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AB-172 Public postsecondary education: residency: dependents of armed forces members. (2017-2018)

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Assembly Bill No. 172

CHAPTER 165

An act to amend Section 68074 of the Education Code, relating to public postsecondary education.

[Approved by Governor August 07, 2017. Filed with Secretary of State August 07, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 172, Chávez. Public postsecondary education: residency: dependents of armed forces members.

(1) Under existing law, the segments of the public postsecondary education system in the state include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges.

Existing law establishes uniform student residency requirements for purposes of ascertaining the amount of tuition and fees to be paid by students of public postsecondary education institutions. Existing law entitles a student to resident classification for the purpose of determining tuition and fees if the student is a member, or a child or spouse who is a dependent of a member, of the Armed Forces of the United States stationed in the state on active duty, except as specified.

Existing law further provides that, if that member of the Armed Forces of the United States, whose dependent natural or adopted child, stepchild, or spouse is in attendance at an institution, (1) is thereafter transferred on military orders to a place outside this state where the member continues to serve in the Armed Forces of the United States, or (2) is thereafter retired as an active member of the Armed Forces of the United States, the student dependent shall not lose his or her resident classification so long as he or she remains continuously enrolled at that institution.

This bill would extend that resident classification for designated dependents of transferred and retired members of the Armed Forces of the United States to those dependents who have been admitted to a public postsecondary institution before the transfer or retirement. The bill would request the Regents of the University of California to establish the same residency benefits as those established by this bill for students enrolled at the University of California.

To the extent that the bill would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 68074 of the Education Code is amended to read:

68074. (a) A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the Armed Forces of the United States stationed in this state on active duty is entitled to resident classification only for the purpose of determining the amount of tuition and fees.

(b) If that member of the Armed Forces of the United States, whose dependent natural or adopted child, stepchild, or spouse is in attendance at, or has been admitted to, a public postsecondary institution, (1) is thereafter transferred on military orders to a place outside this state where the member continues to serve in the Armed Forces of the United States, or (2) is thereafter retired as an active member of the Armed Forces of the United States, the student dependent shall not lose his or her resident classification so long as he or she remains continuously enrolled at that institution.

SEC. 2. The Legislature hereby requests the Regents of the University of California to establish the same residency benefits for students enrolled at the University of California as those enacted by Section 1 of this act.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.