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**AB-343 Public postsecondary education: holders of certain special immigrant visas.** (2017-2018)

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Date Published: 10/05/2017 09:00 PM

**Assembly Bill No. 343**

**CHAPTER 491**

An act to add Section 68075.6 to the Education Code, relating to postsecondary education.

[ Approved by Governor October 05, 2017. Filed with Secretary of State October 05, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 343, McCarty. Public postsecondary education: holders of certain special immigrant visas.

(1) Existing law establishes the California State University, the California Community Colleges, and the University of California as the 3 segments of public postsecondary education in this state. Existing law exempts specified students from paying nonresident tuition at the California State University and the California Community Colleges, as specified.

This bill would express legislative findings and declarations relating to persons provided with special immigrant visa status due to their displacement because of wars taking place in their home countries. The bill would exempt students who have been granted special immigrant visas pursuant to a specified federal statute, or are refugees admitted to the United States under a specified federal statute, and who, upon entering the United States, settled in California, from paying nonresident tuition at the California Community Colleges. The bill would also authorize a community college district to report a student, who is exempt from nonresident tuition under this bill and who is enrolled as a student of that district, as a full-time equivalent student for apportionment purposes.

To the extent that this bill would place additional requirements on community college districts to exempt those students from nonresident tuition, the bill would impose 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 68075.6 is added to the Education Code, to read:

**68075.6.** (a) The Legislature finds and declares all of the following:

(1) The wars in Afghanistan, Iraq, Syria, and other countries have displaced many families, causing many of them to flee their homes in search of a better life. Between 2011 and March 2017, more than 36,000 refugees entered California, with nearly

8,000 of them entering in 2016.

(2) Under the National Defense Authorization Act for Fiscal Year 2006, certain Afghan and Iraqi nationals were provided special immigrant status in the United States. Through the end of 2015, more than 37,000 individuals were granted special immigrant visa (SIV) status under this program. Between 2011 and March 2017, 9,200 SIV holders resettled in California.

(3) Many of these families have escaped war and persecution in order to improve the lives of their families, but encounter numerous barriers, such as the cost of higher education, when assimilating into the United States. Access to institutions of higher education will ensure that students from these families are able to pursue their educational goals and rebuild and improve their lives and the lives of their families.

(b) Notwithstanding any other law:

(1) A student of the California Community Colleges who has a special immigrant visa that has been granted a status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the nonresident tuition fee required by Section 76140 for the length of time he or she lives in this state up to the minimum time necessary to become a resident.

(2) A community college district may report a student, who is exempt from nonresident tuition pursuant to this section and who is enrolled as a student in that district, as a full-time equivalent student for apportionment purposes.

**SEC. 2.** 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.