TO: Board of Trustees

FROM: Dr. Phil Day, Jr., Chancellor

Subject: SPECIAL

Technical Amendments to AB 540 Public postsecondary education: exemption from nonresident tuition and establishing Federal eligibility for financial aid and state residency

(Resolution No. 021107-S4)

BACKGROUND INFORMATION:

AB 540 was signed into law by the Governor on October 12, 2001 and will took effect on January 1, 2002. This legislation expanded access to California’s public universities and colleges by exempting certain nonresident students who have attended high school in California and received a high school diploma or its equivalent from payment of nonresident tuition.

However, students receiving a high school diploma from an adult school or community colleges were not included in the original legislation. It is the intent of the California Community Colleges to pursue technical amendments in the System Legislative Package to allow adults students receiving awarded their high school diploma to receive the same exemption from paying out of state tuition in the 2003-2004 legislative session.

Additionally, because of federal regulations, undocumented students cannot establish state residency for the purposes of paying the in-state rate of tuition nor for receiving federal financial aid. S1291, better known as the “Development, Relief, and Education For Alien Minors Act” sponsored by Senators Hatch and Durbin, has received bipartisan support in the Senate. This bill would permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjust the status of certain alien college-bound students who are long-term United States residents. Our own Senator Barbara Boxer has signed on as a co-sponsor.

Furthermore, H.R. 1918, the “Student Adjustment Act” authored by Representatives Cannon, Berman, and Royball-Allard is moving through the House. This bill would also permit States to determine state residency for higher education purposes and to amend the Immigration and Nationality Act to cancel the removal and adjust the status of certain alien college-bound students who are long-term U.S. residents. Representative Tom Lantos has signed on as a co-sponsor.
The California Community Colleges are in support of both bills. Furthermore, should these bills fail to pass, it is the intent of the California Community Colleges to continue to pursue this issue in new legislation as part of the System Legislative Package in the 108th Congress.

RECOMMENDATION:

RESOLVED: That the Board of Trustees support technical amendments as one of City College of San Francisco’s Legislative Priorities for the 2003-2004 legislative session that would allow adults students receiving their high school diploma to receive the same exemption from paying out of state tuition, and

RESOLVED: That the Board of Trustees support S.1291 and H.R. 1918 which would permit States to determine state residency for higher education purposes and to amend the Immigration and Nationality Act to cancel the removal and adjust the status of certain alien college-bound students who are long-term U.S. residents, and

RESOLVED: That the Board of Trustees support technical amendments as one of City College of San Francisco’s Legislative Priorities for 108th Congress that would permit States to determine state residency for higher education purposes and to amend the Immigration and Nationality Act to cancel the removal and adjust the status of certain alien college-bound students who are long-term U.S. residents, and

FURTHER BE IT RESOLVED: That the Chancellor, Vice Chancellor of Finance and Administration and/or their designee are hereby authorized to forward expressions of support for the legislation and bills to the appropriate parties at the State level.

Johnnie L. Carter, Jr., Originator
Julio J. Ramos, Originator
Lawrence Wong, Originator