically requires that the notice be written in culturally and linguistically appropriate language and at an appropriate literacy level.

Food stamp recipients who are interested in applying for the health programs simply sign, date, and return the notice. Information in their food stamp files is used to determine whether they are eligible for Medi-Cal or Healthy Families. The law includes a provision for following up with families if additional information is required. However, the food stamp application is very complete and would normally contain all the information necessary to determine eligibility for the health care programs.

Assembly Bill (AB) 59 (Cedillo) implements express lane eligibility for Medi-Cal through both food stamps and the School Lunch Program. The food stamp provisions of AB

59 mirror those of SB 493, except that they do not include Healthy Families. The school lunch provisions of the new law streamline the Medi-Cal application process by using information provided on the school lunch application. The school lunch application accepts "self-declaration" of all information and does not require any verification or supporting documentation.

The law grants school districts and superintendents of schools limited authority to share information from school lunch program applications with Medi-Cal eligibility agencies. School districts and superintendents are not required to participate in the process but must comply with certain requirements if they opt for participation. The information is shared for the exclusive purpose of determining Medi-Cal eligibility and must otherwise be kept confidential. No information may be shared unless the child's parent or guardian consents. Although the bill does not specify how the consent will be provided, it makes reference to an Education Code provision that requires written consent for the release of school records.

Under the law, children under age six who receive school lunch are deemed "income-eligible" for no-share-of-cost Medi-Cal. Children over the age of six are reviewed for income eligibility based on their school lunch application

*Please see "Health Coverage," page 3, column 1*

**Health Coverage** *(continued from page 2)*

and referred to Healthy Families if they are over-income. A parent or guardian is required to complete a simplified Medi-Cal application, which is described as the school lunch application supplemented by rights and responsibilities statements. The law authorizes the state Dept. of Health Services (DHS) to collect any additional documentation required by federal law. Federal law permits states to accept "self-declaration" of all information provided on Medicaid applications, except for immigration status information on noncitizens' applications for nonemergency coverage. Advocates will need to monitor the DHS's implementation of this provision to ensure that no unnecessary information is requested.

Advocates will also need to work with the DHS and their local school districts to ensure that immigrant families have access to the resources they need to make an informed decision about whether to apply for Medi-Cal. Medi-Cal (and the federal Medicaid program of which it is a part) ties eligibility to immigration status and requires people who are not citizens to document their immigration status when seeking nonemergency coverage. The School Lunch Program does not condition benefits on children's immigration status, and the application does not ask any immigration status questions. Therefore, students who apply for Medi-Cal through the School Lunch Program will be asked about their immigration status before their eligibility for full-scope Medi-Cal can be determined. Noncitizens will be asked for documentation of their immigration status. (Students who do not produce this documentation should be enrolled in limited-scope Medi-Cal).

Although the new law requires parents to consent to having their information shared with the Medi-Cal eligibility agency, it does not state clearly that families will be advised of the additional application requirements. Parents who are unaware that they will be asked for immigration status information and other documentation may feel threatened when asked to provide the additional information. This situation could undermine the relationship of trust between the parents and the schools and may deter participation in the School Lunch Program. These concerns do not arise

with food stamps, because immigration status information is collected on the food stamp application.

Advocates should work with their school districts to ensure families are advised that they will be asked to provide immigration status information when they apply for full-scope Medi-Cal. In addition, advocates should make sure that families have access to resources for answering questions about issues such as public charge, sponsor liability, and the confidentiality of information provided to the Medi-Cal program. Once the program goes into effect, there will be a need for community education to ensure that immigrant parents understand both the information required for Medi-Cal enrollment and the benefits of obtaining health coverage for their children.

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**Health Initiative** *(continued from page 1)*

300 percent of the federal poverty level.

Under the new law, county agencies, local initiatives, and county organized health systems would apply to participate in the program by submitting a proposal to the Managed Risk Medical Insurance Board (MRMIB), which will administer the fund. Proposals must state the applicant's intent to provide comprehensive coverage to children in households whose income is up to 300 percent of the federal poverty guidelines, provided that the children in these households meet the Healthy Families program's immigration status requirements. Coverage to be provided under the program supplements that available through Healthy Families and other sources.

The bill's financing provision is designed to maximize the state's access to federal funds. Applicants selected to participate in the program transfer funds to the Children's Health Initiative matching fund. These local funds are used to draw down federal Healthy Families matching funds. The federal funds and the participant's original contribution are transferred back to the local entity for use in providing the coverage.

Before it can implement this law, the state will need to obtain a waiver from the U.S. Dept. of Health and Human Services.

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*Address correction requested*