

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 268**

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**Introduced by Senator McClintock**  
**(Coauthor: Senator Cox)**

February 15, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

SB 268, as amended, McClintock. Public postsecondary education: Nonresident ~~admissions~~ *tuition* criteria: immigrants.

Existing law requires that a person, other than a nonimmigrant alien, as defined, who has attended high school in California for 3 or more years, who has graduated from a California high school or attained the equivalent thereof, who has registered at or attends an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year, and who, if he or she is an alien without lawful immigration status, has filed an affidavit as specified, is exempted from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would delete a person without lawful immigration status from eligibility for paying nonresident tuition at the California Community Colleges and the California State University.

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

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

- 1 SECTION 1. Section 68130.5 of the Education Code is  
 2 amended to read:  
 3 68130.5. Notwithstanding any other provision of law:  
 4 (a) A student, other than a person without lawful immigration  
 5 status or a nonimmigrant alien within the meaning of paragraph  
 6 (15) of subsection (a) of Section 1101 of Title 8 of the United  
 7 States Code, who meets all of the following requirements shall be  
 8 exempt from paying nonresident tuition at the California State  
 9 University and the California Community Colleges:  
 10 (1) High school attendance in California for three or more years.  
 11 (2) Graduation from a California high school or attainment of  
 12 the equivalent thereof.  
 13 (3) Registration as an entering student at, or current enrollment  
 14 at, an accredited institution of higher education in California not  
 15 earlier than the fall ~~semester or quarter~~ *quarter or semester* of the  
 16 2001–02 academic year.  
 17 (b) A student exempt from nonresident tuition under this section  
 18 may be reported by a community college district as a full-time  
 19 equivalent student for apportionment purposes.  
 20 (c) The Board of Governors of the California Community  
 21 Colleges and the Trustees of the California State University shall  
 22 prescribe rules and regulations for the implementation of this  
 23 section.  
 24 (d) Student information obtained in the implementation of this  
 25 section is confidential.

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