

County of Santa Cruz

BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

JANET K. BEAUTZ
FIRST DISTRICT

WALTER J. SYMONS
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 8/3/99

June 29, 1999

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: SUPPORT FOR ASSEMBLY BILL 1197;
PUBLIC POSTSECONDARY EDUCATION: RESIDENCY

Dear Members of the Board:

The Board has been alerted by the Citizenship Project of the introduction of Assembly Bill 1197 into the California State Assembly by Assembly Member Firebaugh regarding the assessment of nonresident tuition by California State University and California Community Colleges. Copies of the full text of the measure and a Measure Analysis are attached.

Existing law prescribes residency requirements for students at public institutions of postsecondary education, including, among others, the campuses of the California Community Colleges and the California State University. With respect to alien students, existing law specifies that an alien, including an unmarried minor alien, may establish his or her residence unless precluded by the federal Immigration and Nationality Act from establishing domicile in the United States.

AB 1197 would require that a student, including an alien student precluded from establishing California residency because of federal law, who has attended high school in California for 3 or more years, and who has graduated from a California high school, be exempted, under specified circumstances, from paying nonresident tuition at the California Community Colleges or the California State University. The Bill also states that the Legislature requests that the Regents of the University of

June 30, 1999
Page! 2

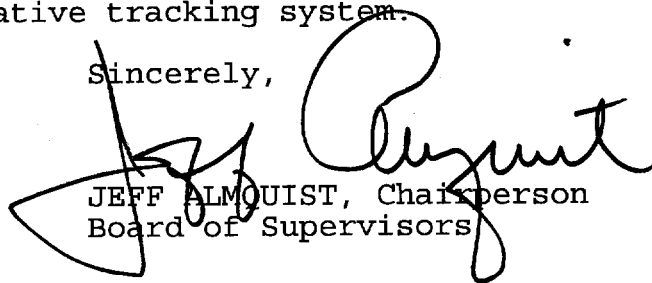
186

California also take that action to exempt those students from nonresident tuition. Further AB 1197 would make various technical, non-substantive changes to the provisions relating to residency with respect to attendance at campuses of the California Community Colleges and the California State University.

I believe that AB 1197 would expand the opportunities for higher education for students who have been attending high school in California. Accordingly, I recommend that the Board of Supervisors take the following actions:

1. Adopt the attached resolution supporting AB 1197.
2. Direct the Clerk of the Board to distribute the resolution as indicated.
3. Direct the County Administrative Officer to place the Bill in our legislative tracking system.

Sincerely,



JEFF ALMQUIST, Chairperson
Board of Supervisors

JA:ted
Attachments

cc: Citizenship Project
Assembly Member Firebaugh

1556A6

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION SUPPORTING ASSEMBLY BILL 1197

WHEREAS, Assembly Bill 1197 into the California State Assembly by Assembly Member Firebaugh regarding the assessment of nonresident tuition by California State University and California Community Colleges; and

WHEREAS, existing law prescribes residency requirements for students at public institutions of postsecondary education, including, among others, the campuses of the California Community Colleges and the California State University; and

WHEREAS, with respect to alien students, existing law specifies that an alien, including an unmarried minor alien, may establish his or her residence unless precluded by the federal Immigration and Nationality Act from establishing domicile in the United States; and

WHEREAS, AB 1197 would require that a student, including an alien student precluded from establishing California residency because of federal law, who has attended high school in California for 3 or more years, and who has graduated from a California high school, be exempted, under specified circumstances, from paying nonresident tuition at the California Community Colleges or the California State University; and

WHEREAS, AB 1197 would also make various technical, non-substantive changes to the provisions relating to residency with respect to attendance at campuses of the California Community Colleges and the California State University; and

WHEREAS, AB 1197 would be of assistance in expanding educational opportunities in higher education for students who have been attending high school in California.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby supports the passage of Assembly Bill 1197.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 1999, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

RESOLUTION SUPPORTING ASSEMBLY BILL 1197
Page 2

JEFF ALMQUIST, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:

Samuel Taylor 7/2/89
County Counsel

DISTRIBUTION: -Assembly Member Firebaugh
Assembly Member Keeley
Assembly Member Frusetta
Senator McPherson
Governor Davis
Citizenship Project

556A6



California State Senate

Home Senators Legislation Committees Schedules Offices/Caucuses Audio/TV Fe

[Subscribe](#)

[Bill Info](#)

[Past Sessions](#)

[Codes](#)

[Statutes](#)

[Constitution](#)

~Current Session Legislation~

AB 1197 Public postsecondary education: residency.

