

AMENDED IN ASSEMBLY APRIL 20, 2017

AMENDED IN ASSEMBLY APRIL 5, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 343**

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**Introduced by Assembly Member McCarty**  
*(Coauthors: Assembly Members Gonzalez, Fletcher and Nazarian)*

February 7, 2017

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An act to add Section 68075.6 to the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 343, as amended, McCarty. Public postsecondary education: holders of certain special immigrant visas.

(1) Existing law establishes the California State University, the California Community Colleges, and the University of California as the 3 segments of public postsecondary education in this state. Existing law exempts specified students from paying nonresident tuition at the California State University and the California Community Colleges, as specified.

This bill would express legislative findings and declarations relating to persons provided with special immigrant visa status due to their displacement because of wars taking place in their home countries. The bill would exempt students who have been granted special immigrant visas pursuant to a specified federal statute, or are refugees admitted to the United States under a specified federal statute, *and who, upon entering the United States, settled in California*, from paying nonresident tuition at the ~~California State University and the California Community Colleges~~. ~~The bill would request the Regents of the University of~~

California to adopt policies that would be consistent with this provision.  
*California Community Colleges.*

To the extent that this bill would place additional requirements on community college districts to exempt those students from nonresident tuition, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 68075.6 is added to the Education Code,
- 2 to read:
- 3 68075.6. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) The wars in Afghanistan, Iraq, Syria, and other countries
- 6 have displaced many families, causing many of them to flee their
- 7 homes in search of a better life. Between 2011 and March 2017,
- 8 more than 36,000 refugees entered California, with nearly 8,000
- 9 of them entering in 2016.
- 10 (2) Under the National Defense Authorization Act for Fiscal
- 11 Year 2006, certain ~~Afghani~~ *Afghan* and Iraqi nationals were
- 12 provided special immigrant status in the United States. Through
- 13 the end of 2015, more than 37,000 individuals were granted special
- 14 immigrant visa (SIV) status under this program. Between 2011
- 15 and March 2017, 9,200 SIV holders ~~have~~ resettled in California.
- 16 (3) Many of these families have escaped war and persecution
- 17 in order to improve the lives of their families, but encounter
- 18 numerous barriers, such as the cost of higher education, when
- 19 assimilating into the United States. Access to institutions of higher
- 20 education will ensure that students from these families are able to
- 21 pursue their educational goals and rebuild and improve their lives
- 22 and the lives of their families.

1 (b) Notwithstanding any other law, a student of the California  
2 Community Colleges or the California State University who has  
3 a special immigrant visa that has been granted a status under  
4 Section 1244 of Public Law 110-181 or under Public Law 109-163,  
5 or is a refugee admitted to the United States under Section 1157  
6 of Title 8 of the United States Code, ~~shall be entitled to resident~~  
7 ~~classification only for the purpose of determining the amount of~~  
8 ~~tuition and fees. The Regents of the University of California are~~  
9 ~~requested to adopt policies that are consistent with this subdivision.~~  
10 *and who, upon entering the United States, settled in California,*  
11 *shall be exempt from paying the nonresident tuition fee required*  
12 *by Section 76140 for the length of time he or she lives in this state*  
13 *up to the minimum time necessary to become a resident.*

14 SEC. 2. If the Commission on State Mandates determines that  
15 this act contains costs mandated by the state, reimbursement to  
16 local agencies and school districts for those costs shall be made  
17 pursuant to Part 7 (commencing with Section 17500) of Division  
18 4 of Title 2 of the Government Code.