Update on Policy Changes Affecting
Students in Domestic Partnerships in Connection with the
California Domestic Partner Rights and Responsibilities Act of 2003

February 16, 2005

Background

In September 2003, the State of California enacted the California Domestic Partner Rights and Responsibilities Act of 2003 (AB 205), which expanded the rights and responsibilities of persons in registered domestic partnerships. The Act contains the following provision:

Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provision or sources of law, as are granted to and imposed upon spouses.

Most University of California policies that reference an individual’s marital status are related to employment at the University (e.g., employee benefits). Several, however, directly affect University of California students. This status report describes the primary student-related policy changes adopted by the University in response to the Act and how those policy changes have been implemented and communicated to date.

Policy Changes Affecting UC Students

Passage of the Act resulted in changes to UC policies affecting UC students in each of three broad areas: (1) the rules used to establish California residency for tuition purposes, (2) eligibility for various fee and tuition exemptions and waivers that reference a student’s marital status, and (3) eligibility for State and University financial aid. Each of these changes is described in greater detail below.

Changes to the Definition of California Residency for Tuition Purposes

Standing Order 110.2 specifies how the University is to determine the appropriate residence classification of its students for tuition purposes. Under the Standing Order, in order to be classified as a California resident for tuition purposes, a student must satisfy requirements regarding their demonstrated physical presence in the state, their intent to remain in California, and their financial independence (unless the student is the dependent child of an adult resident of California).

Under S.O. 110.2, a student’s marital status can affect the student’s determination of financial independence and, hence, their residence classification. Specifically, a married undergraduate student who is under 24 and has no legal dependents other than a spouse is considered financially independent if the student had not been claimed as an income tax deduction by anyone in the

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1 The provisions of the Act apply to individuals registered with the California Domestic Partner Registry on or after January 1, 2005, and to same-sex couples in similar legal unions that are valid in other jurisdictions.
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preceeding tax year.\(^2\) In contrast, a similarly situated unmarried undergraduate student would need to demonstrate that (a) the student had not been claimed as an income tax deduction by anyone in the preceding two years, and (b) the student was self-sufficient for two years. The advantage accorded to married students thus amounts to a one-year reduction in the period of time in which the student could not have been claimed as an income tax deduction and the elimination of the need to demonstrate self-sufficiency.

At its November meeting, the Regents amended S.O. 110.2 to ensure that registered domestic partners are treated the same as married couples for purposes of establishing residency for tuition purposes. (See Attachment 1, \textit{Regents Item 504}.) The change was made effective winter quarter 2005/spring semester 2005.

\textbf{Changes Affecting Tuition and Fee Waivers and Exemptions}

S.O. 110.2 also provides certain benefits in terms of tuition and fee waivers and exemptions that are based on marriage. In some instances, the terms of the benefits and the eligible population are specified directly in the Standing Order. Other benefits that are codified in the Education Code are included by reference.

At its November meeting, the Regents further amended S.O. 110.2 to include domestic partners as well as spouses in all tuition and fee waivers and exemptions that are specified directly in the Standing Order. Pursuant to the Act, benefits that are codified in the Education Code and referenced in S.O. 110.2 will be applied equally to spouses and domestic partners alike as of January 1, 2005. (See Attachment 1; see also Attachment 2, \textit{Letter from Vice President Hershman}, Table 1 for a complete listing of relevant tuition and fee waivers and exemptions.)

\textbf{Changes Related to Students’ Eligibility for Financial Aid}

Eligibility for certain University and State financial aid programs may be influenced by a student’s marital status. The Act has caused the University and the State to modify these programs to ensure that:

- students in domestic partnerships are eligible for the same benefits and are subject to the same responsibilities as apply to similarly situated married students; and

- students whose custodial parent is in a domestic partnership are subject to the same benefits and responsibilities as are students whose parents are married.

Details of the changes to both University and State financial aid policies are described in Attachment 3, \textit{Implementation Guidelines Related to The California Domestic Partner Rights and Responsibilities Act of 2003 (AB 205)}. Additional information may be found in a “Q&A” prepared for campus financial aid offices (Attachment 4).

\(^2\) Regardless of age or marital status, a student is considered to be financially independent for purposes of S.O. 110.2 if the student is a veteran of the U.S. Armed Forces, a ward of the court, or an orphan.
Implementation and Communication of Student-Related Policy Changes

Changes Related to California Residency and Fee/Tuition Exemptions and Waivers

Primary responsibility for implementing and communicating the University’s policies related to California residence classification for tuition purposes lies with UC campus Residence Deputies. Residence Deputies also determine students’ eligibility for the fee and tuition waivers and exemptions specified in S.O. 110.2.

Residence Deputies on each of the UC campuses were first informed of the pending changes in a workshop held in March, 2004. Each Deputy also received a copy of Vice President Hershman’s letter to the Campus Budget Officers (Attachment 2). In addition, Deputies were reminded by the Registrar on their campus and by the Legal Analyst in Residence Matters from the Office of the General Counsel to make changes to all relevant literature.

At present, changes are either completed or are underway for all relevant campus websites, electronic documents, and handouts. The General Catalog for Fall Quarter/Semester is being edited now and relevant language is being inserted. In addition, changes are being made to the Residence Manual that is available to all students in the Office of the Registrar on each campus. It is expected that all changes will be completed by February 14, 2005.

New students will be apprised of the domestic partner benefits in the same manner that all UC students are apprised of benefits that may relate to them. Information will be available in documents mailed to the student or on websites used by the student prior to admission and/or enrollment.

Continuing students will learn of these new benefits in the same manner that they learn of other applicable benefits, including reading the information that is available to them on the campus website, on the Statement of Legal Residence, and in their General Catalog. Continuing students will have until June 30, 2005 to request a reclassification that would be retroactive to winter quarter 2005/spring semester 2005.

For both new and continuing students, the appeals process at each campus regarding their residency determination will be the same as it is for married students.

An informal survey of campuses indicates that, as of late January, no Residence Deputies have been approached with requests to be reclassified due to the provisions of the Act. This is consistent with the University’s earlier estimate that the modifications to S.O. 110.2 will affect the residency classification of very few students.

Changes Related to Financial Aid

In September 2004, a workgroup of UCOP and campus financial aid staff was formed to develop implementation guidelines for financial aid (Attachment 3). The guidelines were distributed to campuses prior to January 1 and prompted each campus to take the necessary steps prior to implementation.

Campus implementation efforts have included:
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- training for financial aid counselors,
- developing the necessary forms to collect information about partners’ financial resources,
- referencing the Act on the front page of the financial aid office website,
- delivering presentations to student groups (see Attachment 5),
- meeting with campus LGBT directors, and
- working with campus newspapers to publicize the new law.

To date, every campus has engaged in some or all of the training and outreach efforts described above and has developed the necessary forms. In addition, other ideas have surfaced to augment the dissemination of information that has taken place to date. These include:

- posting links to information about the Act on campus LGBT offices websites and in LGBT offices and/or Women’s Centers,
- incorporating information about the Act into UC Counselor Conferences for high school and community college counselors, and
- informing campus admissions offers about the provisions of the Act and their implications for prospective students’ residency classification and financial aid.

Each student who applies for admission to UC for Fall 2006 will receive a Guide to Applying for Financial Aid. That guide contains a prominent notice for students in domestic partnerships and students whose parents are in a domestic partnership. The notice describes how to complete the FAFSA (which does not collect information about domestic partners) and instructs students to contact their campus financial aid office for instructions on how to report information about their or their parent’s domestic partner. The notice also states that domestic partnerships will be treated the same as marriage in determining eligibility for state and University financial aid.

Current students have learned about the policy change through presentations, newspaper articles, and notices on the financial aid office website. Students have until the end of the academic year to request a revision to their Winter/Spring 2005 financial aid package.

