

Assembly Bill No. 130

Passed the Assembly May 5, 2011

Chief Clerk of the Assembly

Passed the Senate July 14, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 68130.7 of, and to add Section 66021.7 to, the Education Code, relating to student financial aid.

LEGISLATIVE COUNSEL'S DIGEST

AB 130, Cedillo. Student financial aid: eligibility: California Dream Act of 2011.

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 a prescribed affidavit, is exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would enact the California Dream Act of 2011.

This bill would provide that, on and after January 1, 2012, a student attending the California State University, the California Community Colleges, or the University of California who is exempt from paying nonresident tuition under the provision described above would be eligible to receive a scholarship derived from nonstate funds received, for the purpose of scholarships, by the segment at which he or she is a student.

The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable.

This bill would find and declare that the amendments to the Donahoe Higher Education Act described above are state laws within the meaning of a specified federal provision.

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

SECTION 1. This act shall be known, and may be cited, as the California Dream Act of 2011.

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

(1) It is the intent of the Legislature that all students who are exempt from nonresident tuition pursuant to Section 68130.5 of the Education Code and that are deemed to be in financial need shall be eligible for all financial aid.

(2) Increased access to financial aid for all students in California's universities and colleges increases the state's collective productivity and economic growth.

(b) It is, therefore, the intent of the Legislature to address these issues by enacting the California Dream Act of 2011.

SEC. 3. Section 66021.7 is added to the Education Code, to read:

66021.7. Notwithstanding any other law, on and after January 1, 2012, a student attending the California State University, the California Community Colleges, or the University of California who is exempt from paying nonresident tuition under Section 68130.5 shall be eligible to receive a scholarship that is derived from nonstate funds received, for the purpose of scholarships, by the segment at which he or she is a student. The Legislature finds and declares that this section is a state law within the meaning of subsection (d) of Section 1621 of Title 8 of the United States Code.

SEC. 4. Section 68130.7 of the Education Code is amended to read:

68130.7. If a state court finds that Section 66021.7 or 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the court may order, as equitable relief, that the administering entity that is the subject of the lawsuit terminate any waiver awarded under that statute or provision, but no money damages, tuition refund or waiver, or other retroactive relief, may be awarded. In any action in which the court finds that Section 66021.7 or 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the California Community Colleges, the California State University, and the University of California are immune from the imposition

of any award of money damages, tuition refund or waiver, or other retroactive relief.

Approved _____, 2011

Governor