

ASSEMBLY BILL

No. 2666

Introduced by Assembly Member Goldberg
(Principal coauthor: Senator Speier)

February 24, 2006

An act to add Section 68077.5 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2666, as introduced, Goldberg. Public postsecondary education: resident classification: members of recognized tribes.

Existing law establishes the University of California, the California State University, and the California Community Colleges as the 3 segments of public postsecondary education in this state. Existing law requires that each student at these institutions be classified as a resident or a nonresident, and further requires that each student classified as a nonresident be required to pay nonresident tuition, except as otherwise provided.

Existing law provides criteria for the determination of a student's place of residence. Notwithstanding these criteria, a provision of existing law requires that a student who is a graduate of any school located in California that is operated by the United States Bureau of Indian Affairs is entitled to resident classification.

Pursuant to existing federal law, there are 562 tribal entities recognized and eligible for funding and services from the United States Bureau of Indian Affairs by virtue of their status as Indian tribes.

This bill would express findings and declarations of the Legislature with respect to members of tribal entities. The bill would require that, notwithstanding the criteria in existing law for the determination of a

student’s place of residence, a student who demonstrates that he or she is a member of a tribal entity recognized by, and eligible to receive services from, the United States Bureau of Indian Affairs is entitled to resident classification. To the extent that the bill would require community college districts to change their procedures relating to the determination of the residency status of their students, 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Our nation has a unique legal relationship with Indian
4 tribes that is recognized in the Constitution, statutes, and treaties
5 of the United States.

6 (2) There is a long history of federal involvement in the field
7 of tribal education.

8 (3) For decades, many tribal members have been obliged to
9 cross state lines to pursue elementary, secondary, and
10 postsecondary education at schools sponsored by the federal
11 government.

12 (4) Thus, more than any other group of Americans, and
13 particularly with respect to education, members of federally
14 recognized tribal entities may truly be considered to be residents
15 of the United States rather than residents of a particular state.

16 (5) The State of California has long recognized the special
17 status of members of federally recognized tribal entities in the
18 field of higher education.

19 (6) Under Section 68077 of the Education Code, a student who
20 is a graduate of any school located in California that is operated

1 by the United States Bureau of Indian Affairs is entitled to
2 resident classification irrespective of that student's place of
3 residence.

4 (b) Therefore, it is the intent of the Legislature to enact
5 legislation to require that a student who is a member of a tribal
6 entity recognized by the United States Bureau of Indian Affairs is
7 entitled to resident classification.

8 SEC. 2. Section 68077.5 is added to the Education Code, to
9 read:

10 68077.5. Notwithstanding Section 68062, a student who
11 demonstrates that he or she is a member of a tribal entity
12 recognized by, and eligible to receive services from, the United
13 States Bureau of Indian Affairs is entitled to resident
14 classification.

15 SEC. 3. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.