Aside from AB 205 issues, financial aid offices can provide assistance to students suffering financial or emotional hardships as a result of being disowned from their parents due to their sexual orientation. In cases where a student is disowned for this or any reason, campuses can exercise professional judgment in modifying the resources that are considered in determining the student’s financial aid package. Financial aid offices also refer students to campus counseling services if they appear to be under undue stress.

The Student Aid Commission has interpreted the Act to apply to Cal Grant awards made for the 2005-06 and subsequent cycles. It does not plan to reevaluate students’ eligibility for Cal Grant awards for the 2004-05 school year. More details about this are provided in the Q&A (Attachment 4).
Outstanding Issues

Same-sex legal unions from other jurisdictions

Residence deputies and campus financial aid offices have been instructed to refer these cases to the Office of the General Counsel (OGC) so that they may determine whether the legal union qualifies as a registered domestic partnership for purposes of the Act. Over time, this will allow OGC to inform Residence Deputies of the legal unions that are equivalent for purposes of the Act and the documentation that will be required for each type of union.

Reporting on the Impact of the Act on UC Students

UC is working to put in place a mechanism for determining how many students are classified as California residents due to various provisions of S.O. 110.2 that influence CA residency (e.g., age, marital/domestic partnership status, or whether the student is a graduate student). The goal is to have a better understanding of the effect of these provisions on UC students.

The Office of the President also intends to capture more detailed information about the different tuition and fee waivers and exemptions that students are receiving. This includes both waivers and exemptions that reference a students’ marital or partnership status and those that do not. The goal is to provide UC with a better understanding of the cost of the University of providing these benefits so that the University can make informed choices about them.

Beginning with the 2004-05 award cycle, campus financial aid offices will report to UC the number of students whose financial aid packages were affected by the provisions of the Act.
TO MEMBERS OF THE COMMITTEE ON FINANCE:

ITEM FOR ACTION

For Meeting of September 22, 2004

SERVICE OF NOTICE FOR NOVEMBER 2004 ACTION REGARDING AMENDMENT OF STANDING ORDER 110.2–MATTERS RELATING TO RESIDENCY: TUITION AND FEE WAIVERS AND EXEMPTIONS FOR DOMESTIC PARTNERS TO CONFORM TO AB 205

The President recommends that following service of appropriate notice, the Committee on Finance recommend to The Regents that Standing Order 110.2–Matters Relating to Residency be amended as follows, effective winter quarter 2005/spring semester 2005.

additions shown by underscoring

Standing Order 110.2–Matters Relating to Residency

(a) The residence of each student shall be determined in accordance with the rules governing residence prescribed by the provisions of Sections 68000, 68010-68012, 68014-68018, 68022-68023, 68040-68044, but excluding the words “classified as a nonresident seeking reclassification” from Paragraph 1 and substituting the words “seeking classification” and excluding Paragraph 3 of Section 68044, 68050, 68060-68061, 68062 but excluding the words “including an unmarried minor alien” from 68062(h), 68070-68080, 68083, 68130, and 68132-68134 of the Education Code of the State of California. Each nonresident student at the University of California shall pay a nonresident tuition fee for each term of attendance at the University, except that such fee, with the approval of the President of the University, may be remitted or waived in whole or in part in the case of any student who qualifies as a graduate student with a distinguished record, a foreign student, a teaching assistant or teaching fellow, or a research assistant; or in the case of a nonresident student who is an unmarried dependent son or daughter under age twenty-one, or a spouse or registered domestic partner of a member of the University faculty who is a member of the Academic Senate. A student who is a
spouse or registered domestic partner or child of a resident law enforcement officer or fire fighter killed on active duty shall be exempted from nonresident tuition and mandatory systemwide fees in accordance with Section 68120 of the Education Code of the State of California. A student who is the child or dependent of a deceased or disabled veteran, or who is the dependent of or the surviving spouse who has not remarried or registered domestic partner (who has not subsequently married or registered as a domestic partner) of any member of the California National Guard who was killed or permanently disabled while in active service of the state, shall not be exempted from nonresident tuition fees, but may be exempted from mandatory systemwide fees in accordance with Section 32320 of the Education Code of the State of California. A student meeting the requirements of Section 68130.5 of the Education Code of the State of California shall be exempt from paying nonresident tuition. A student meeting the requirements of Sections 66025.3 and 68120.5 of the Education Code of the State of California shall be exempt from paying mandatory systemwide fees and nonresident tuition. For purposes of defining financial independence pursuant to Section 68044, a student shall be considered “financially independent” if the applicant: a) is at least 24 years of age by December 31 of the year the applicant requests residence classification; b) is a veteran of the U.S. Armed Forces; c) is a ward of the court or both parents are dead; d) has legal dependents other than a spouse or a registered domestic partner; e) is married or in a registered domestic partnership, or a graduate student or professional student, and will not be claimed as an income tax deduction by his or her parents or any other individual other than his or her spouse or domestic partner for the tax year immediately preceding the request for residence classification; or is a single undergraduate student, and was not claimed as an income tax deduction by his or her parents or any other individual for the two years immediately preceding the request for residence classification, and demonstrates self-sufficiency for two years. The student is considered self-sufficient if he or she had total income and other resources of at least $4,000. The two years used to demonstrate self-sufficiency are the two years immediately preceding the request for residence classification.

Nonresident tuition fees shall be payable at the time of registration.

* * *

BACKGROUND

The California Domestic Partner Rights and Responsibilities Act of 2003 (AB 205), codified as Family Code Sec. 297.5(a), goes into effect on January 1, 2005. It extends the same “rights, protections, and benefits” and applies the same “responsible, obligations, and duties,” whether they derive from “statutes, administrative regulations, court rules, government policies,
common law, or any other provisions or sources of law,” to registered domestic partners, as are
granted to spouses. It is an exercise of the legislature’s police power and is applicable to the
University. To establish a valid domestic partnership in the State of California, same sex
partners must submit a completed, signed, and notarized Declaration of Domestic Partnership to
the California Secretary of State. The Act also applies to substantially similar legal unions of
two persons of the same sex, other than a marriage, that are validly formed outside of California.

Standing Order 110.2(a) currently provides certain benefits in terms of tuition and fee waivers
and exemptions, based on marriage. It is recommended that the Standing Order be amended to
extend those same benefits to registered domestic partners, consistent with the requirement of
AB 205 that registered domestic partners have the “same rights, protections, and benefits” as
spouses. The benefits in question include, in part, the following: nonresident tuition fee waivers
for spouses (domestic partners) of Academic Senate members; exemptions from mandatory
student fees for spouses (domestic partners) and their dependents of any member of the
California National Guard who was killed or permanently disabled while in active service; and
exemptions from nonresident tuition and mandatory fees for spouses (domestic partners) and
their children of resident law enforcement officers or firefighters killed on active duty. The cost
of extending these fee waivers to include domestic partners is difficult to predict but is estimated
to be relatively low.

In addition, Standing Order 110.2(a) provides that a nonresident student seeking residency for
tuition purposes may do so by demonstrating financial independence, along with certain
requirements for duration of physical presence and intent to remain. The financial independence
requirement will be waived in certain circumstances, including when the student is married and
has not been claimed as an income deduction for the immediately preceding tax year. Absent the
waiver for marriage or one of the other qualifying waivers, a student seeking to establish
financial independence would be required not to have been claimed as an income deduction for
the immediately preceding two tax years. In short, married students are able to qualify for
residency one year sooner than non-married students. It is recommended that Standing Order
110.2(a) be amended, consistent with the provisions of the California Domestic Partner Rights
and Responsibilities Act of 2003, to extend this one-year advantage to registered domestic
partners in addition to spouses.

