
SENATE COMMITTEE ON MILITARY AND VETERANS AFFAIRS

Senator Bob Archuleta, Chair

2025 - 2026 Regular

Bill No: AB 88
Author: Ta
Version: 1/6/25 >
Urgency: No
Consultant: Bill Herms

Hearing Date: 7/14/25

Fiscal: Yes

Subject: Student financial aid: Cal Grants: Middle Class Scholarship Program: eligibility: dependents of members of the armed services stationed outside of California

SUMMARY

This bill extends eligibility for the Cal Grant and Middle Class Scholarship (MCS) Program to dependents of a member of the United States (US) Armed Forces who maintains California as their state of legal residence even if the dependent member did not graduate from a California high school and who otherwise meets all other applicable eligibility requirements.

BACKGROUND

Existing law:

- 1) Creates the Cal Grant Program and establishes award authority across the California higher education system under the administration of the Student Aid Commission. (Education Code (EC) Section 69430 et al.)
- 2) Establishes eligibility requirements for awards under the program for participating students attending qualifying institution, including, among others, California residency requirements, as provided. (EC Section 69411 and 69433.9.)
- 3) Establishes the MCS program under the administration of the Commission. Existing law makes an undergraduate student eligible for a scholarship award under the MCS if the student meets certain eligibility requirements, including, among others, that the applicant meets the eligibility requirements for a Cal Grant. (EC Section 70020 et al.)

This bill:

Extends Cal Grant and MCS Program eligibility to a student who is a dependent child or spouse of a member of the US Armed Forces stationed outside of California on active duty, if:

- 1) The member of the US Armed Forces otherwise maintains California as their state of legal residence: and
- 2) The student meets all other eligibility requirements.

COMMENT

Need for the bill. According to the author, “AB 88 would apply to a deserving body of active service members who have been relocated outside of California but maintain their residency in California during their time in the service. With the current law as it is, if you are a dependent of a parent or guardian who is a military member and has temporarily moved outside of California due to official orders, you are not eligible for Cal Grants or the Middle-Class Scholarship Program, even if your parents maintain a California residence and continue to pay income and property taxes to the state.”

State of legal residence. The federal Servicemembers’ Civil Relief Act of 2003 grants active military members certain privileges and protections that allow them to maintain legal residency in one state while physically stationed in another state or outside of the country. The State of Legal Residence (SLR) is what the military service considers to be one’s true, fixed, and permanent residence. According to the US Military’s Staff Judge Advocate document, “What You Should Know About Your State of Legal Residence,” a service member’s SLR is the location where they intend to return and their permanent home after retirement. SLR also determines where a service member votes, pays taxes, registers vehicles, has their will probated, and whether or not they receive privileges from a state.

According to an example presented in the publication, a service member with SLR in Minnesota leaves the state on military orders but intends to return to Minnesota after leaving the military. Minnesota is the service member’s SLR, even though the service member is temporarily absent from it due to military orders. The service member may never be stationed in Minnesota during his or her military career, but Minnesota would remain the service member’s SLR.

Furthermore, the publication states that changing SLR is difficult. To alter SLR, three requirements must be met: 1) one must be physically present in the new state; 2) intend to remain in the new state permanently, or treat the location as a permanent home, demonstrated by registering to vote, obtaining a driver’s license, paying taxes, among other things; 3) and must demonstrate intent to abandon the old SLR. This bill attempts to extend state aid eligibility specifically for Cal Grant and MCS to a child or spouse of a service member with SLR in California, which can be used at qualifying California-based institutions. It is unclear whether expanding eligibility to state aid programs could result in supplanting other forms of federal student aid currently available to defray college costs for the dependents of service members.

Prior and related legislation.

SB 67 (Seyarto, 2025) identical to this bill and AB 1793, would expand eligibility for the Cal Grant and MCS program to dependents of a US Armed Forces member who maintains California as their SLR, even if the dependent did not graduate from a California high school and otherwise meets all other applicable eligibility requirements. SB 67 has been referred to the Assembly Committees on Higher Education and Veterans Affairs.

AB 1793 (Ta, 2024) identical to this bill, would have expanded eligibility for the Cal Grant and MCS program to dependents of a US Armed Forces member who maintains California as their SLR, even if the dependent did not graduate from a California high school and otherwise meets all other applicable eligibility requirements. AB 1793 died in the Senate Appropriations Committee.

POSITIONS**Sponsor:**

Author.

Support:

California Association of Christian Colleges and Universities
San Jose-Evergreen Community College District

Oppose:

None received

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