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SB-1141 Public postsecondary education: exemption from payment of nonresident tuition. (2021-2022)

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Senate Bill No. 1141

CHAPTER 490

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

[Approved by Governor September 23, 2022. Filed with Secretary of State September 23, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1141, Limón. Public postsecondary education: exemption from payment of nonresident tuition.

(1) Existing law exempts a student, other than a person excluded from the term "immigrant," as defined, from paying nonresident tuition at the California State University and the California Community Colleges if, among other conditions, the student has a total of 3 or more years of full-time attendance in certain California schools or attainment of equivalent credits earned while in those schools, as specified, or the student completes 3 or more years of full-time high school coursework in California and a total of 3 or more years of attendance in California elementary schools or California secondary schools. Existing law requires attendance in credit courses at a campus of the California Community Colleges counted toward meeting the 3-year requirement to not exceed 2 years of full-time attendance.

This bill would delete the requirement that attendance in credit courses at a campus of the California Community Colleges counted toward meeting the 3-year requirement not exceed 2 years of full-time attendance.

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.

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

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

SECTION 1. Section 68130.5 of the Education Code is amended to read:

68130.5. Notwithstanding any other law:

(a) A student, other than a person excluded from the term "immigrant," for purposes of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), pursuant to 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 in California, 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.

(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 the student's immigration status, or will file an application as soon as the student 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. 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.