It cannot be predicted with any certainty how many additional non-resident students will register
as domestic partners with the State of California and seek to qualify as residents a year sooner
than they would otherwise have been able to do. While the University does not routinely track
the number of students who receive the non-resident tuition waiver benefit directly as a result of
their spousal status, the current number is estimated to be relatively small, probably fewer than
30 students across the system. It is anticipated that the number of students who will additionally
qualify for the benefit as a result of their status as registered domestic partners will be still fewer
in number, based on the fact that there are significantly fewer registered domestic partners than
married couples in the state. At most, it is anticipated that between 10 and 20 domestic partners
would receive a one-year waiver of non-resident tuition as a result of extending this benefit to
include domestic partners, at an annual cost of between $160,000 and $330,000 based upon the current non-resident tuition level.

The alternative to extending the same benefits to registered domestic partners as exist for married students is to eliminate the benefit for both categories of students. There is no requirement that marriage (domestic partnership) be used as a criterion for financial independence. The Regents could choose to amend the Standing Order to employ a definition of “financial independence” that eliminates the factor of marriage. Such an action would essentially take away a benefit based on marriage, in order to treat married students and domestic partners alike, as required by AB 205, rather than adding a benefit for domestic partners.

Given the anticipated minimal impact on the University of adding domestic partner benefits, and the legislative intent apparent in AB 205 (which expressly refers to “expanding the rights” of domestic partners), the President recommends adding benefits for domestic partners at this time.

Over the years, the State has adopted numerous tuition and fee waivers which The Regents has implemented. However, these waivers are not funded by the State, and they represent a loss of revenue to the University. As the number and scope of these waivers increase, the cost to the University also increases. Currently, the University does not have an on-going procedure for monitoring the cost of each waiver. The Office of the President intends to develop mechanisms to ensure that the costs of all tuition and fee waiver programs are carefully monitored over time, particularly in relation to the budgetary constraints under which the University is currently operating. The President will report to The Regents the results of this monitoring effort, including any recommendations for changes in policy as deemed appropriate.
BUDGET AND PLANNING OFFICERS
CAMPUS BUDGET DIRECTORS

Dear Colleagues:

I am writing to inform you of changes in the University’s policy regarding tuition and fee exemptions affecting registered domestic partners.

The California Domestic Partner Rights and Responsibilities Act of 2003 (AB 205), codified as Family Code Sec. 297.5(a), goes into effect on January 1, 2005. It extends to registered domestic partners the same "rights, protections, and benefits" and applies the same "responsibilities, obligations, and duties", whether they derive from "statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law" that currently are granted to spouses. The Act is applicable to the University. To establish a valid domestic partnership in the State of California, same sex partners, or opposite sex partners if at least one of the partners is over age 62, must submit a completed, signed and notarized Declaration of Domestic Partnership to the California Secretary of State. The Act also applies to substantially similar legal unions of two persons of the same sex, other than a marriage, that are validly formed outside of California. A copy of AB 205 (Chapter 421) is attached.

Standing Order 110.3(a) currently provides certain benefits in terms of tuition and fee waivers and exemptions, based on marriage. The benefits in question include, in part, the following: Nonresident Tuition Fee waivers for spouses of members of the University faculty who are also members of the Academic Senate; exemptions from the Nonresident Tuition Fee for dependents of University employees who work outside of California; exemptions from mandatory student fees for dependents or spouses of any member of the California National Guard who was killed or permanently disabled while in active service; and exemptions from the Nonresident Tuition Fee and mandatory systemwide fees for spouses and children of resident law enforcement officers or firefighters killed on active duty. At the November 2004 Regents meeting, Standing Order 110.2 was amended to extend those same benefits to registered domestic partners, consistent with the requirement of AB 205 that registered domestic partners have the "same rights, protections and benefits" as spouses. A copy of the Standing Order, as amended, is attached.

Accordingly, effective January 1, 2005, in addition to those previously eligible for tuition and fee waivers and exemptions under Standing Order 110.2, members of a registered domestic partnership also are eligible for such waivers and exemptions. Table 1 on the next page provides an updated summary of the principal tuition and fee waivers and exemptions that may be available to eligible students.
<table>
<thead>
<tr>
<th>Source of Waiver/Exemption</th>
<th>Type of Fees Waived/Exempted</th>
<th>Eligibility Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ed Code 66025.3 (was EC 32320)</td>
<td>Mandatory Systemwide Fees</td>
<td>Child* or spouse or registered domestic partner of veteran killed or disabled while in service (Cal Vet Program)</td>
</tr>
<tr>
<td>Ed Code 68130.5</td>
<td>Nonresident Tuition</td>
<td>Nonresident student who attended for at least 3 years and graduated from a California high school (AB540)</td>
</tr>
<tr>
<td>Ed Code 68075</td>
<td>Nonresident Tuition</td>
<td>Active duty member of the U.S. military stationed in California for non-educational purposes</td>
</tr>
<tr>
<td>Ed Code 68074</td>
<td>Nonresident Tuition</td>
<td>Dependent natural or adopted child*, stepchild, or spouse or registered domestic partner of an active duty member of the U.S. military stationed in California</td>
</tr>
<tr>
<td>Ed Code 68078</td>
<td>Nonresident Tuition</td>
<td>Employee of a California public school district holding a valid education credential</td>
</tr>
<tr>
<td>Ed Code 68077</td>
<td>Nonresident Tuition</td>
<td>Native American graduate of a California school operated by the Federal Bureau of Indian Affairs</td>
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<tr>
<td>Ed Code 68083</td>
<td>Nonresident Tuition</td>
<td>An amateur athlete training at the Chula Vista Olympic Training Center</td>
</tr>
<tr>
<td>Ed Code 68079</td>
<td>Nonresident Tuition</td>
<td>Child* or spouse or registered domestic partner of UC employee who works outside of California</td>
</tr>
<tr>
<td>Ed Code 61820</td>
<td>Mandatory Systemwide Fees &amp; Nonresident Tuition**</td>
<td>Child* or spouse or registered domestic partner of a resident law enforcement officer or fire fighter killed on active duty</td>
</tr>
<tr>
<td>Ed Code 66025.3</td>
<td>Mandatory Systemwide Fees &amp; Nonresident Tuition**</td>
<td>Undergraduate student who is a recipient of a Medal of Honor or who is the child* of such recipient</td>
</tr>
<tr>
<td>Ed Code 68121</td>
<td>Mandatory Systemwide Fees &amp; Nonresident Tuition**</td>
<td>Surviving dependent of any individual killed in the September 11, 2001 terrorist attacks on the World Trade Center, the Pentagon building, or the crash of United Airlines Flight 93</td>
</tr>
<tr>
<td>Ed Code 66025.3 (EC 32320)</td>
<td>Mandatory Systemwide Fees</td>
<td>Dependent child*, or surviving spouse (who has not remarried) or registered domestic partner (who has not remarried or registered as a domestic partner) of a member of the California National Guard killed or disabled while on active duty</td>
</tr>
<tr>
<td>Regents Policy</td>
<td>Nonresident Tuition</td>
<td>Dependent child* under age 21, or spouse or registered domestic partner of faculty member of the Academic Senate</td>
</tr>
</tbody>
</table>

*Consistent with provisions of the Education Code, exemptions are available to natural or adopted children only; stepchildren may be eligible for a tuition or fee exemption only if they are specifically identified recipient in the Code. **Eligibility for waiver or exemption of the Nonresident Tuition Fee is determined by the residence of the decedent. Therefore, the Nonresident Tuition Fee may be waived if the decedent was a resident of California and met the other conditions specified in the Education Code.
Table 2 below displays various student fees by their eligibility for exemption or waiver under the **Standing Order**.

