

SB 68 (Lara): Public Postsecondary Education: Exemption from Nonresident Tuition Overview & Adult School Guidance

Background

Passed in 2001 and 2014, respectively, AB 540 (Firebaugh) and AB 2000 (Gomez) provided exemptions for specified California nonresidents from paying nonresident tuition at the University of California (UC), California State University (CSU), and California Community Colleges if they meet all of the following:

- Attended high school in California for 3 or more years; or
- Attained credits earned in California for three or more years high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools or a combination of those schools; or
- Graduated from a California high school or attained an equivalent degree; or
- Registered or attended an accredited California higher education institution not before fall of the 2001-02 academic year; or
- Filed an affidavit, if an alien without lawful immigration status, stating that the student has filed an application to legalize their immigration status or will file such an application as soon as they are eligible to so do. (Education Code (EC) § 68130.5)

Additionally, beginning January 1, 2013, AB 540 students became eligible to apply for, and participate in, any student financial aid program administered by the State to the full extent permitted by federal law.

SB 68 (Lara) Overview

Under SB 68 supported by CCAE and CAEAA, passed and signed into law this year, AB 540 provisions are expanded and modify eligibility for the exemption from paying nonresident tuition at California's public postsecondary institutions established under Education Code Section 69508.5 if the student meets one of the following requirements:

- Satisfaction of both major requirements listed below:
 - o Has 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:
 - California high schools
 - California high schools established by the State Board of Education
 - California adult schools established by a county office of education, unified school district or high school district and the Department of Corrections and Rehabilitation.
 - Any campus of the CCC.
 - A combination of schools listed above in i).
 - o Satisfaction of any of three or more years of full-time high school coursework, and a total of three or more years of attendance in California's elementary schools, California secondary schools, or a combination of California elementary and secondary schools (current law; this bill recasts this provision).

Relative to full-time attendance at a California adult school, the bill clarified that such attendance counts towards the three or more year requirement when a minimum of 420 class hours of attendance for each school year in class or courses has been completed.

Adult School Applicability & Guidance

SB 68 is critically important to assist in addressing a barrier for many adult students in the application and eligibility of resident tuition for public postsecondary education. While AB 540 provided an avenue through which immigrant students could access public postsecondary education at the resident cost versus as a non-resident at the higher rate, many undocumented students, for a variety of reasons, often cannot complete high school in time to qualify under AB 540 and may take a path through Adult School and community college to access higher education. Additionally, the application of AB 540 has been particularly inconsistent when it comes to consideration of K12 Adult School coursework eligibility in relation to application to a community college program.

SB 68 helps to modernize AB 540, thus enabling more Adult School students to pursue their higher education dreams regardless of their immigration status by ensuring that K12 Adult School coursework would indeed provide eligibility for our students for lower cost public postsecondary education. In the local Adult Education Block Grant (AEBG) consortia, pathways to postsecondary training for many students will be cost prohibitive and impossible if they are required to pay out-of-state tuition. This is a huge step forward in providing equitable access and pathways for the students we serve.

For more information, please see

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB68.