

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2136**

**Introduced by Assembly Member Mayes**  
**(Coauthor: Assembly Member Olsen)**

February 17, 2016

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2136, as amended, 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~~

*Notwithstanding the exclusion of nonimmigrant aliens from the exemption from paying nonresident tuition, the bill would provide that any student enrolled at the California State University or the California Community Colleges shall remain eligible for the exemption from nonresident tuition made by this provision if the nonimmigrant aliens meet its requirements: alien met the requirements for the exemption from nonresident tuition as a dependent of an individual with an E-2 nonimmigrant classification as long as the student remains continuously enrolled, irrespective of any change in the student’s visa or immigration status.*

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~~ *student, other than a nonimmigrant alien within*
- 5 *the meaning of paragraph (15) of subsection (a) of Section 1101*
- 6 *of 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) 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.

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

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

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

13 (c) The Board of Governors of the California Community  
14 Colleges and the Trustees of the California State University shall  
15 prescribe rules and regulations for the implementation of this  
16 section.

17 (d) Student information obtained in the implementation of this  
18 section is confidential.

19 *(e) Notwithstanding the exclusion of nonimmigrant aliens from*  
20 *the exemption from paying nonresident tuition specified in*  
21 *subdivision (a), any student enrolled at the California State*  
22 *University or the California Community Colleges who met the*  
23 *requirements of subdivision (a) as a dependent of an individual*  
24 *with an E-2 nonimmigrant classification shall remain exempt from*  
25 *paying nonresident tuition as long as the student remains*  
26 *continuously enrolled, irrespective of any change in the student's*  
27 *visa or immigration status.*

28 SEC. 2. The Regents of the University of California are  
29 requested to enact exemptions from requirements to pay  
30 nonresident tuition for its students that are equivalent to those  
31 applicable to students of the California Community Colleges and  
32 the California State University pursuant to Section 68130.5 of the  
33 Education Code, as amended pursuant to this act.

34 SEC. 3. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

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