<table>
<thead>
<tr>
<th>Eligible for Waiver/Exemption:</th>
<th>Not Eligible for Waiver/Exemption:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Fee</td>
<td>University Extension Fees</td>
</tr>
<tr>
<td>University Registration Fee</td>
<td>Analytical Writing Placement Examination Fee</td>
</tr>
<tr>
<td>Special Fee for Law and Medicine</td>
<td>(formerly the Subject A Exam Fee)</td>
</tr>
<tr>
<td>Fee for Selected Professional School</td>
<td>Tuition and Fees for Self-Supporting Degree Programs</td>
</tr>
<tr>
<td>Students</td>
<td>Campus-based Fees, including:</td>
</tr>
<tr>
<td>Summer Enrollment Fees for UC</td>
<td>--Student Referendum Fees</td>
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<tr>
<td>matriculated students ***</td>
<td>--Miscellaneous User Fees</td>
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<tr>
<td></td>
<td>--Course Materials Fees</td>
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<tr>
<td></td>
<td>--Service Charges and Penalties</td>
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<td></td>
<td>--Deposits</td>
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<tr>
<td></td>
<td>Other self-supporting program fees, including</td>
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<tr>
<td></td>
<td>University application fees and housing charges</td>
</tr>
</tbody>
</table>

***Summer session fees for non-UC students are not eligible for the waiver or exemption.***

**BACKGROUND**

Mandatory systemwide fees are uniform fees that are assessed to all registered students. The University has two mandatory systemwide fees: The Educational Fee and the University Registration Fee.

The Office of the President reviewed other required fees to determine their eligibility for exemption under this program. A fee was determined to be **ineligible** for exemption if:

1. The fee is not uniform across the campuses;
2. The Chancellor has been delegated authority over the fee; or
3. The fee funds a specific program or service, and the service or program operations rely on dedicated fee revenue for support.

The Special Fee for Law and Medicine and the Fee for Selected Professional School Students are not mandatory systemwide fees. However, because the two fees supplement the Educational Fee, the University has elected to exempt these fees under this policy.

In the past, Summer Session Fees were not considered mandatory systemwide fees. However, state-supported summer instruction currently is being implemented on a phased basis; accordingly, summer fees for matriculated UC students are eligible to be waived or exempted. As the first step toward implementation, the 2000 State Budget Act provided UC with additional funds to reduce summer instruction fees for matriculated UC students at all the campuses. The State Budget Act provides full instructional funding for summer programs at four general campuses—Berkeley, Davis, Los Angeles, and...
Santa Barbara. The State intends to provide funding for the remaining general campuses in the future. **Summer session fees for non-UC students are not eligible for the exemption.**

No other fees may be exempted. University Extension Fees and the tuition and fees charged for Self-Supporting Degree Programs are not exempted because these programs are campus-based programs that are fully supported from course fee income. Similarly, revenue from the Analytical Writing Placement Examination Fee (formerly the Subject A Exam Fee) fully supports the administration of the University’s Entry Level Writing Requirement testing program (formerly the Subject A testing program). Because campus-based fees are not uniform among the campuses and the fee revenue from campus-based fee is dedicated for support of certain services and programs specific to each campus, these fees are not exempt under this policy.

I ask that you distribute this letter to appropriate campus personnel to ensure that adequate notice is provided to students who may be eligible for tuition or fee exemptions or waivers. If you have any questions or need additional information, please contact Coordinator Patricia Romero by phone at (510) 987-9252 or by e-mail at Patricia.Romero@ucop.edu.

Sincerely,

Larry Hershman
Vice President for Budget

Enclosure

Cc: President’s Cabinet
   Associate Vice President Galligani
   Assistant Vice President Arditti
   Vice Chancellors—Student Affairs and Undergraduate Affairs
Standing Orders

STANDING ORDER 110.2 Matters Relating to Residency

Includes amendments through November 2004

a. The residence of each student shall be determined in accordance with the rules governing residence prescribed by the provisions of Sections 68000, 68010-68012, 68014-68018, 68022-68023, 68040-68044, but excluding the words "classified as a nonresident seeking reclassification" from Paragraph 1 and substituting the words "seeking classification" and excluding Paragraph 3 of Section 68044, 68050, 68060-68061, 68062 but excluding the words "including an unmarried minor alien" from 68062(h), 68070-68080, 68083, 68130, and 68132-68134 of the Education Code of the State of California. Each nonresident student at the University of California shall pay a nonresident tuition fee for each term of attendance at the University, except that such fee, with the approval of the President of the University, may be remitted or waived in whole or in part in the case of any student who qualifies as a graduate student with a distinguished record, a foreign student, a teaching assistant or teaching fellow, or a research assistant; or in the case of a nonresident student who is an unmarried dependent son or daughter under age twenty-one, or a spouse or registered domestic partner of a member of the University faculty who is a member of the Academic Senate. A student who is a spouse or registered domestic partner or a child of a resident law enforcement officer or fire fighter killed on active duty shall be exempted from nonresident tuition and mandatory systemwide fees in accordance with Section 68120 of the Education Code of the State of California. A student who is the child or dependent of a deceased or disabled veteran, or who is the dependent of or the surviving spouse who has not remarried or registered domestic partner (who has not subsequently married or registered as a domestic partner) of any member of the California National Guard who was killed or permanently disabled while in active service of the state, shall not be exempted from nonresident tuition fees, but may be exempted from mandatory systemwide fees in accordance with Section 32320 of the Education Code of the State of California. A student meeting the requirements of Section 68130.5 of the Education Code of the State of California shall be exempt from paying nonresident tuition. For purposes of defining financial independence pursuant to Section 68030, a student shall be considered "financially independent" if the applicant: a) is at least 24 years of age by December 31 of the year the applicant requests residence classification; b) is a veteran of the U.S. Armed Forces; c) is a ward of the court or both parents are dead; d) has legal dependents other than a spouse or registered domestic partner; e) is married, or in a registered domestic partnership, or a graduate student or professional student, and will not be claimed as an income tax deduction by any individual other than his or her spouse or domestic partner for the tax year immediately preceding the request for residence classification; or is a single undergraduate student, and was not claimed as an income tax deduction by his or her parents or any other individual for the two years immediately preceding the request for

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residential classification, and demonstrates self-sufficiency for two years. The student shall be classified as a nonresident if he or she had total income and other resources of at least $4,000. The two years used to demonstrate self-sufficiency are the two years immediately preceding the request for residential classification. Nonresident tuition fees shall be payable at the time of registration.

b. A student classified as a nonresident shall retain that status until that student makes application in the form prescribed by the university and has been reclassified.

c. A student classified as a resident shall be classified as a nonresident whenever there are found to exist circumstances which would have caused that student to be classified as a nonresident. If the cause of incorrect classification is due to any concealment of facts or untruthful statements, the student shall be required to pay all tuition fees which would have been charged but for such erroneous classification and shall be subject to appropriate University discipline.

d. The General Counsel of The Regents may implement this Standing Order by promulgating regulations in accordance therewith.

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12/20/2004
Introduction

The California Domestic Partner Rights and Responsibilities Act of 2003 [“the Act”], also known as AB 205, became California law on September 22, 2003 and becomes effective on January 1, 2005. The Act extends new rights, benefits and obligations to individuals in California Registered Domestic Partnerships. Implementation of this law will mean changes in the way that both state and institutional aid programs apply to students in Registered Domestic Partnerships, as well as to any student whose parent is in a Registered Domestic Partnership.

The provisions of the Act apply to state and institutional aid only, not to federal aid. This may create complexity in assembling the financial aid package for a student whose expected family contribution under federal methodology differs from his or her expected family contribution calculated according to the requirements of the Act.

These guidelines are intended to establish systemwide principles and expectations regarding the implementation of the Act to ensure consistent application of its provisions across UC campuses. As these guidelines note, campuses will retain their traditional flexibility in implementing the Act within these guidelines.

