

AMENDED IN SENATE APRIL 11, 2013  
AMENDED IN SENATE MARCH 12, 2013

**SENATE BILL**

**No. 141**

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

January 29, 2013

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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 a student who meets all of the following requirements from nonresident tuition at the California Community Colleges and the California State University: (A) has a parent who has been deported or ~~voluntarily departed~~; *was permitted to depart voluntarily*; (B) moved abroad ~~and lost California residency~~

as a result of that deportation or voluntary departure; (C) is a United States citizen; (D) lived in California immediately 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~~ *was permitted to depart*  
29 *voluntarily under the federal Immigration and Nationality Act in*  
30 *accordance with Section 1229c of Title 8 of the United States Code.*  
31 The student shall provide documents from the United States  
32 ~~Immigration and Naturalization Service~~ *Citizenship and*  
33 *Immigration Services* evidencing the deportation or voluntary  
34 departure of his or her parent or guardian.

35 (2) Moved abroad and lost California residency as a result of  
36 the deportation or voluntary departure specified in paragraph (1).

37 (3) Is a United States citizen.

1 (4) Lived in California immediately before moving abroad. The  
2 student shall provide information and evidence that demonstrates  
3 the student previously lived in California.

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

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

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

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

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

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

31 69508.5. (a) Notwithstanding any other law, and except as  
32 provided for in subdivision (c), a student who meets the  
33 requirements of subdivision (a) of Section 68130.5 or Section  
34 68130.6, or who meets equivalent requirements adopted by the  
35 Regents of the University of California, is eligible to apply for,  
36 and participate in, any student financial aid program administered  
37 by the State of California to the full extent permitted by federal  
38 law. The Legislature finds and declares that this section is a state  
39 law within the meaning of Section 1621(d) of Title 8 of the United  
40 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 shall not be eligible for Competitive Cal  
10 Grant A and B Awards unless funding remains available after all  
11 California students not exempt pursuant to Section 68130.5 have  
12 received Competitive Cal Grant A and B Awards for which they  
13 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.