BILL NUMBER: AB 1197 AMENDED 05/28/99

AMENDED IN ASSEMBLY MAY 28, 1999
AMENDED IN ASSEMBLY APRIL 27, 1999
AMENDED IN ASSEMBLY APRIL 6, 1999

INTRODUCED BY Assembly Member Firebaugh

FEBRUARY 26, 1999

An act to amend Sections 76140 and 89706 of the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as amended, Firebaugh. Public postsecondary education: residency.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law authorizes community college districts to admit, and charge a tuition fee for, nonresident students in accordance with specified criteria.

Existing law establishes the California State University and authorizes the operation of its various campuses under the administration of the Trustees of the California State University. Existing law authorizes the trustees, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or reduce below the minimum rate, the tuition fee of a nonresident student, as defined.

Existing law prescribes residency requirements for students at public institutions of postsecondary education, including, among others, the campuses of the California Community Colleges and the California State University. With respect to alien students, existing law specifies that an alien, including an unmarried minor alien, may establish his or her residence unless precluded by the federal Immigration and Nationality Act from establishing domicile in the United States.

This bill would require that a student, including an alien student precluded from establishing California residency because of federal law, who has attended high school in California for 3 or more years, and who has graduated from a California high school, be exempted, under specified circumstances, from paying nonresident tuition at the California Community Colleges or the California State University. *The bill*

would state that the Legislature requests the Regents of the University of California also to take that action to exempt those students from nonresident tuition. The bill would also make various technical, nonsubstantive changes to the provisions relating to residency with respect to attendance at campuses of the California Community Colleges and the California State University.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 76 140 of the Education Code is amended to read:

76140. (a) A community college district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee any person described in paragraph (1) or (2):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(b) A community college district may contract with a state, a county contiguous to California, the federal government, or a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

(c) Nonresident students shall not be reported as full-time equivalent students (FTES) for state apportionment purposes, except as provided by subdivision (k) or another statute, in which case a nonresident tuition fee may not be charged.

(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. The governing board of each community college district shall provide nonresident students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect. Nonresident tuition fee increases shall be gradual, moderate, and predictable. The fee may be paid in installments, as determined by the governing board of the district.

(e) The fee established by the governing board of a community college district pursuant to subdivision (d) shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year (1) the amount that was expended by the district for the expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year, increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the district in the preceding fiscal year, (2) the expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year, (3) an amount not to exceed the fee established by the governing board of any contiguous district, or (4) an amount not to exceed the amount that was expended by the district for the expense of education,

0191

but in no case less than the statewide average as set forth in paragraph (2). However, if for the district's preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district's total FTES attending in the district, the district, in calculating the amount in paragraph (1), may substitute, instead, the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision (e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) In adopting a tuition fee for nonresident students, the governing board of each community college district shall consider nonresident tuition fees of public community colleges in other states.

(h) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(i) Any community college district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(j) Any community college district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(k) The attendance of nonresident students who are exempt pursuant to subdivision (i) or (j) from the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as a resident FTES for state apportionment purposes pursuant to subdivision (i) or (j) shall pay a fee of forty-two dollars (\$42) per course unit. That fee is to be included in the FTES adjustments described in Section 76330 for purposes of computing apportionments.

(1) Notwithstanding any other provision of law, any student, including an alien precluded from establishing California residency by reason of subdivision (h) of Section 68062, who has attended high school in California for three or more years, who has graduated from a California high school, and who obtains admission to a California community college within one year of high school graduation or on or before January 1, 2001, shall be exempt from nonresident tuition. In order to avail himself or herself of the exemption provided by this subdivision, a student precluded from establishing California residency by subdivision (h) of Section 68062 shall submit a declaration to the community college he or she attends declaring his or her intent to seek the legalization of his or her immigration status.

SEC. 2. Section 89706 of the Education Code is amended to read:

(192

89706. (a) The trustees may, on the basis of demonstrated financial need and scholastic achievement, waive entirely, or reduce below the rate, or the minimum rate, fixed by Section 89705, the tuition fee of a nonresident student, as defined in Section 68018, who is a citizen and resident of a foreign country, who is an undergraduate student of exceptional scholastic ability and prior scholastic achievement, and who is enrolled in a course of study of no less than 10 semester units.

(b) The number of reductions and waivers granted by the trustees under this section shall at no time exceed 7 1/2 percent of the nonresident undergraduate students who are citizens and residents of a foreign country, then enrolled in the California State University.

(c) Notwithstanding any other provision of law, any student, including an alien precluded from establishing California residency by reason of subdivision (h) of Section 68062, who has attended high school in California for three or more years, who has graduated from a California high school, and who continues his or her education at a California institution of higher education within one year of high school graduation or on or before January 1, 2001, shall be exempt from nonresident tuition at the California State University. In order to avail himself or herself of the exemption provided by this subdivision, a student precluded from establishing California residency by subdivision (h) of Section 68062 shall submit a declaration to the campus of the California State University that he or she attends declaring his or her intent to seek the legalization of his or her immigration status.

