

Date of Hearing: July 11, 2017

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

SB 68 (Lara) – As Amended May 26, 2017

SENATE VOTE: 31-9

SUBJECT: Public postsecondary education: exemption from nonresident tuition.

SUMMARY: Expands eligibility for the exemption from paying nonresident tuition at California's public postsecondary institutions established under existing law, to students who have completed three or more years of attendance or earned credits equivalent to three or more years of full-time credits at an elementary school, secondary school, adult school and/or California Community College (CCC). Specifically, **this bill:**

- 1) Expands and modifies eligibility for the exemption from paying nonresident tuition at California's public postsecondary institutions established under Education Code (EC) Section 69508.5 if the student meets all of the following requirements:
 - a) Has a total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:
 - i) California elementary schools;
 - ii) California secondary schools;
 - iii) California schools established by the State Board of Education;
 - iv) California adult schools established by a county office of education, unified school district or high school district, or the California Department of Corrections and Rehabilitation;
 - v) Any campus of the 113 CCCs; and,
 - vi) A combination of schools listed above in (i) to (v) inclusive.
 - b) Satisfaction of any of the following:
 - i) Graduation from a California high school or attainment of the equivalent thereof (note - this is existing law);
 - ii) Attainment of an associate degree from a CCC; and,
 - iii) Fulfillment of the minimum transfer requirements established by the University of California (UC) or the California State University (CSU) for students transferring from a CCC.
- 2) Requires that full-time attendance or credits at a CCC counted towards the three or more year requirement comprise either a minimum of 12 units of credit per semester or quarter

equivalent per year or a minimum of 210 class hours per semester or quarter equivalent in noncredit courses, which, in part are courses in basic skills, English as a second language, and citizenship courses.

- 3) Requires that attendance in credit courses at a CCC counted towards the three or more year requirement cannot exceed a total attendance of, or attainment of credits equivalent to, two years of full-time attendance or attainment of credits.
- 4) Requires that full-time attendance at a California adult school be a minimum of 210 class hours of attendance for each school term or course authorized under existing law.
- 5) Requests the UC Regents to enact exemptions from requirements to pay nonresident tuition for its students that are equivalent to those applicable CCC and CSU students.

EXISTING LAW:

- 1) Requires the CSU Trustees and the CCC Board of Governors, and requests the UC Regents to, establish procedures and forms that enable AB 540 students to apply for, and participate in, all student aid programs administered by said segments to the full extent permitted by federal law (EC Section 66021.6).
- 2) Provides that a student attending the CSU, CCC, or UC who is exempt from paying nonresident tuition under the provisions of AB 540 is eligible to receive a scholarship derived from non-state funds received, for the purpose of scholarships, by the segment at which he/she is a student (EC Section 66021.7).
- 3) Exempts, as established by AB 540 (Firebaugh), Chapter 814, Statutes of 2001, and AB 2000 (Gomez), Chapter 675, Statutes of 2014, specified California nonresidents from paying nonresident tuition at the UC, CSU, and CCC if they meet all of the following:
 - a) Satisfaction of either of the following:
 - i) High school attendance in California for three or more years; and,
 - ii) Attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of those schools.
 - b) Graduation from a California high school or attainment of the equivalent thereof;
 - c) Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001–02 academic year; and,
 - d) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so (EC 68130.5).

- 4) Provides that, beginning January 1, 2013, AB 540 students are eligible to apply for, and participate in, any student financial aid program administered by the State of California to the full extent permitted by federal law. The California Student Aid Commission is required to establish procedures and forms that enable AB 540 students to apply for, and participate in, all student financial aid programs administered by the State of California to the full extent permitted by federal law. Current law prohibits AB 540 students from being eligible for Competitive Cal Grant A and B awards unless specified conditions are met (EC Section 69508.5).
- 5) Establishes the California DREAM Loan Program intended to provide low interest loans to Dream Act students who are accessing the Cal Grant program and attending a UC or CSU campus (EC Section 70030, et seq.).

