

Date of Hearing: April 21, 2026

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 2114 (Bryan) – As Introduced February 18, 2026

SUBJECT: Public postsecondary education: nonresident tuition fee exemption: educational asylum program.

SUMMARY: Authorizes California public postsecondary institutions to administer an educational asylum program for certain out-of-state transfer students and, beginning in the 2027–28 school year, exempts participating students granted educational asylum status from paying nonresident tuition. Specifically, **this bill:**

- 1) Authorizes a participating institution—defined as a California Community Colleges (CCC) district (CCD), California State University (CSU) campus, or University of California (UC) campus—to administer an educational asylum program.
- 2) Defines a “restricted state” as a state where recently enacted legislation limits instruction on diversity, equity, and inclusion, critical race theory, or similar subjects in postsecondary education.
- 3) Requires the State Department of Education (SDE) to maintain a list of restricted states and notify public postsecondary institutions of changes to that list.
- 4) Requires a participating institution to grant educational asylum status to a transfer student who: resides in a restricted state, meets admissions requirements, and applies for the status while expressing an intent to pursue education in a state that promotes inclusive learning.
- 5) Allows a participating institution to set criteria and limits for admitting transfer students under the program based on available resources and enrollment capacity.
- 6) Provides that, commencing with the 2027–28 school year, a transfer student granted educational asylum status is exempt from nonresident tuition and must pay only resident tuition and fees at a participating institution.
- 7) States several legislative findings and declarations.

EXISTING LAW:

- 1) Establishes the Donahoe Higher Education Act and assigns the missions of the CCC, the CSU, and the UC (Education Code (EC) Section 66010, et seq.).
- 2) Makes the following definitions:
 - a) "Resident" is a student who has residence in California for more than one year immediately preceding the residence determination date (EC Section 68017).
 - b) "Resident classification" means classification as a resident at the UC, the CSU, or the CCC (EC Section 68022).

- c) "Residence determination date" is a date established by the university or community college district governing boards for each semester or quarter to determine a student's residence (EC Section 68023).
- 3) Requires each student to be classified as a resident or nonresident (EC Section 68040).
- 4) Requires the segment governing boards to adopt regulations for determining a student's residence classification, which are to include provisions requiring the financial independence of a student classified as a nonresident and seeking reclassification as a resident as a factor to be considered in the determination of residency, and establishes financial independence criteria (EC Section 68044).
- 5) Requires students classified as nonresidents to pay nonresident tuition in addition to other required fees, unless a statutory exemption applies (EC Section 68050, et seq.).
- 6) Exempts an Armed Forces member—stationed in the state on active duty for more than one year immediately prior to being discharged—from nonresident tuition at CSU and the CCC for the length of time he or she lives in the state after being discharged up to the minimum time necessary to become a resident (EC Section 68075.5(a)).

FISCAL EFFECT: Unknown

COMMENTS: *Purpose of the measure.* According to the author, “while other states are limiting education opportunities and punishing scholars who study history, culture, diversity, and inclusion, California remains open to teaching the students other states are actively discarding.”

Further the author states that, “AB 2114 authorizes the California Community Colleges and the California State University, and requests the University of California, to establish an Educational Asylum Program. Under the bill, qualifying transfer students from states identified as having restrictions on certain academic subject areas may be granted educational asylum status.”

The author contends that “AB 2114 supports underrepresented students by preserving access to programs, services, and academic environments that promote inclusion, retention, and academic success. Research shows that culturally relevant curriculum and institutional support programs improve student engagement, persistence, and completion rates, particularly for first-generation and historically marginalized students.”

According to the UC Student Association (UCSA), co-sponsors of this measure, because of an increasing ideological divide in concept and theory, “schools and colleges across the country have been caving to conservative influence and abandoning decades of academic principles, faculty autonomy, and education equity rooted in student success. For example, in Oklahoma, the process to apply to become a teacher now involves a 34 question test that intrusively examines their political views. This test contains hostile questions such as who has the ‘...ultimate right to direct a child’s education,’ to what is the ‘...fundamental biological distinction between males and females?’ Additionally, the New College of Florida, once a liberal

arts school, is now facing a politically-charged siege which has limited race and gender classes from being taught.¹”

The UCSA contends that, “these actions are aggressive, widespread, and growing across the states, disproportionately impacting students whose educational focuses have been challenged by conservative ideologies, leading to upsetting interruptions in their education. AB 2114 gives the UC, CSU, and CCC the opportunity to launch programs that grant eligible transfer students, should they meet the credit requirements, with a safe haven at one of their campuses. Even as America has become increasingly polarized, this bill ensures that any student in crisis at their respective institution has a pathway to be educated fairly without political bias and with consistency in their degree journey.”

