

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2750**

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**Introduced by Assembly Member Gomez**

February 19, 2016

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An act to amend Section ~~66000~~ 68130.5 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2750, as amended, Gomez. Postsecondary education: ~~Donahoe Higher Education Act.~~ *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. These requirements include either high school attendance in California for 3 or more years or the attainment of credits earned in California from a California high school equivalent to 3 or more years of full-time high school coursework and a total of 3 or more years of attendance in California elementary or secondary schools, or a combination of those schools.*

*This bill would delete the requirement of a total of 3 or more years of attendance in California elementary or secondary schools, or a combination of those schools, as referenced above. The bill would also add the requirement that a student be born after January 1, 1980.*

*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.*

~~Existing law, the Donahoe Higher Education Act, sets forth the missions and functions of the 4 segments comprising the state’s postsecondary education system. These segments are the University of California, administered by the Regents of the University of California, the California State University, administered by the Trustees of the California State University, the California Community Colleges, administered by the Board of Governors of the California Community Colleges, and independent institutions of higher education. Provisions of the act apply to the University of California only to the extent that the regents act, by resolution, to make the provisions applicable.~~

~~This bill would make nonsubstantive changes in a provision of the act.~~

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 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) Satisfaction of either of the following:
- 11    (A) High school attendance in California for three or more years.

1 (B) Attainment of credits earned in California from a California  
2 high school equivalent to three or more years of full-time high  
3 school coursework and a total of three or more years of attendance  
4 in California elementary schools, California secondary schools,  
5 or a combination of those schools: *coursework*.

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

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

12 (4) *Was born after January 1, 1980.*

13 ~~(4)~~

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

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

22 (c) The Board of Governors of the California Community  
23 Colleges and the Trustees of the California State University shall  
24 prescribe rules and regulations for the implementation of this  
25 section.

26 (d) Student information obtained in the implementation of this  
27 section is confidential.

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.*

39 ~~SECTION 1. Section 66000 of the Education Code is amended~~  
40 ~~to read:~~

- 1 66000. ~~This part shall be known, and may be cited, as the~~
- 2 ~~Donahoe Higher Education Act.~~

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