

AMENDED IN SENATE MARCH 12, 2013

**SENATE BILL**

**No. 141**

---

---

**Introduced by Senator Correa**  
**(Principal coauthor: Senator Leno)**  
**(Coauthors: Senators *Cannella, Hernandez, Lara, Rubio, and***  
***Steinberg*)**  
*(Coauthors: Assembly Members Ammiano and Garcia)*

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 amended, Correa. Postsecondary education benefits: children of deported *or voluntarily departed* 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~~ *a student who meets* all of the following requirements from nonresident tuition at the California Community Colleges and the California State University: (A) ~~having~~ *has* a parent who has been deported *or voluntarily departed*; (B) ~~moving, and currently living,~~ *moved abroad and lost California residency* as a result of that deportation *or voluntary departure*; (C)

~~being~~ is a United States citizen; ~~and (D) being a~~ lived in California resident immediately ~~prior to~~ before moving abroad; and (E) attended an elementary or secondary school in the state for 3 or more years. 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  
7 California are requested to, establish procedures and forms that  
8 enable persons who are exempt from paying nonresident tuition  
9 under Section 68130.5 or 68130.6, or who meet equivalent  
10 requirements adopted by the regents, to apply for, and participate  
11 in, all student aid programs administered by these segments to the  
12 full extent permitted by federal law. The Legislature finds and  
13 declares that this section is a state law within the meaning of  
14 Section 1621(d) of Title 8 of the United States Code.

15 (b) The number of financial aid awards received by California  
16 resident students from financial aid programs administered by the  
17 segments shall not be diminished as a result of the application of  
18 subdivision (a). The University of California is requested to comply  
19 with this subdivision.

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

21 SEC. 2. Section 68130.6 is added to the Education Code, to  
22 read:

23 68130.6. (a) Notwithstanding any other law, a student who  
24 meets all of the following requirements shall be exempt from  
25 paying nonresident tuition at the California State University and  
26 the California Community Colleges:

27 (1) Has a parent or guardian who has been deported *or*  
28 *voluntarily departed from the country. The student shall provide*  
29 *documents from the United States Immigration and Naturalization*  
30 *Service evidencing the deportation or voluntary departure of his*  
31 *or her parent or guardian.*

32 (2) ~~Moved, and is currently living,~~ *abroad and lost California*  
33 *residency as a result of the deportation or voluntary departure*  
34 *specified in paragraph (1).*

35 (3) Is a United States citizen.

36 (4) ~~Was a California resident immediately prior to~~ *Lived in*  
37 *California immediately before moving abroad. The student shall*

1 *provide information and evidence that demonstrates the student*  
2 *previously lived in California.*

3 (5) *Attended an elementary or secondary school in the state for*  
4 *three or more years.*

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

8 (c) The Board of Governors of the California Community  
9 Colleges and the Trustees of the California State University shall,  
10 *and the Requests of the University of California are requested to,*  
11 prescribe rules and regulations for the implementation of this  
12 section.

13 SEC. 3. Section 68130.7 of the Education Code is amended to  
14 read:

15 68130.7. If a state court finds that Section 66021.6, 66021.7,  
16 68130.5, or 68130.6, or any similar provision adopted by the  
17 Regents of the University of California, is unlawful, the court may  
18 order, as equitable relief, that the administering entity that is the  
19 subject of the lawsuit terminate any waiver awarded under that  
20 statute or provision, but no money damages, tuition refund or  
21 waiver, or other retroactive relief, may be awarded. In any action  
22 in which the court finds that Section 66021.6, 66021.7, 68130.5,  
23 or 68130.6, or any similar provision adopted by the Regents of the  
24 University of California, is unlawful, the California Community  
25 Colleges, the California State University, and the University of  
26 California are immune from the imposition of any award of money  
27 damages, tuition refund or waiver, or other retroactive relief.

28 SEC. 4. Section 69508.5 of the Education Code is amended to  
29 read:

30 69508.5. (a) Notwithstanding any other law, and except as  
31 provided for in subdivision (c), a student who meets the  
32 requirements of subdivision (a) of Section 68130.5 or Section  
33 68130.6, or who meets equivalent requirements adopted by the  
34 Regents of the University of California, is eligible to apply for,  
35 and participate in, any student financial aid program administered  
36 by the State of California to the full extent permitted by federal  
37 law. The Legislature finds and declares that this section is a state  
38 law within the meaning of Section 1621(d) of Title 8 of the United  
39 States Code.

1 (b) Notwithstanding any other law, the Student Aid Commission  
2 shall establish procedures and forms that enable students who are  
3 exempt from paying nonresident tuition under Section 68130.5 or  
4 68130.6, or who meet equivalent requirements adopted by the  
5 regents, to apply for, and participate in, all student financial aid  
6 programs administered by the State of California to the full extent  
7 permitted by federal law.

8 (c) A student who is exempt from paying nonresident tuition  
9 under Section 68130.5 ~~or 68130.6~~ shall not be eligible for  
10 Competitive Cal Grant A and B Awards unless funding remains  
11 available after all California students not exempt pursuant to  
12 Section 68130.5 ~~or 68130.6~~ have received Competitive Cal Grant  
13 A and B Awards for which they are eligible.

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

15 SEC. 5. If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code.