
UNFINISHED BUSINESS

Bill No: SB 1141
Author: Limón (D)
Amended: 8/15/22
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

SENATE FLOOR: 29-8, 5/24/22
AYES: Allen, Atkins, Becker, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener
NOES: Bates, Borgeas, Dahle, Grove, Jones, Melendez, Nielsen, Wilk
NO VOTE RECORDED: Archuleta, Caballero, Hertzberg

ASSEMBLY FLOOR: 61-11, 8/24/22 - See last page for vote

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 removing the two-year cap on CCC credit courses that may count towards eligibility.

Assembly Amendments reinstate the three-year requirement for total attendance at a California school.

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 it, removes the two-year cap on CCC credit courses that can count towards the three-year minimum requirement for total attendance at a California school in order to qualify for the exemption.

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) *Removes two-year cap for CCC attendance.* Current law exempts nonresident students from paying the higher tuition rate if they have attended a combination of adult school, community college, secondary or elementary school in California for a minimum of three years. However, within the three-year minimum only two-years of CCC credit courses can be applied towards meeting the attendance requirement. The sponsors of this bill argue that the cap forces CCC students take one-year of noncredit courses. A situation likely resulting from having no other California elementary, secondary, or adult school connection. This bill removes that cap.

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

According to the Assembly Appropriations Committee:

- Unknown, ongoing General Fund costs, potentially in the millions of dollars annually, to UC.

The number of students who would be newly eligible for resident tuition as a result of this bill at UC is unknown. However, if 400 domestic nonresident students enrolled at a UC who under current law would be charged nonresident supplemental tuition, costs would be about \$12 million each year. In addition, UC provides financial aid to low-income resident students through its UC Grant program. To the extent students newly eligible for resident tuition are low-income, the UC may provide financial aid to these students, potentially resulting in additional General Fund costs to the UC.

- Unknown, ongoing General Fund costs, potentially in the millions of dollar annually, to CSU.

The number of students who would be newly eligible for resident tuition as a result of this bill at CSU is unknown. However, if 500 domestic nonresident enrolled at a CSU who under current law would be charged nonresident supplemental tuition, costs would be about \$6 million each year.

- Unknown, ongoing Proposition 98 General Fund costs, potentially millions of dollars annually, to CCC.

The number of students who would be newly eligible for resident tuition as a result of this bill at CCC is unknown. However, if 600 domestic nonresident students enrolled at a CCC who under current law would be charged nonresident supplemental tuition, costs would be about \$4 million each year. In addition, CCC provides financial aid to low-income resident students through its California Promise Grant program. To the extent students newly eligible for resident tuition are low-income, the CCC would provide financial aid to these students, potentially resulting in additional Proposition 98 General Fund costs in the high hundreds of thousands annually.

The state would need to reimburse these costs to CCC, if the Commission on State Mandates determines the bill's requirement to be a reimbursable state mandate.

- Unknown, ongoing General Fund costs to the California Student Aid Commission (CSAC), potentially in the hundreds of thousands to millions of dollars annually, to provide Cal Grant financial aid to students, to the extent students newly eligible for resident tuition are low-income and qualify for a Cal Grant financial aid entitlement award.

The Cal Grant covers tuition costs for qualifying low-income resident students. Therefore, costs would depend not only on the number of students newly eligible for the award, but also tuition costs at the type of institution they attend.

SUPPORT: (Verified 8/23/22)

California Community Colleges Chancellor's Office (source)
 Office of Lieutenant Governor Eleni Kounalakis
 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
 Irvine Valley College Dream Scholars
 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
 Monterey Peninsula College

Napa Valley College
Norcal Resist
North Orange County Community College District
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 8/23/22)

None received

ASSEMBLY FLOOR: 61-11, 8/24/22

AYES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Cooley, Cooper, Daly, Mike Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Grayson, Haney, Holden, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mayes, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Valladares, Villapudua, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NOES: Davies, Flora, Fong, Gallagher, Kiley, Lackey, Mathis, Nguyen, Seyarto, Smith, Voepel

NO VOTE RECORDED: Bigelow, Chen, Choi, Cunningham, Megan Dahle,
Gray, Irwin, Patterson

Prepared by: Olgalilia Ramirez / ED. / (916) 651-4105
8/24/22 19:40:34

**** **END** ****