Background

Effective January 1, 2005, the Act extends many of the rights and duties of marriage to couples registered as domestic partners with the California Secretary of State (“Registered Domestic Partners”). The Act also stipulates that a substantially equivalent same-sex legal union (other than a marriage) formed outside of California shall be recognized as a valid Registered Domestic Partnership in California.

Specific changes to the Family Law Code that may affect a student’s eligibility for financial aid are noted below.

- Family Code 297.5(a) states that Registered Domestic Partners, “shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.”

- Family Code 297.5(d) provides that the rights and obligations towards the child of a Registered Domestic Partner shall be the same as to the child of a spouse.
Section 297.5(e) states that to the extent California law adopts, refers to or relies on federal law, and Registered Domestic Partners would be treated differently under federal law than spouses, federal law shall be applied as if federal law recognized Registered Domestic Partnerships.

Section 297.5(f) says that Registered Domestic Partners shall have the same rights regarding nondiscrimination as spouses.

Family Code section 299.2 provides that a legal union of two persons of the same sex (other than a marriage) recognized elsewhere shall be recognized as a valid Registered Domestic Partnership in California.

Section 15 of the Act states that the Registered Domestic Partnership Act should be interpreted liberally in order to secure Registered Domestic Partners the full range of legal rights and responsibilities as spouses have.

Implications for Financial Aid

Effective January 1, 2005, UC will administer financial aid in such a way that students in Registered Domestic Partnerships are treated the same as married students in determining their eligibility for state and institutional student aid—i.e. a student in a Registered Domestic Partnership will receive a financial aid package with the same level of self-help and grants as would a similarly situated married student. In addition, a student whose parent is in a Registered Domestic Partnerships will be treated the same as a student with married parents.

In some cases this policy will require two separate calculations to determine a student’s eligibility for financial aid: one to determine a student’s eligibility for state and institutional aid (in which Registered Domestic Partners are treated as if they were married) and one for federal aid (which is not affected by the Act). When packaging a student, the student’s aid from federal, state, and institutional sources will need to be coordinated in order to avoid an overaward. (See “Integration of State, Institutional, and Federal Aid in a Student’s Financial Aid Package” below.)

Determining the Student’s Eligibility for State and Institutional Aid

Implications for Students in a Domestic Partnership

A student in a Registered Domestic Partnership should be considered to be an independent student for state and institutional aid purposes. That is, for state and institutional aid purposes,

- Any campus packaging practices that would typically apply to a married independent student should apply to the student;

- The student should not be assigned a parent contribution (just as a married student would not be assigned a parent contribution);
In calculating the student’s expected *family* contribution (e.g., for purposes of determining whether the student has sufficient need to receive a Cal Grant), resources of the student’s Registered Domestic Partner should be considered (just as one would consider the resources of a student’s spouse), but resources of the student’s parents should not be considered (just as one would not consider the resources of a married student’s parents).

**Implications for Students Whose Parent is in a Domestic Partnership**

For a dependent student whose custodial parent is in a Registered Domestic Partnership, the combined income and assets from both the parent and the parent’s partner should be considered when calculating the parent contribution for state and institutional aid purposes.

**Issues Regarding the Student’s Cost of Attendance**

Any factor that might influence Cost of Attendance for a student in a Registered Domestic Partnership should be considered as if the student were similarly situated but married. For example, a student with a Registered Domestic Partner who has a child from a prior relationship could legitimately include childcare costs in their Cost of Attendance.

**Integration of State, Institutional, and Federal Aid in a Student’s Financial Aid Package**

The Act does not affect the calculation of the student’s dependent/independent status, parental contribution, or expected family contribution in determining the student’s eligibility for federal student aid.

As a result, a student’s calculated need for state and institutional purposes may differ from the student’s need under federal methodology. For example, a student in a Registered Domestic Partnership would be considered independent for state/institutional purposes but may be dependent for federal purposes. In such a case, the student must not be awarded any federal aid for which the student would not qualify as a dependent student. However, the student should be awarded state and institutional aid such that the student’s overall self-help and grant assistance is equivalent to that which a similarly situated married student would receive.

See page 6 for examples of how the Act would affect a student’s eligibility for state and institutional aid and for how such aid would be coordinated with a student’s federal aid.

**Administrative Issues**

**When does the Act become effective?**

The provisions of the Act become effective on January 1, 2005. As a result, its provisions will apply to student financial aid beginning with the Winter Quarter/Spring Semester of 2005. Any student who, after January 1, 2005, identifies themselves as being in a Domestic Partnership (or who identifies their custodial parent as being in a Domestic Partnership) should be reevaluated to determine the student’s aid for the remainder of the 2004-2005 academic year.
After the 2004-05 academic year, if a student’s Domestic Partnership status changes in the middle of a year it should be handled exactly the same way as a student’s marital status changing in the middle of a year. Financial Aid Offices should treat the establishment or dissolution of a Domestic Partnership during the academic year exactly as they would treat a student getting married or divorced during the academic year.

**How will students in Registered Domestic Partnerships be identified?**

Students currently indicate their marital status on the FAFSA. Since the FAFSA does not provide any way for students to identify either their own domestic partnership or their parents’ domestic partnership, campuses will need to provide a separate mechanism to allow students to self-identify either themselves or their parents as being in Registered Domestic Partnership.

**When must additional information be gathered?**

The FAFSA does not call on students to provide information regarding the income or assets of their Registered Domestic Partners, or of the Registered Domestic Partner of a parent. To comply with the Act, campuses will need to collect this information as necessary to determine the student’s eligibility for state and institutional aid.

**How and under what circumstances should a Domestic Partnership be verified?**

A student’s domestic partnership status should be verified under the same circumstances in which a campus would verify the student’s marital status. Certificates of Domestic Partnership are now routinely mailed to all new registrants and individuals in a Registered Domestic Partnership can obtain a certificate from the California Secretary of State’s office.

The Act specifically excludes same-sex couples who are married under another jurisdiction’s law from being considered Registered Domestic partners. The Act does not affect the determination of financial aid eligibility for a married student (or for a student whose parents are married). Specific questions regarding the treatment of students in same-sex marriages should be referred to Student Financial Support, which will refer them to the Office of General Counsel.

**How does a student document the existence of a Domestic Partnership?**

A Domestic Partnership is entered into when the partners file a notarized “Declaration of Domestic Partnership” with the office of the California Secretary of State. The Secretary of State’s office then returns a stamped copy of the Declaration to the partners. Partners may also obtain a “Certificate of Domestic Partnership,” which is more attractive certificate (e.g., for framing) and which can also serve as documentation if the stamped Declaration is misplaced.

**How does a student document the termination of a Domestic Partnership?**

There are two methods for terminating a Domestic Partnership, each producing a different form of documentation. If the Domestic Partners have been in their Domestic Partnership relatively
briefly and have no children and no significant community property, then they may follow a simplified process by filing a Notice of Termination with the Secretary of State’s office. Six months after the Notice of Termination is filed, the Domestic Partnership will be considered effectively terminated. In this case the documentation would be the dated copy of the Notice of Termination returned to the student by the Secretary of State’s office acknowledging that they had received it.

If the partnership does not qualify for this simpler method of termination, the Domestic Partnership can be terminated only by the filing of an action for the dissolution of the Domestic Partnership in superior court. In this case the documentation would be the final decree of the superior court in the matter, just as in a divorce proceeding.

**Reporting Related Information on the CSS campus Input File**

If the student’s award package is affected by the application of the Act (i.e. the student is in a Domestic Partnership, of his or her custodial parent is in a Domestic Partnership), a flag in the student’s campus input file will be requested for the 2004-05 academic year and required in the 2005-06 academic year. The details of this requirement are still under discussion.