SEC. 3. The Legislature hereby requests the Regents of the University of California to take action to exempt from nonresident tuition any student, including an alien precluded from establishing California residency by reason of subdivision (h) of Section 68062 of the Education Code, who has attended high school in California for three or more years, who has graduated from a California high school, and who continues his or her education at a California institution of higher education within one year of high school graduation on or before January 1, 2001, and to require each of those students, in order to avail himself or herself of that exemption, to submit a declaration to the campus of the University of California that he or she attends declaring his or her intent to seek the legalization of his or her immigration status.

[Home](#) [Senators](#) [Legislation](#) [Committees](#) [Schedules](#) [Offices/Caucuses](#) [Audio/TV](#) [Faq's/Links](#)

Please send any questions or comments about this site to WebMaster@sen.ca.gov

FROM :

FAX NO. : 8314241309

Jan. 25 1999 04:42PM P1



193

Citizenship Project
Proyecto de Ciudadania

931 E. Market Street
Salinas, CA 93905
(831) 424-2713 fax 424-1309
www.newcitizen.org

FAX COVER SHEET

Date:

6/26/99

To:

Supervisors

Fax:

454-3262

From:

Famon Gomez

Re:

Support for AB 1197

Number of pages, including cover sheet:

7

Notes:

See attached.

Trinity
R

If you have any problems reading this fax, or are missing pages, please call (831) 424-2713

FROM :

FAX NO. : 8314241309

Jun. 25 1999 04:42PM P2

<http://www.sen.ca.gov/htbin/testbi...7JAACHIGHE.TXT;l/analysis/An>

California State Senate

194

Home Senators Legislation Committees Schedules Offices/Caucuses Audio/TV Fax

[Subscribe](#)[Bill Info](#)[Past Sessions](#)[Codes](#)[Statutes](#)[Constitution](#)

~Current Session Legislation~ Measure Analysis

AB 1197

Page 1

Date of Hearing: April 20, 1999

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Ted Lempert, Chair

AB 1197 (Firebaugh) - As Amended: April 6, 1999

SUBJECT : Assessment of Nonresident Tuition

SUMMARY : For purposes of assessing mandatory systemwide fees and nonresident tuition to students at the California State University (CSU) and California Community Colleges (CCC), this measure requires that any student who has (1) attended a California high school for at least three years, (2) graduated from high school and (3) is admitted to a CSU or CCC campus will only pay mandatory systemwide fees, not nonresident tuition. The University of California (UC) is not included under the provisions of this measure.

EXISTING LAW : Current law establishes residency requirements for students attending a CSU or CCC campus and requires the CSU and CCCs to charge nonresident tuition to any student who is not a California resident; furthermore, current law precludes undocumented students from establishing residency in California.

FISCAL EFFECT : Unknown.COMMENTS :

The educational rights of undocumented students is a longstanding issue that has been debated within legislative and judicial arenas for years. Current law, as noted above, was contested in a 1985 court case ("Leticia A? v. Board of Regents of the University of California") when a group of undocumented students challenged UC and CSU for not recognizing them as California residents and charging them out-of-state (nonresident) tuition. At that time, the court ruled that charging nonresident tuition to undocumented students was unconstitutional because both UC and CSU used a different definition of "residency" for undocumented aliens as it used for US citizens.

FAX NO. : 8 3 1 4 2 4 1 3 0 9 Jun. 25 1 9 9 9 04:43PM P3

FROM :

Legislation

[http://www.sen.ca.gov/htbin/testbi...7\]AACHIGHE.TXT;1/analysis](http://www.sen.ca.gov/htbin/testbi...7]AACHIGHE.TXT;1/analysis)

The 1985 decision was later overridden by a 1990 Court of Appeal, Second District decision (Regents of the University of California v. Los Angeles County Superior Court), also known

6195

AB 1197

Page 2

as the Bradford decision. In Bradford, the court held that current law (as noted in the existing law portion of this analysis) was constitutional and that the related Education Code sections were to be upheld. As a result of Bradford, current law regarding the assessment of nonresident tuition charges on undocumented students is being enforced at California public colleges.

Both the Leticia A case and the Bradford case dealt solely with the issue of defining "California Residency" for purposes of assessing nonresident tuition, and prior legislation on this topic (AB 592, Polanco/1991) would have statutorily altered the definition of "California Residency" as it applies to college tuition.

