

**Introduced by Senator Correa
(Principal coauthor: Senator Leno)
(Coauthors: Senators Hernandez, Lara, Rubio, and Steinberg)**

January 29, 2013

An act to amend Sections 66021.6, 68130.7, and 69508.5 of, and to add Section 68130.6 to, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as introduced, Correa. Postsecondary education benefits: children of deported parents.

(1) The Donahoe Higher Education Act sets forth, among other things, the missions and functions of California's public segments of higher education and their respective institutions of higher education. Provisions of the act apply to the University of California only to the extent that the Regents of the University of California, by appropriate resolution, act to make a provision applicable. Existing law exempts specified students from paying nonresident tuition at the California Community Colleges and the California State University.

This bill would additionally exempt students who meet all of the following requirements from nonresident tuition at the California Community Colleges and the California State University: (A) having a parent who has been deported; (B) moving, and currently living, abroad as a result of that deportation; (C) being a United States citizen; and (D) being a California resident immediately prior to moving abroad. The bill would provide for equitable relief, limited as specified, if a state court finds that this exemption, or any similar provision adopted by the Regents, is unlawful.

(2) Existing law requires the Trustees of the California State University and the Board of Governors of the California Community Colleges, and requests the Regents of the University of California, to establish procedures and forms that enable persons who are exempt from paying nonresident tuition pursuant to specified law to apply for, and participate in, all student aid programs administered by these segments to the full extent permitted by federal law.

This bill would additionally require or, as to the University of California, request those institutions to establish those procedures and forms for persons who are exempt from nonresident tuition pursuant to the provisions of this bill.

(3) Existing law makes a student who meets the requirements for exemption from nonresident tuition pursuant to specified law eligible to apply for, and participate in, any student financial aid program administered by the state, as specified.

This bill would additionally make students who meet the requirements for exemption provided by this bill eligible to apply for, and participate in, any financial aid program administered by the state, as specified.

(4) To the extent the provisions of this bill would place additional requirements on community college districts regarding the provision of postsecondary education benefits to additional categories of students, the bill would impose a state-mandated local program.

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 66021.6 of the Education Code is
2 amended to read:
3 66021.6. (a) Notwithstanding any other law, and except as
4 provided for in subdivision (b), the Trustees of the California State
5 University and the Board of Governors of the California
6 Community Colleges shall, and the Regents of the University of

1 California are requested to, establish procedures and forms that
2 enable persons who are exempt from paying nonresident tuition
3 under Section 68130.5 *or* 68130.6, or who meet equivalent
4 requirements adopted by the regents, to apply for, and participate
5 in, all student aid programs administered by these segments to the
6 full extent permitted by federal law. The Legislature finds and
7 declares that this section is a state law within the meaning of
8 Section 1621(d) of Title 8 of the United States Code.

9 (b) The number of financial aid awards received by California
10 resident students from financial aid programs administered by the
11 segments shall not be diminished as a result of the application of
12 subdivision (a). The University of California is requested to comply
13 with this subdivision.

14 (c) This section shall become operative on January 1, 2013.

15 SEC. 2. Section 68130.6 is added to the Education Code, to
16 read:

17 68130.6. (a) Notwithstanding any other law, a student who
18 meets all of the following requirements shall be exempt from
19 paying nonresident tuition at the California State University and
20 the California Community Colleges:

- 21 (1) Has a parent or guardian who has been deported.
- 22 (2) Moved, and is currently living, abroad as a result of the
23 deportation specified in paragraph (1).
- 24 (3) Is a United States citizen.
- 25 (4) Was a California resident immediately prior to moving
26 abroad.

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

30 (c) The Board of Governors of the California Community
31 Colleges and the Trustees of the California State University shall
32 prescribe rules and regulations for the implementation of this
33 section.

34 SEC. 3. Section 68130.7 of the Education Code is amended to
35 read:

36 68130.7. If a state court finds that Section 66021.6, 66021.7,
37 ~~or~~ 68130.5, *or* 68130.6, or any similar provision adopted by the
38 Regents of the University of California, is unlawful, the court may
39 order, as equitable relief, that the administering entity that is the
40 subject of the lawsuit terminate any waiver awarded under that

1 statute or provision, but no money damages, tuition refund or
2 waiver, or other retroactive relief, may be awarded. In any action
3 in which the court finds that Section 66021.6, 66021.7, ~~or~~ 68130.5,
4 *or* 68130.6, or any similar provision adopted by the Regents of
5 the University of California, is unlawful, the California Community
6 Colleges, the California State University, and the University of
7 California are immune from the imposition of any award of money
8 damages, tuition refund or waiver, or other retroactive relief.

9 SEC. 4. Section 69508.5 of the Education Code is amended to
10 read:

11 69508.5. (a) Notwithstanding any other law, and except as
12 provided for in subdivision (c), a student who meets the
13 requirements of subdivision (a) of Section 68130.5 *or* Section
14 68130.6, or who meets equivalent requirements adopted by the
15 Regents of the University of California, is eligible to apply for,
16 and participate in, any student financial aid program administered
17 by the State of California to the full extent permitted by federal
18 law. The Legislature finds and declares that this section is a state
19 law within the meaning of Section 1621(d) of Title 8 of the United
20 States Code.

21 (b) Notwithstanding any other law, the Student Aid Commission
22 shall establish procedures and forms that enable students who are
23 exempt from paying nonresident tuition under Section 68130.5 *or*
24 68130.6, or who meet equivalent requirements adopted by the
25 regents, to apply for, and participate in, all student financial aid
26 programs administered by the State of California to the full extent
27 permitted by federal law.

28 (c) A student who is exempt from paying nonresident tuition
29 under Section 68130.5 *or* 68130.6 shall not be eligible for
30 Competitive Cal Grant A and B Awards unless funding remains
31 available after all California students not exempt pursuant to
32 Section 68130.5 *or* 68130.6 have received Competitive Cal Grant
33 A and B Awards for which they are eligible.

34 (d) This section shall become operative on January 1, 2013.

35 SEC. 5. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

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