

---

## SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair  
2021 - 2022 Regular

---

<b>Bill No:</b>	SB 1141	<b>Hearing Date:</b>	March 30, 2022
<b>Author:</b>	Limón		
<b>Version:</b>	February 16, 2022		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Olgalilia Ramirez		

**Subject:** Public postsecondary education: exemption from payment of nonresident tuition.

### SUMMARY

This bill expands eligibility for the exemption from paying nonresident tuition at a California public postsecondary institution established for long-term California residents, regardless of citizenship status, by reducing the number of years required to qualify for the exemption, from three to two, in full-time attendance or attainment of equivalent credits from specified California schools or a community college.

### BACKGROUND

Existing law:

- 1) Establishes a variety of residency requirements for students attending the California Community Colleges (CCC) or the California State University (CSU). The determination of such residency status is required in order to assess either resident or non-resident fees and tuition. The Regents of the University of California (UC) may, by resolution, make these provisions of law applicable to the UC (and historically have done so). (Education Code (EC) § 68000-68134)
- 2) Established by AB 540 (Firebaugh, Ch. 814, Stats. of 2001), exempts California nonresident students, regardless of citizenship status, from paying nonresident tuition at California public colleges and universities who meet all of the following requirements who have graduated from a California high school (or the equivalent) and either:
  - a) Satisfaction of the requirements of either (i) or (ii):
    - i) 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:
      - (1) California high schools;
      - (2) California high schools established by the State Board of Education;
      - (3) California adult schools established by any of the following entities:
        - (a) A county office of education.
        - (b) A unified school district or high school district.
        - (c) The Department of Corrections and Rehabilitation.
      - (4) Campuses of the CCC.

- (5) A combination of those schools set forth in (1) to (4), inclusive.
- ii) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.
- b) Satisfaction of any of the following:
  - i) Graduation from a California high school or attainment of the equivalent.
  - ii) Attainment of an associate degree from a campus of the CCC.
  - iii) Fulfillment of the minimum transfer requirements established for UC or CSU for students transferring from a campus of the CCC. (EC § 68130.5.)
- 3) Provides that a student who meets nonresident tuition exemption requirements under EC § 68130.5 or who meets equivalent requirements adopted by the UC is eligible to apply for any financial aid program administered by the state to the full extent permitted by federal law. (EC § 69508.5)
- 4) Provides that a student attending a CSU, CCC, or UC who is exempt from paying nonresident tuition under EC § 68130.5 is eligible to receive a scholarship derived from non-state funds received, for the purpose of scholarships, by the segment at which he or she is a student. (EC § 66021.7)

## ANALYSIS

This bill expands eligibility for the exemption from paying nonresident tuition at a California public postsecondary institution established for long-term California residents, regardless of citizenship status. Specifically it:

- 1) Reduces, from three to two years, the minimum number of full-time attendance and attainment of credits a qualifying student must achieve at either; (1) a California school and/or CCC or (2) a California elementary and/or secondary school.
- 2) Removes the two-year cap on full-time attendance achieved in credit courses at a CCC that may count towards the three-year total attendance requirement that applies in existing law.

## STAFF COMMENTS

- 1) **Need for the bill.** According to the author, “Students attending a CCC can only count two years of full-time attendance in credit courses towards the 3-year threshold necessary to qualify. As a result, students are forced to enroll in noncredit courses for one year even if those programs are not aligned to their

educational goals. This bill saves nonresident students money and makes higher education more accessible.”

The author further claims, “SB 1141 corrects unintended consequences that have left out some undocumented students from accessing AB 540 benefits. To increase the accessibility of higher education for undocumented students, SB 1141 changes the threshold to qualify for AB 540 from 3 years to 2. This saves AB 540 eligible students time and an average of \$8,700 in tuition per academic year at a community college; \$11,880 at a CSU; and \$28,992 at a UC.”

- 2) **Nonresident vs resident tuition.** Persons deemed as nonresidents of California for purposes of paying tuition at a California public institution at UC, CSU or CCC, are charged a significantly higher tuition rate than the amount charged for resident tuition. In the current year, at CCCs, California residents pay \$46 per unit while nonresidents pay \$346 per unit. At CSU, undergraduate resident students pay \$5,742 per year in mandatory systemwide tuition fees, while nonresident students pay \$15,246. Within the UC system, undergraduate resident students pay \$13,104 per year while nonresident students pay \$44,130.
- 3) **Legislative History.** AB 540 provided a means of qualifying long-term California residents, upon graduation from a California high school and regardless of citizenship status, for lower resident fees at our public segments of higher education. It required students and their families to demonstrate their long-term presence by attending a California high school for three or more years, arguably as a means of ensuring that these students and their families invested sufficient time within the California school system and should accordingly receive benefits. In 2014, AB 2000 (Gomez, Ch. 675, Stats. of 2014) sought to extend eligibility to long term Californians in accelerated learning programs who graduate ahead of the attendance requirement but who attained high school credits equivalent to three or more years of full-time coursework in California from a California high school.