Lastly, UCSA states that, “as more and more schools and colleges have been abandoning their students for conservative approval, it’s become increasingly important for California to step up and support them in their academic endeavors.”

Committee comments and author amendments. As drafted, the measure would add a novel nonresident tuition exemption not based on domicile, military status, immigration-related residency provisions, or other traditional categories. Instead, eligibility would turn on the student’s residence in a “restricted state” and their admission as a transfer student to a participating institution.

Additionally, this measure authorizes institutions to administer the program, suggesting participation is discretionary. However, once an institution participates, the measure states that it must grant educational asylum status to transfer students who satisfy the statutory requirements, subject to campus-established criteria and capacity limits.

Further, this measure assigns the SDE responsibility for maintaining a list of restricted states and informing public postsecondary institutions of changes. It is presently unclear why SDE is tasked to maintain said list and inform CCC, CSU, and UC of changes to the list.

Lastly, the measure’s legislative findings expressly connect the proposal to concerns about laws in other states restricting instruction related to diversity, equity, inclusion, and critical race theory, and to California’s interest in fostering inclusive learning environments and supporting innovation through a diverse student body. *The core policy questions the author and Committee may wish to explore are the following:*

- 1) How a “restricted state” will be determined in practice?
- 2) Whether using resident tuition as an incentive is fiscally sustainable?
- 3) How institutions will prioritize students if demand exceeds capacity?
- 4) Whether this measure creates precedent for tuition policy based on another state’s educational policy choices?

¹ <https://www.masslive.com/news/2025/12/two-years-since-conservatives-took-over-a-liberal-arts-college-whats-been-lost-and-gained.html>

In order to address some of the aforementioned comments, the author has provided the Committee with the following amendments:

68130.6. (2) “Restricted state” means a state where recently enacted legislation limits the teaching of diversity, equity, and inclusion, critical race theory, or similar subjects in postsecondary educational institutions. **This includes, but is not limited to, the states of Texas, Indiana, Florida, Utah, Iowa, Ohio, Idaho, Oklahoma, Alabama, North Dakota, Tennessee, West Virginia, Wyoming, Kentucky, and Arkansas.**

(b) A participating institution may administer an educational asylum program consistent with this section, in collaboration with ~~the State Department of Education~~, the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges.

~~(c) The State Department of Education shall maintain a list of restricted states and inform public postsecondary educational institutions of changes to the list.~~

~~(d)~~ **(c)** Subject to subdivision ~~(e)~~ **(d)**, a participating institution shall grant educational asylum status to a transfer student who meets all of the following requirements:

(1) The transfer student resides in a restricted state, ~~that is included on the list maintained pursuant to subdivision (c).~~

Arguments in support. According to California Association for Bilingual Education (CABE), “California has long been a national leader in promoting diversity, equity, and inclusion within its educational institutions. AB 2114 supports this tradition by allowing California’s public higher education institutions to provide opportunities for transfer students seeking to continue their academic pursuits in inclusive learning environments.”

CABE states that, “for multilingual learners and students from diverse linguistic and cultural backgrounds, access to educational environments that value diversity and promote inclusive academic discourse is particularly important. Institutions that embrace diverse perspectives and encourage the study of history, culture, and language help prepare students for participation in an increasingly global society. AB 2114 aligns with California’s broader educational priorities to expand access to higher education, strengthen pathways for historically underserved students, and support the development of a diverse and globally prepared workforce.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Association for Bilingual Education
 California Faculty Association
 CFT – a Union of Educators & Classified Professionals, AFT, AFL-CIO
 PRC/Black Leadership Council
 University of California Student Association (Co-Sponsor)

Opposition

None on file.

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