
THIRD READING

Bill No: SB 1141
Author: Limón (D)
Introduced: 2/16/22
Vote: 21

SENATE EDUCATION COMMITTEE: 5-0, 3/30/22
AYES: Leyva, Ochoa Bogh, Cortese, Glazer, Pan
NO VOTE RECORDED: Dahle, McGuire

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/19/22
AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski
NOES: Bates, Jones

SUBJECT: Public postsecondary education: exemption from payment of
nonresident tuition

SOURCE: California Community Colleges Chancellor's Office

DIGEST: 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.

ANALYSIS:

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) Exempts, pursuant to AB 540 (Firebaugh, Chapter 814, Statutes of 2001), 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 Section 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 Section 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)

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, this bill:

- 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; (a) a California school and/or CCC or (b) 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.

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, Chapter 675, Statutes 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, Chapter 496, Statutes 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 two-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 this bill 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 would also benefit from the accelerated pathway proposed in this bill.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

The UC estimates that this bill could result in a loss of nonresident supplemental tuition of approximately \$11 million each year. This estimate assumes that UC enrolls about 500 domestic nonresident students systemwide who transferred from a California community college who traditionally would be charged nonresident supplemental tuition.

The CSU estimates systemwide revenue losses of between \$4.2 million and \$5.1 million each year as a result of this measure.

SUPPORT: (Verified 5/18/22)

California Community Colleges Chancellor's Office (source)
 Academic Senate for California Community Colleges
 Cabrillo Community College District
 Cal State Student Association
 California Catholic Conference
 California Charter Schools Association
 California Community Colleges Chief Instructional Officers
 California Student Aid Commission
 California Undocumented Higher Education Coalition
 Cañada College
 College of San Mateo
 Community College League of California
 Compton Community College District

Contra Costa Community College District
El Camino College
El Camino Community College District
Faculty Association of California Community Colleges
Foothill-de Anza Community College District
Immigrants Rising
Independent California Colleges Advocate Program
John Burton Advocates for Youth
League of Women Voters of California
Long Beach Community College District
Los Angeles Unified School District
Los Rios Community College District
Miracosta Community College District
Napa Valley College
Norcal Resist
North Orange County Community College District
Office of Lieutenant Governor Eleni Kounalakis
Palo Verde Community College District
Pasadena Area Community College District
Porterville College
Rancho Santiago Community College District
Rio Hondo 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
San Jose-Evergreen Community College District
Santa Barbara City College
Shasta-Tehama-Trinity Joint Community College District
Southern California College Access Network
Southwestern Community College District
Strategic Education Services
UC Berkeley Undocumented Community Council
Ventura County Community College District
West Hills Community College District

OPPOSITION: (Verified 5/18/22)

None received

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5/21/22 15:46:08

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