FISCAL EFFECT: According to the Senate Appropriations Committee:

- 1) Unknown state costs, potentially in the low to mid hundreds of thousands of dollars, to increase the number of students eligible for Cal Grants and Board of Governors (BOG) fee waivers.
- 2) Unknown, but likely minor loss of tuition at the public postsecondary institutions to the extent that the students who are newly eligible for in-state tuition would have otherwise attended and paid out-of-state tuition.

COMMENTS: *Background.* As mentioned in the "existing law" section of this analysis, AB 540 (Firebaugh), Chapter 814, Statutes of 2001, greatly improved the ability of undocumented students to access higher education, but due to what is seen as rather prescriptive qualifications, many students narrowly miss qualifying for the benefits that are associated with being an "AB 540 student".

Purpose of this measure. According to the author, "Many undocumented students, for a variety of reasons, often cannot complete high school in time to qualify under AB 540 and may take a path through adult school and community college to access higher education."

The author contends that this bill will modernize AB 540, thus enabling more students to pursue their higher education dreams, regardless of their immigration status.

This measure expands the AB 540 eligibility criteria for the exemption from paying nonresident tuition at California's public postsecondary institutions, in part, to include students who have two years of full-time enrollment at a CCC, up to three years of full-time enrollment at an adult school, and would allow the completion of an associate's degree or satisfaction of the minimum requirements to transfer to the UC or CSU, in lieu of a high school diploma.

Prior legislation. AB 2000 (Gomez), Chapter 675, Statutes of 2014, in part, expanded the eligibility for the exemption from paying nonresident tuition at California's public postsecondary institutions established under the provisions of AB 540 (Firebaugh), Chapter 814, Statutes of 2001, to students who have attained credits equivalent to three or more years of full-time high school coursework, and with a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination thereof.

SB 141 (Correa), Chapter 576, Statutes of 2013, in part, required the CUS and CCC districts, and requested the UC to, exempt from non-resident tuition charges, under specified circumstances, a United States citizen who moved abroad as a result of his/her parent's deportation.

SB 150 (Lara), Chapter 575, Statutes of 2013, in part, authorized a CCC district to exempt pupils attending community colleges as special part-time students from paying non-resident tuition as a means of extending in-state tuition benefits to high school students who would ultimately be eligible for AB 540 benefits upon graduation.

AB 1899 (Mitchell), Chapter 509, Statute of 2012, in part, granted students who are noncitizen victims of trafficking, domestic violence and other serious crimes (T and U visa students) the same exemption from nonresident tuition and eligibility to apply for and participate in state and institutional financial aid programs as is extended to AB 540 students.

AB 130 (Cedillo), Chapter 93, Statutes of 2011, in part, authorized AB 540 students to be eligible for campus scholarships derived from non-state funds.

AB 131 (Cedillo), Chapter 604, Statutes of 2011, in part, established the California Dream Act, which expanded eligibility for state administered financial aid benefits to AB 540 students.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color
American Civil Liberties Union of California
Asian Americans Advancing Justice-California
California Adult Education Administrators Association
California Association for Bilingual Education
California Catholic Conference
California Charter Schools Association
California Community Colleges Chancellor's Office
California Council for Adult Education
California Dream Network
California Faculty Association
California Federation of Teachers
CaliforniaHealth+ Advocates
California Immigrant Policy Center
California Pan-Ethnic Health Network
California State Student Association
California State University
California Student Aid Commission
California Teachers Association
Californians Together
Coalition for Humane Immigrant Rights
Community College League of California
Education Trust-West
Faculty Association of California Community Colleges
Foothill-DeAnza Community College District
Hispanas Organized for Political Equality

Hispanic Association of Colleges and Universities
Los Angeles Community College District
Los Rios Community College District
Mt. San Antonio College
National Association of Social Workers, California Chapter
North Orange Community College District
Public Advocates
San Diego Community College District
San Diego Continuing Education
San Jose-Evergreen Community College District
University of California
Western Association for College Admission Counseling

Opposition

None on file

Analysis Prepared by: Jeanice Warden / HIGHER ED. / (916) 319-3960