

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2000**

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**Introduced by Assembly Member Gomez**

February 20, 2014

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An act to ~~add Section 68130.8 to~~ *amend Section 68130.5* of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2000, as amended, Gomez. Public postsecondary education: exemption from nonresident tuition.

**Existing**

(1) ~~Existing law requires~~ *provides* 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 exempt from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would provide that ~~a student's~~ *student could qualify for* exemption from nonresident tuition ~~for an academic year pursuant to the above-referenced provision is to be determined solely on the basis of the criteria in that provision and not affected by a change in that student's immigration or residency status in a subsequent academic year. The bill would express a legislative finding and declaration that its provisions are declaratory of existing law.~~ *either by high school*

*attendance in California for 3 or more years or by attainment of high school credits equivalent to 3 or more years of full-time high school coursework, in addition to the other conditions referenced above.*

*Because this bill would require community college districts to determine whether students qualify for exemption from nonresident tuition, it 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 these statutory provisions.*

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

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

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

3     68130.5. Notwithstanding any other provision of law:

4     (a) A student, other than a nonimmigrant alien within the  
5 meaning of paragraph (15) of subsection (a) of Section 1101 of  
6 Title 8 of the United States Code, who meets all of the following  
7 requirements shall be exempt from paying nonresident tuition at  
8 the California State University and the California Community  
9 Colleges:

10    (1) High school attendance in California for three or more ~~years~~.  
11 *years, or attainment of high school credits equivalent to three or*  
12 *more years of full-time high school coursework.*

13    (2) Graduation from a California high school or attainment of  
14 the equivalent thereof.

15    (3) Registration as an entering student at, or current enrollment  
16 at, an accredited institution of higher education in California not  
17 earlier than the fall semester or quarter of the 2001–02 academic  
18 year.

19    (4) In the case of a person without lawful immigration status,  
20 the filing of an affidavit with the institution of higher education  
21 stating that the student has filed an application to legalize his or

1 her immigration status, or will file an application as soon as he or  
2 she is eligible to do so.

3 (b) A student exempt from nonresident tuition under this section  
4 may be reported by a community college district as a full-time  
5 equivalent student for apportionment purposes.

6 (c) The Board of Governors of the California Community  
7 Colleges and the Trustees of the California State University shall  
8 prescribe rules and regulations for the implementation of this  
9 section.

10 (d) Student information obtained in the implementation of this  
11 section is confidential.

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

17 ~~SECTION 1. Section 68130.8 is added to the Education Code,~~  
18 ~~to read:~~

19 ~~68130.8.—A student’s exemption from nonresident tuition for~~  
20 ~~an academic year pursuant to Section 68130.5 shall be determined~~  
21 ~~solely on the basis of the criteria in Section 68130.5, and shall not~~  
22 ~~be affected by a change in that student’s immigration or residency~~  
23 ~~status in a subsequent academic year.~~

24 ~~SEC. 2.—The Legislature finds and declares that Section 68130.8~~  
25 ~~of the Education Code, as added by Section 1 of this act, is~~  
26 ~~declaratory of existing law.~~