**Campus Discretion**

It is up to each campus to determine how to most effectively administer its financial aid program consistent with these guidelines and with the provisions of the Act. Issues of when additional information on Registered Domestic Partnerships will be gathered and how best to evaluate the information left to the discretion of each campus. In all cases, the guiding principle should be to treat individuals in Registered Domestic partnerships as equivalent to married individuals in terms of (1) the overall levels of self-help and grant aid in the student’s financial aid package, (2) the information collected about the student’s resources, and (3) the associated documentation required from the student.
Examples of the Impact of the California Domestic Partner Rights and Responsibilities Act of 2003 on Financial Aid Eligibility and Packaging Considerations

Example 1

Student A has a registered domestic partner. Since he does not meet the federal criteria for independence, he completes the FAFSA as a dependent student. His SAR indicates a student contribution of $3,000 and a parent contribution of $14,000 for a total EFC of $17,000. His cost of attendance is $20,000. His need is $3,000 ($20,000 - $17,000) under federal guidelines.

Because the student is in a registered domestic partnership, the student should be treated as a married independent student when awarding state and institutional aid. As an independent student, the student reports a combined student/partner income of $16,000 and has a student contribution of $1,500. (The student contribution is lower under this scenario because the student’s income and assets are “taxed” at a lower rate as an independent student. Also, this example assumes that both the student and the student’s partner will be enrolled full-time.)

Assuming a self-help expectation of $9,000, under EFM, Student A’s package should contain a self-help expectation of $9,000 and gift aid totaling $11,000. In packaging the student,

- The student is ineligible for a Pell grant because the student’s federal EFC is $17,000.
- The student would likely receive a Cal Grant B worth $7,235 ($5,684 plus $1,551), since the couple’s income is below the income ceiling for the program and the student has sufficient need ($20,000 COA - $1,500 EFC = $18,500 need).
- The remaining gift aid ($11,000 minus the $7,235 Cal Grant B) should be awarded as a UC grant.
- The loan/work portion of the student’s package cannot contain any federal work-study or subsidized loan because the student’s federal EFC ($17,000) plus the student’s gift aid ($11,000) exceeds the cost of attendance. The student’s package may, however, include unsubsidized loan or PLUS loan up to a total of $9,000 (the cost of attendance minus the student’s $11,000 in aid from other sources).

Example 2

Student B is a dependent student whose mother is in a registered domestic partnership. When completing the FAFSA, Student B provides information only about her mother’s income and assets. Based on that information, the SAR reports a federal parent contribution of $400 and a federal student contribution of $200, resulting in a federal EFC of $600.

Because the student’s mother is in a registered domestic partnership, the resources of the mother’s partner must be considered when determining the student’s eligibility for state and
institutional aid (just as the resources of the mother’s spouse would be considered if the mother were married.) The partner has a high income. When the student’s parent contribution is recalculated including this income, the resulting PC is $32,000.

This student is not eligible for state or institutional aid because the student has no need: the parent contribution already exceeds the cost of attendance. However, the student is eligible for federal aid (including campus-based federal aid programs) based on the students’ federal EFC ($600).
Sample Documentation of a California Registered Domestic Partnership
Either is suitable for verification purposes. For more information, see [http://www.ss.ca.gov/dpregistry/](http://www.ss.ca.gov/dpregistry/)

To establish a registered domestic partnership, a signed and notarized “Declaration of Domestic Partnership” is submitted to the California Secretary of State. That office stamps it “FILED” with the effective date of the partnership and returns a copy to the partners.

At their option, partners may also request a “Certificate of Domestic Partnership” (e.g., for framing) from the Secretary of State. They may also request a Certificate if they lose their filed Declaration of Domestic Partnership and need to document their partnership.
California Domestic Partnership Rights and Responsibilities Act of 2003

Q & A

THE LAW

What is the California Domestic Partnership Rights and Responsibilities Act of 2003?

It is an Act passed by the California legislature and signed by Governor Davis in September of 2003 that is designed to give persons living in registered domestic partnerships rights and responsibilities more similar to those of marriage. The Act is sometimes referred to by its bill designation of “AB 205.” It is in California’s Family Code beginning at section 297.

When does the Act go into effect?

Even though the Act was passed in 2003, its provisions do not go into effect until January 1, 2005. It will not affect Cal Grants issued in the 2004-05 cycle, but will affect UC institutional aid that will be disbursed in the 2005 Winter and Spring terms. This will be discussed in more detail below.

Who is affected by the Act?

The Act provides persons in registered Domestic Partnerships on or before January 1, 2005, and those entering into Domestic Partnerships after January 1, with many of the rights and responsibilities of married couples. The law also applies to persons who entered into the equivalent of a California Domestic Partnership in another state or country.

Who is considered a “partner” under the Act?

The Act applies to individuals who register as domestic partners with the California Domestic Partners Registry, which is maintained by the California Secretary of State, or who are in a similar legal union (other than marriage) formed elsewhere. For the purposes of this document, the terms “partner” or “Domestic Partner” shall be used when referring to someone in a registered Domestic Partnership.

In general, what rights does the Act provide for Domestic Partners?

Generally, partners “shall have the same rights, protections, and benefits . . . under law as are granted to . . . spouses.” Specifically, partners have rights equal to those of spouses under probate law, employment law, and discrimination law. Public entities are required to extend to Domestic Partners any rights extended to spouses in terms of insurance and retirement benefits and any other employment
rights mandated by law. For purposes of state and institutional student financial aid, a student in a Domestic Partnerships should be eligible for the aid, as would a similarly situated married student.

In general, what responsibilities does the Act create for Domestic partners?

Persons in registered Domestic Partnerships “shall be subject to the same responsibilities, obligations, and duties under law . . . as are . . . imposed upon spouses.” This includes responsibility for financial support and child support both during, and after termination of, the Domestic Partnership.

Regarding financial aid, persons in a Domestic Partnership should be treated exactly as a similarly situated married person would be treated.

**THE PROCESS: CREATING OR ENDING A DOMESTIC PARTNERSHIP**

How is a Domestic Partnership created?

For the Domestic Partnership Rights and Responsibilities Act to apply, the parties must register the partnership with the California Secretary of State. Persons are eligible to enter into registered Domestic Partnerships if:

- They share a common residence;
- They agree to be jointly responsible for each other’s basic living expenses;
- They are not related by blood in such a way that would make them ineligible to be married;
- They are both over the age of 18;
- Either they are both members of the same sex, or they are of different sexes and one is either over 62 years old or eligible for Social Security old age benefits.

For more details, consult the Secretary of State’s Domestic Partnership website at http://www.ss.ca.gov/dpregistry/

How were people in domestic partnerships notified of the Act’s provisions?

Persons in a registered Domestic Partnership received a letter from the California Secretary of State’s office advising them that their rights and responsibilities were being changed by the Act and that they should formally dissolve their Domestic Partnership if they did not wish to continue the partnership under the terms of the Act.
How are Domestic Partnerships dissolved?

Before the passage of the Domestic Partnership Act, one member of the partnership sending a letter to the California Secretary of State stating the desire to terminate the partnership could terminate registered domestic partnerships. One of the key changes brought about by the Act is to make the process of terminating a Domestic Partnership closer to that of terminating a marriage.

Under the Act, in some cases a Domestic Partnerships can be dissolved by the parties sending a “Notice of Termination of Domestic Partnership” form to the California Secretary of State announcing the intention of terminating the relationship, but only if:

- Both partners sign the form; and
- Neither party of the domestic partnership has produced or adopted a child or is pregnant; and
- The partnership was registered for fewer than five years; and
- Neither party has any interest in real property, except for most residential leases; and
- Community property assets and outstanding debts are less than the limits placed on summary dissolution of a marriage (as of January 1, 2005, community property of $32,000 and outstanding debts of $4,000); and
- The parties have agreed on the division of assets and have waived any rights to support from the other partner;
- Both parties agree they wish the relationship to be terminated.

If all of these conditions are met, the Domestic Partnership is considered automatically terminated six months after the California Secretary of State’s office receives the letter.

