

ASSEMBLY BILL

No. 2136

Introduced by Assembly Member Mayes

February 17, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2136, as introduced, Mayes. Public postsecondary education: exemption from nonresident tuition.

(1) Existing law exempts a student, other than a nonimmigrant alien, as defined, from paying nonresident tuition at the California State University and the California Community Colleges if the student meets certain requirements.

This bill would delete the exception from this provision made for nonimmigrant aliens, as defined. The bill would therefore make nonimmigrant aliens eligible for the exemption from nonresident tuition made by this provision if the nonimmigrant aliens meet its requirements.

The bill would request the Regents of the University of California to enact exemptions from requirements to pay nonresident tuition for its students that are equivalent to those applicable to students of the California Community Colleges and the California State University pursuant to this bill.

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

3 68130.5. Notwithstanding any other 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, student~~ who meets all of the
7 following requirements shall be exempt from paying nonresident
8 tuition at the California State University and the California
9 Community Colleges:

10 (1) Satisfaction of either of the following:

11 (A) High school attendance in California for three or more years.

12 (B) Attainment of credits earned in California from a California
13 high school equivalent to three or more years of full-time high
14 school coursework and a total of three or more years of attendance
15 in California elementary schools, California secondary schools,
16 or a combination of those schools.

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

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

23 (4) In the case of a person without lawful immigration status,
24 the filing of an affidavit with the institution of higher education
25 stating that the student has filed an application to legalize his or
26 her immigration status, or will file an application as soon as he or
27 she is eligible to do so.

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

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

8 (d) Student information obtained in the implementation of this
9 section is confidential.

10 SEC. 2. The Regents of the University of California are
11 requested to enact exemptions from requirements to pay
12 nonresident tuition for its students that are equivalent to those
13 applicable to students of the California Community Colleges and
14 the California State University pursuant to Section 68130.5 of the
15 Education Code, as amended pursuant to this act.

16 SEC. 3. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.