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SB-183 Educational equity: immigration status. (2017-2018)

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Date Published: 09/27/2018 09:00 PM

Senate Bill No. 183

CHAPTER 779

An act to amend Sections 66251, 66260.6, and 66270 of, and to add Section 66270.3 to, the Education Code, relating to educational equity.

[Approved by Governor September 26, 2018. Filed with Secretary of State September 26, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 183, Lara. Educational equity: immigration status.

Existing law, the Equity in Higher Education Act, states the policy of the State of California to afford all persons, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in postsecondary educational institutions of the state, and states that the purpose of related existing law is to prohibit acts that are contrary to that policy and to provide remedies therefor. Existing law prohibits a person from being subjected to discrimination on those bases and states that each characteristic includes a perception that the person has that characteristic or that the person is associated with a person who has, or is perceived to have, that characteristic.

This bill would expressly reference immigration status in the specified characteristics for purposes of those provisions. The bill would specify that nothing in the Equity in Higher Education Act shall be construed to require a postsecondary educational institution to offer admission or student financial aid to a nonimmigrant alien, as specified, except as provided, and that nothing in the act shall be construed to change a student's eligibility for state financial aid.

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

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

SECTION 1. Section 66251 of the Education Code is amended to read:

66251. It is the policy of the State of California to afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, including immigration status, equal rights and opportunities in the postsecondary educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies for the commission of those prohibited acts.

SEC. 2. Section 66260.6 of the Education Code is amended to read:

66260.6. "Disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status," includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

SEC. 3. Section 66270 of the Education Code is amended to read:

66270. No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the Government Code or any other characteristic that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, including immigration status, in any program or activity conducted by any postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

SEC. 4. Section 66270.3 is added to the Education Code, to read:

66270.3. Nothing in this chapter shall be construed to require a postsecondary institution to offer admission or student financial aid to a nonimmigrant alien within the meaning of paragraph (15) of subdivision (a) of Section 1101 of Title 8 of the United States Code, as that paragraph exists on January 1, 2019. However, students granted status pursuant to subparagraphs (T) or (U) of paragraph (15), as specified, shall not be subjected to discrimination in admission or financial aid on the basis of immigration status. Nothing in this chapter shall be construed to change a student's eligibility for state financial aid.

SEC. 5. The Legislature finds and declares that the amendments of Sections 66251, 66260.6, and 66270 made by this act do not constitute a change in, but are declaratory of, existing law.