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SB-68 Public postsecondary education: exemption from nonresident tuition. (2017-2018)

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Senate Bill No. 68

CHAPTER 496

An act to amend Section 68130.5 of the Education Code, relating to public postsecondary education.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 68, Lara. Public postsecondary education: exemption from nonresident tuition.

(1) Existing law exempts a student, other than a nonimmigrant alien, as defined, from paying nonresident tuition at the California State University and the California Community Colleges if the student meets certain requirements, including high school attendance in California for 3 or more years or attainment of credits earned in California from a California high school equivalent to 3 or more years of full-time high school coursework and a total of 3 or more years of attendance at California elementary and secondary schools.

This bill would instead exempt a student, other than a nonimmigrant alien, from nonresident tuition at the California State University and the California Community Colleges if the student has a total of 3 or more years of attendance, or attainment of equivalent credits earned while in California, California high schools, California adult schools, campuses of the California Community Colleges, or a combination of those schools, as specified, or the student completes 3 or more years of full-time high school coursework, and a total of 3 or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools. The bill would also require that the student graduate from a California high school or attain the equivalent, attain an associate degree from a campus of the California Community Colleges, or fulfill minimum transfer requirements established for the University of California or the California State University for students transferring from campuses of the California Community Colleges.

The bill would request the Regents of the University of California to enact exemptions from requirements to pay nonresident tuition for its students that are equivalent to those applicable to students of the California Community Colleges and the California State University pursuant to this bill.

Because the bill would impose new duties on community college districts with respect to determining eligibility for exemptions from paying nonresident tuition, the bill 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.

(3) This bill would incorporate additional changes to Section 68130.5 of the Education Code proposed by SB 244 to be operative only if this bill and SB 244 are enacted and this bill is enacted last.

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

SECTION 1. Section 68130.5 of the Education Code , as amended by Section 1 of Chapter 675 of the Statutes of 2014, is amended to read:

68130.5. Notwithstanding any other law:

(a) A student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges if the student meets all of the following requirements:

(1) Satisfaction of the requirements of either subparagraph (A) or subparagraph (B):

(A) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:

(i) California high schools.

(ii) California high schools established by the State Board of Education.

(iii) California adult schools established by any of the following entities:

(I) A county office of education.

(II) A unified school district or high school district.

(III) The Department of Corrections and Rehabilitation.

(iv) Campuses of the California Community Colleges.

(v) A combination of those schools set forth in clauses (i) to (iv), inclusive.

(B) Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.

(C) (i) Full-time attendance at a campus of the California Community Colleges counted towards the requirements of this paragraph shall comprise either a minimum of 12 units of credit per semester or quarter equivalent per year or a minimum of 420 class hours per year or semester or quarter equivalent per year in noncredit courses authorized pursuant to Section 84757. Attendance in credit courses at a campus of the California Community Colleges counted towards the requirements of this paragraph shall not exceed a total attendance of two years of full-time attendance.

(ii) Full-time attendance at a California adult school counted towards the requirements of this paragraph shall be a minimum of 420 class hours of attendance for each school year in classes or courses authorized pursuant to Section 41976 or Sections 2053 to 2054.2, inclusive, of the Penal Code.

(2) Satisfaction of any of the following:

(A) Graduation from a California high school or attainment of the equivalent thereof.

(B) Attainment of an associate degree from a campus of the California Community Colleges.

(C) Fulfillment of the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges.

(3) Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year.

(4) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

(b) A student who is exempt from nonresident tuition under this section may be reported by a community college district as a full-time equivalent student for apportionment purposes.

(c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall prescribe rules and regulations for the implementation of this section.

(d) Student information obtained in the implementation of this section is confidential.

SEC. 1.5. Section 68130.5 of the Education Code, as amended by Section 1 of Chapter 675 of the Statutes of 2014, is amended to read:

68130.5. Notwithstanding any other law:

(a) A student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges if the student meets all of the following requirements:

(1) Satisfaction of the requirements of either subparagraph (A) or subparagraph (B):

(A) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:

(i) California high schools.

(ii) California high schools established by the State Board of Education.

(iii) California adult schools established by any of the following entities:

(I) A county office of education.

(II) A unified school district or high school district.

(III) The Department of Corrections and Rehabilitation.

(iv) Campuses of the California Community Colleges.

(v) A combination of those schools set forth in clauses (i) to (iv), inclusive.

(B) Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.

(C) (i) Full-time attendance at a campus of the California Community Colleges counted towards the requirements of this paragraph shall comprise either a minimum of 12 units of credit per semester or quarter equivalent per year or a minimum of 420 class hours per year or semester or quarter equivalent per year in noncredit courses authorized pursuant to Section 84757. Attendance in credit courses at a campus of the California Community Colleges counted towards the requirements of this paragraph shall not exceed a total attendance of two years of full-time attendance.

(ii) Full-time attendance at a California adult school counted towards the requirements of this paragraph shall be a minimum of 420 class hours of attendance for each school year in classes or courses authorized pursuant to Section 41976 or Sections 2053 to 2054.2, inclusive, of the Penal Code.

(2) Satisfaction of any of the following:

(A) Graduation from a California high school or attainment of the equivalent thereof.

(B) Attainment of an associate degree from a campus of the California Community Colleges.

(C) Fulfillment of the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges.

(3) Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year.

(4) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

(b) A student who is exempt from nonresident tuition under this section may be reported by a community college district as a full-time equivalent student for apportionment purposes.

(c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall prescribe rules and regulations for the implementation of this section.

(d) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, information obtained in the implementation of this section is confidential, shall be used only to administer tuition payments pursuant to this section, shall not be open to the public for inspection, and shall not be disclosed without the written consent of the student, except as necessary to administer this section, or as otherwise required by California law or a state or federal court order. This subdivision does not prohibit the disclosure of aggregate data if it is disclosed in a manner that would prevent it from being used to determine the identities of the persons upon whom the data is based.

SEC. 2. The Regents of the University of California are requested to enact exemptions from requirements to pay nonresident tuition for its students that are equivalent to those applicable to students of the California Community Colleges and the California State University pursuant to Section 68130.5 of the Education Code, as amended pursuant to 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.

SEC. 4. Section 1.5 of this bill incorporates amendments to Section 68130.5 of the Education Code proposed by both this bill and Senate Bill 244. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 68130.5 of the Education Code, and (3) this bill is enacted after Senate Bill 244, in which case Section 1 of this bill shall not become operative.