If any of these conditions are not met, only filing a proceeding for dissolution of a domestic partnership in superior court can terminate a Domestic Partnership.

THE EFFECT ON STUDENT FINANCIAL AID

Regarding student financial aid, who will be affected by the Act?

Just as with marriage, the existence of a Domestic Partnership may affect financial aid in two possible circumstances—either when a student (dependent or independent as defined by federal financial aid rules) is in a Domestic
Partnership, or when a dependent student’s custodial parent (again, as defined by federal financial aid rules) is in a Domestic Partnership. For a student’s award to be affected, the student (or the student’s custodial parent) must be in the Domestic Partnership at the time the FAFSA is filed for the current academic year.

A domestic partnership (or, similarly, a marriage) that is established after the FAFSA is filed will not affect the student’s financial aid award that year.

Does the Domestic Partnership Act affect a student’s federal award?

The Domestic Partnership Act is a state law and does not directly affect federal financial aid awards, such as the Pell Grant.

However, if a student’s Domestic Partnership results in a change in state or UC institutional grant assistance, the student’s eligibility for other need-based federal aid, such as subsidized federal loans, might be indirectly affected. Whatever the impact, the total size of the student’s aid package should remain the same.

How will a student’s state and UC institutional financial aid award be affected?

As with a married student, if a student who would otherwise be considered a dependent is in a Domestic Partnership, their financial aid package will be calculated as if they were an independent student. The income and assets of the student’s parents would not be considered, but the income and assets of the partner would be considered in the same manner as a spouse. Similarly, an independent student would be treated as if the Domestic Partner were his or her spouse, and the partner’s incomes and assets would be considered in determining the student’s financial aid package.

If a dependent student’s custodial parent is in a Domestic Partnership, then the parent’s partner would be treated as a spouse and their combined income and assets would be considered, as in the case of married couples. Whether or not the non-custodial parent of the student is in a Domestic Partnership is not relevant.

Will the Act increase or decrease a student’s eligibility for financial aid?

It depends. It is possible that if a student’s partner (or the custodial parent’s partner) has significant income or assets, the student’s eligibility for state and institutional aid will decline. Conversely, if the partner has few financial resources, or if the partner is also enrolled full time in college, the student’s eligibility may increase.

If a student (or a student’s custodial parent) is in a Domestic Partnership, must the student disclose that fact and disclose information about the income, assets, or student status of the Domestic Partner?
For 2004-05, UC students who are in a Domestic Partnership, or whose custodial parent is in a Domestic Partnership, as of March 2, 2004, are expected to disclose that fact and the associated income, asset, and student status information. The new information will be used to determine remaining institutional financial aid for the 2004-05 academic year (Winter and Spring 2005 terms).

After the 2004-05 academic year, all UC students in a Domestic Partnership (or with a custodial parent in a Domestic Partnership) must report this fact in the course of the application process involving the FAFSA, the UC Domestic Partnership declaration, and any forms that CSAC may require, the latter in the case of a California resident only.

How does a student report a Domestic Partnership?

A student in a Domestic Partnership, or whose custodial parent is in a Domestic Partnership, must notify both the campus Financial Aid office and CSAC.

In order to process a student’s financial aid application, the campus Financial Aid office needs information regarding a student’s (or his or her parent’s) Domestic Partnership. However, the FAFSA does not have any provision for reporting the existence of a Domestic Partnership or the income/asset information on the school attendance status of a Domestic Partner. Financial aid applicants who are in a Partnership, or whose custodial parent is in a Partnership, must report the Domestic Partnership to the campus Financial Aid Office by means of forms developed by the campus. The campus must then notify CSAC if the new information results in a change in the student’s Cal Grant eligibility.

In addition, a student in a Domestic Partnership (or one whose custodial parent is in a Domestic Partnership) should report its existence as well as information on the partner’s income, assets and student status to CSAC using the reporting form available on their website at http://www.csac.ca.gov/doc.asp?id=1149.

Is there a deadline for reporting a Domestic Partnership?

In recognition that information about the new financial aid requirements under AB 205 may not reach all potentially affected students in a timely way, CSAC will include in their award letters a notice that any student in a Domestic Partnership (or those whose parent is in a Domestic Partnership) should contact CSAC within 30 days of the notice and request CASC’s Domestic Partnership Information Form, fill it out, and return it to CSAC. CSAC will then notify the applicant as well as the applicant’s home campus if the Domestic Partnership information affects the Cal Grant award.

*For 2004-05 and 2005-06, students will have until the end of the academic year to report information about their or their parent’s Domestic Partnerships to campus*
Financial Aid offices for purposes of determining their eligibility for aid under the Act. In future years, campuses may institute a different deadline.

Does documentation on the status of a Domestic Partnership need to be provided beyond the attestations and information on the CSAC Domestic Partnership Information Form?

CSAC is requiring that documentation be submitted to them along with their “Cal Grant Registered Domestic Partner Reporting Form.” Campus Financial Aid Offices will require documentation on Domestic Partnerships in the same manner and to the same extent that they currently require documentation on marriage. Most campuses require documentation of marital status (especially for the parents of dependent students) only in limited situations. Generally, those same campus standards will be used for requiring documentation of Domestic Partnerships, CSAC’s rules notwithstanding.

If required, what documentation will serve to verify that a Domestic Partnership has been entered into/dissolved?

To establish that a Domestic partnership exists, a student must produce either the Declaration of Domestic Partnership that was filed with the California Secretary of State’s office or a copy of the Certification of Domestic Partnership issued by the California Secretary of State’s office. UC General Counsel will determine the validity of partnerships entered into outside of California on a case-by-case basis.

When a domestic partnership is terminated by the parties notifying the California Secretary of State of their wish to end the partnership (see above), a copy of the form is the only documentation that will exist. A copy of the form is available from the Secretary of State for a nominal fee. Where the partnership is dissolved by judicial action, the student must produce a copy of the dissolution decree from the court.

How does CSAC plan on handling students whose Cal Grants packages are affected by Domestic Partnerships?

CSAC has interpreted the Act as not requiring that awards made for the 2004-05 school year (which were made before AB 205 went into effect) be revised subsequent to AB 205 becoming effective. Therefore, Cal Grants awarded for 2004-05 will not be affected by AB 205. CSAC will implement AB 205 in beginning with the 2005-06 awards.

CSAC has developed a “Cal Grant Registered Domestic Partner Reporting Form” (available at http://www.csac.ca.gov/doc.asp?id=1149) for their 2005-06 award cycle, along with a document explaining the effect on AB 205 on Cal Grant applicants. CSAC will include information on AB 205 in each award letter, with an advisory that students should contact the Commission within 30 days of the award letter to request a form for filing Domestic Partner information. Students
with a Domestic Partner or whose custodial parent is in a Domestic Partnership must fill out the form, which asks for financial information on the Domestic Partner of the student or the student’s parent, and then return the completed, signed form to CSAC, along with the necessary documentation.

CSAC will then consider whether the Domestic Partnership will alter the Cal Grant and will notify the student of any change in the Cal Grant award. Although CSAC will accept forms for filing Domestic Partnership information prior to the Cal Grant award notification process, CSAC will award the initial Cal Grant based on the information reported on a student’s FAFSA and then revise the award, as appropriate, using information from the “Cal Grant Registered Domestic Partner Reporting Form.”

How are Domestic Partnerships and same-sex marriages from other jurisdictions affected by the Act?

UC General Counsel will determine, on a case-by-case basis, whether Domestic Partnerships and same-sex marriages from other jurisdictions qualify under the California law. Campuses will forward application to UCOP for Counsel’s review as they receive them from students.

The FAFSA contains a statement warning of criminal penalties for false information—do these same provisions apply to students who supply information about Domestic Partnerships via means other than the FAFSA?