Subsequent legislation, SB 68 (Lara, Ch. 496, Stats. of 2018) significantly expanded pathways for qualifying a student by either attendance or attainment of equivalent credits earned from an expanded list of California schools including community colleges. However, it restricted full-time attendance in CCC credit courses that can count toward the three-year threshold to two-years leaving one year of credit to be applied from a California school other than a community college. SB 68 also provided an alternative to the high school graduation requirement, with attainment of an associate degree or fulfillment of minimum transfer requirements from a CCC. SB 68 ultimately extended privileges to long-term Californians who were adult learners seeking access to higher education.

- 4) **Decreases California school attendance requirement.** A three-year minimum requirement was selected as the threshold under AB 540 in 2001. This bill decreases that threshold. It changes the length of time students are required to invest within the California school system before receiving exemption privileges. Students demonstrating a minimum of two years, instead of three, of schooling could qualify for the lower in-state rate at CCC and CSU or UC to the extent the UC Regents enact the same provisions.

- 5) **Removes 2-year cap on CCC attendance.** As noted, a student may gain eligibility through adult school or community college attendance or a combination of K-12 and college experience, for example. However, current law limits CCC attendance at two-years of full-time enrollment in credit courses applied toward the three-year requirement. The sponsors of the measure argue the limit forces CCC students take one-year of noncredit courses, a situation likely resulting from a CCC student having no other elementary, secondary, or adult school connection. This bill removes that cap, thereby eliminating the need under current law for a CCC student to accumulate a third year of attendance in noncredit courses or from having to apply a prior schooling experience in order to qualify.
- 6) **United States citizens may qualify.** A common misconception of provisions in current law that exempt nonresident students from paying out-of-state tuition is that it solely applies to undocumented youth. However, a person determined to be a nonresident for purposes of assessing tuition at a California college or university may include U.S. citizens that reside in another state. This group of students could benefit from the accelerated pathway proposed in this bill.
- 7) **Fiscal impact.** According to the Assembly Appropriations Committee analysis of AB 1620 (Santiago, 2019) which is nearly identical to this bill, the proposed changes could have the following fiscal impact:  
  

“Unknown Proposition 98 General Fund or General Fund costs, potentially in the hundreds of thousands of dollars, for CCC and CSU, and potentially UC, to the extent UC implements the changes to provide resident tuition to more students than those who would have been considered nonresident students under current law. The state would need to reimburse these costs to CCC, if the Commission on State Mandates determines the bill’s requirements to be a reimbursable state mandate.”
- 8) **Related and prior legislation.**  
  

SB 1160 (Durazo, 2022) would make certain nonimmigrant visa holders under the federal Immigration and Nationality Act eligible for the exemption from paying nonresident tuition. SB 1160 was referred to, and is, pending hearing in this Committee.

AB 1620 (Santiago, 2019), nearly identical to this bill, would have expanded eligibility for the exemption from paying nonresident tuition at California’s public postsecondary educational institutions by reducing from three to two, the minimum number of years for full-time attendance a qualifying student must attain at a California school. AB 1620 was held in the Assembly Appropriations Committee.

## SUPPORT

California Community Colleges Chancellor's Office (Sponsors)  
California Community Colleges Chief Instructional Officers  
California Student Aid Commission  
California Undocumented Higher Education Coalition  
College of San Mateo  
Foothill-de Anza Community College District  
Immigrants Rising  
Independent California Colleges Advocate Program (ICCAP)  
John Burton Advocates for Youth  
Napa Valley College  
Pasadena Area Community College District  
Porterville College  
Riverside Community College District  
San Bernardino Community College District  
San Bernardino Valley College  
San Diego City College President's Office  
San Diego College of Continuing Education  
San Diego Community College District  
Southern California College Access Network  
Southwestern Community College District  
Strategic Education Services

**OPPOSITION**

None received.

**-- END --**