This measure does not change the definition of "California Resident" nor does it alter current law regarding the assessment of nonresident tuition to students that are not "California Residents". Instead; this measure simply requires that the CSU and CCC charge only mandatory systemwide fees and not nonresident tuition to those students who have (1) attended a California high school for at least three years, (2) graduated from high school and (3) is admitted to a CSU or CCC campus.

In the current year, CSU resident students pay \$1,506 in mandatory systemwide fees, while nonresident students pay \$9,253. The amount for nonresident tuition will increase to \$9,991 in the 1999-2000 fiscal year.'

According to the author, many of the students that would benefit under this measure are children of parents who have been granted amnesty by the federal government and are waiting for their own applications for citizenship to be accepted by the Immigration and Naturalization Service (INS). The majority of these students consider California their home and are expected to become citizens.

For many of these students, the biggest barrier to attending and enrolling in college is the cost. Under federal and state law, undocumented students, regardless of their academic achievement or financial need, are not eligible for federal or state financial aid nor are they eligible to receive campus-based aid or subsidized student loans.

FAX NO. : 8314241309

Jun. 25 1999 04:43PM P4

FROM :

Legislation

[http://www.sen.ca.gov/htbin/testbi...7\]AACHIGHE.TXT;l/analysis/](http://www.sen.ca.gov/htbin/testbi...7]AACHIGHE.TXT;l/analysis/)

196

AB 1197
Page 3

This measure *will* help talented California high school students, who cannot afford to *pay-nonresident* tuition,. to afford college. While the costs of attending CSU and CCG will still be difficult for many families to meet, this measure takes a positive step towards ensuring that postsecondary education truly is accessible and affordable for all our state's students.

REGISTERED SUPPORT / OPPOSITION :

Support

Mexican American Legal Defense and Educational Fund (MALDEF)
National Center for Youth Law
Estrella Community Development Corporation
Watts/Century Latin0 Organization
National Center for Youth Law
Coalition of Humane Immigrant Rights of Los Angeles
California Immigrant Welfare Collaborative
Numerous Individuals

Opposition

None on file.

Analysis Prepared by : Amy Supinger / HIGHER ED. / (916)
319-3960

Home Senators Legislation Committees Schedules Offices/Caucuses Audio/TV/Faxs/Links
Please send any questions or comments about this site to WebMaster@sen.ca.gov

FROM :

FAX NO. : 8314241309

Jun. 25 1999 04: 44PM P5

197.

RESOLUTION NO., 169-99 (CM)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE SUPPORTING THE PASSAGE OF
ASSEMBLY BILL 1197 (FIREBAUGH) "ASSESSMENT OF
NONRESIDENT TUITION"**

**WHEREAS; Assembly Member Firebaugh has introduced Assembly Bill 1197,
as amended, into the California State Assembly on April 27, 1999; and**

**WHEREAS, current law establishes residency requirements for students
attending a California State University ("CSU") and California Community Colleges
("CCC") and requires the "CSU" and the "CCCs" to charge nonresident tuition to any
student who is not a California resident; furthermore, current law precludes
undocumented students from establishing residency in California; and**

**WHEREAS, AB 1197 would require that a nonresident student, including
undocumented students be exempted from paying nonresident tuition fees if Certain
requirements have been met by the student; and**

**WHEREAS, a nonresident fee exemption shall be provided to students who
have (1) attended a California high school for at least three (3) years, (2) graduated
from a California high school, and who obtain admission to a California Community
College within one (1) year of high school or on before January 1, 2001.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

FROM :

FAX NO. : 8314241309

J u n . 25 1999 04:44PM P 6 ..

198

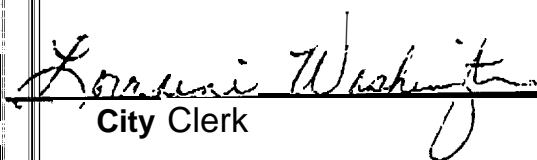
The foregoing resolution was introduced at a regular *meeting* of the Council of the City of Watsonville, held on the 8th day of June, 1999, by Council Member Bobeda, who moved its adoption, which motion being duly seconded by Council Member Phares, was upon roll call carried and the resolution adopted by the following vote:

AYES:	COUNCIL MEMBERS:	Carter, Doering-Nielsen, Gomez, Phares, Bobeda, Rios
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None



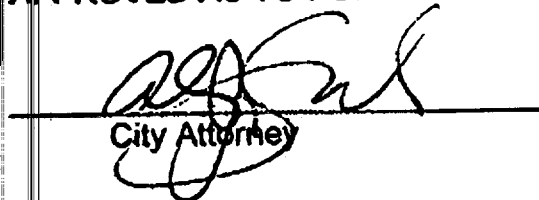
Oscar Rios, Mayor

ATTEST:



Korrine Washington
City Clerk

APPROVED AS TO FORM:



City Attorney