The “Cal Grant Registered Domestic Partner Reporting Form” that notifies CSAC of any Domestic Partnership that would affect a student’s eligibility contains a notice that the information is true and correct under penalty of perjury. Campuses should include similar warnings on their forms.

Will my 2004-05 financial aid package be revised because of AB 205?

CSAC will not revise Cal Grants awarded before January 1, 2005. For Cal Grants, AB 205 will be implemented beginning with the 2005-06 award cycle.

UC institutional awards made in the 2005 Winter or Spring terms will be revised based on the new information about the student’s (or the student’s custodial parent’s) Domestic Partnership.

If a student loses eligibility for state or institutional aid because of a Domestic Partnership, can the campus Financial Aid Office ignore the Partnership and process the student’s application as if they were single?

No, the Financial Aid Office has no discretion to disregard the existence of a Domestic Partnership after they learn of its existence, just as the Financial Aid office has no discretion to disregard knowledge of the existence of a marriage.
IMPLEMENTATION ISSUES

How does a financial aid office report Domestic Partnership information?

In reporting student information to OP on the corporate student system - financial aid database, there are two flags that indicate a student’s eligibility for financial aid is affected by AB 205. Under special programs, Flag 5 indicates that the student’s Domestic Partners resources are included in institutional need-analysis, and Flag 6 where the student’s custodial parents Domestic Partners resources are included in institutional need-analysis.

The values transmitted by the campus for a student’s Federal Dependent Status, Parental Contribution, Student Contribution, Expected Family Contribution, Parent Income and Student Income should all continue to be the values calculated under federal methodology and should not be affected by the student’s circumstances under AB 205.

How will students learn about the effect of AB 205 on their financial aid?

Campus Financial Aid Offices are working with their campus’ GLBT Centers to inform students about the impact of AB 205. Campuses are also posting information on their websites and having articles published in the campus newspaper. UC Student Financial Support will also include information on AB 205 in the mailing that goes to all new UC students applying for financial aid.

CSAC is including an announcement regarding AB 205 in the award letter they send to students with respect to CAL GRANTS for 2005-2006.

If students or their parent were in a Domestic Partnership at the time that they filed their FAFSAs (prior to March 2, 2004) for the 2004 – 2005 school year, they should complete the forms provided by their campus. The campus will determine if the new information results in any change to the students’s 2004 –2005 UC aid awards that have not yet been disbursed.

For the 2005-2006 school year, students or their parent who are in a Domestic Partnership, irrespective of when it started, should complete the forms provided by their respective campus. The campus will determine if the new information results in any change to the students’s UC award or CAL GRANTS for 2005-2006. If a change to any CAL GRANT is warranted, the campus will let CSAC know about the determinations. If these applicants provide the updated Domestic Partnership status information only to CSAC and not to the campus, the campus will not be notified by CSAC unless CAL GRANTS are affected. CSAC requirements for documentation may exceed those of UC.
Based on information available at this time, this same process will be in place for future school (award) years; the process will continue to require additional action with respect the UC campuses and CSAC on the part of students who themselves or whose parent is in a Domestic Partnership. Applicants must repeat these additional steps for each school year for which they are seeking financial aid if they or their parent are in a Domestic Partnership.
The California Domestic Partner Rights and Responsibilities Act (AB 205)

Implications for Student Financial Aid

What does the Act do?
- Generally, it extends many of the same “rights, protections, and benefits”, & “responsibilities, obligations, and duties” to Registered Domestic Partners as are granted to spouses under California law
- Greater equity with married couples is the major theme

What financial aid programs are affected?
- The Act may affect eligibility for State and University financial aid programs
  - Cal Grants
  - UC Grants
- The Act does not apply to Federal aid programs
  - Pell Grants
  - Federal Work-Study
  - Stafford or PLUS Student Loans

What students are affected?
- Students in a CA Registered Domestic Partnership on or after January 1, 2005
- Dependent students whose custodial parent is in a CA Registered Domestic Partnership on or after January 1, 2005
- Includes partnerships formed before January 1 if they are still in effect on January 1

How does the Act affect eligibility for State and UC aid?
- For
  - Dependent students in a DP,
  - Independent students in a DP, and
  - Dependent students whose parent is in a DP,
  the Act may change the resources that are considered when determining eligibility for need-based aid

Example 1: Dependent Student in a Domestic Partnership
- Federal law makes a distinction between dependent and independent students
  - Depending on the student's classification, different resources are taken into account to determine aid eligibility
- Prior to January 1, aid eligibility for a dependent student in a DP would consider:
  - The student's assets and income
  - The parent's assets and income
Example 1: Dependent Student in a Domestic Partnership (cont’d)

After January 1,
- The student's State and UC aid eligibility will consider
  - The student's and the student's partner's combined assets and income
- BUT Federal aid eligibility will still consider
  - The student's assets and income
  - The parent's assets and income

Is the student better off under the new law?
- For Federal aid, the student's eligibility is unchanged
- For UC and State aid, it depends:
  - A student with affluent parents and a low-income partner may be eligible for more UC and State aid
  - A student with low parental income but high partner income/assets may receive less aid
  - In both cases, the student would be treated the same as a married student for UC and State aid

Example 2: Independent Student in a Domestic Partnership

Married students, graduate students, and students 24 years old or over are independent students for Federal, State, and UC financial aid purposes
- Prior to the Act, this independent student's eligibility for need-based aid would depend upon the student's assets and income

After January 1,
- For Federal aid, the student's eligibility is unchanged
- For UC and State aid, eligibility will depend on the student's and the student's partner's combined assets and income

Example 3: Dependent student with custodial parent in Domestic Partnership

Before January 1,
- eligibility for aid was based on income and assets of the custodial parent

After January 1,
- eligibility for UC and State aid will take into account the income and assets of the custodial parent and the parent's partner, just as if they were married.

How does the Financial Aid Office know that a student (or a student's parent) is in a domestic partnership?
- The FAFSA doesn't include “domestic partnership” as a valid marital status
- Students will need to inform the Financial Aid Office separately that they or their parents are in a domestic partnership
- The Financial Aid Office will provide the necessary forms to collect any information about a partner's income or assets
Will students need to document their (or their parents’) partnerships?

- Students will be asked to document their DP status under the same circumstances in which married students are asked to document their marital status.
- Similarly, students will be asked to document their parents’ status to the same extent that students document their parents’ marital status.

How does a student document their (or their parents’) partnership?

- Students can provide a copy of either:
  - Their “Declaration of Domestic Partnership” (the form filed with the State and stamped by the Secretary of State’s Office).
  - A “Certificate of Domestic Partnership” (available upon request from the CA Secretary of State’s Office).

Sample Documentation

- Out-of-state domestic partnerships

  - The Act’s provisions apply to similar legal unions “other than marriage” from other states.
  - UC is compiling a list of valid unions/partnerships from other states.
  - UC currently recognizes any legal out-of-state marriage.

How is aid affected for the 2004-05 academic year?

- If you (or your parent) were in a DP when you filed your 2004-05 FAFSA, your aid for the remainder of 2004-05 (after January 1) may be adjusted if you notify the Financial Aid Office.
- If you (or your parent) entered into a DP after you filed your 2004-05 FAFSA, your aid package for 2004-05 will be unaffected.
- The same policy applies to students who get married after filing their FAFSA.

Are there other financial aid policies that might apply to GLBT students other than domestic partners?

- Not specifically.
  - Under Federal law, in certain cases, a student may be considered independent (and perhaps qualify for more aid) if they can document:
    - an abusive family environment (e.g., sexual, physical, or mental abuse or other forms of domestic violence).
    - abandonment by parents.
    - an unsuitable household (e.g., child removed from the household and placed in foster care).
- Students in this situation should consult with a counselor in the Financial Aid Office.
For more information...

- Contact the Campus Financial Aid Office

Questions/Discussion