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June 10, 2011

The Honorable Alan Lowenthal, Chair  
Senate Education Committee  
State Capitol, Room 2083  
Sacramento, CA 95816

**RE: AB 844 (Lara) as amended May 5, 2011**  
**Scheduled for hearing on June 15, 2011 in the Senate Education Committee**  
**Position: Support with Amendments**

Dear Senator Lowenthal:

I am writing to inform you that the University of California (UC) supports AB 844 with amendments. AB 844 requires that any student, including a person without lawful immigration status, or a person who is exempt from nonresident tuition pursuant to Section 68130.5, may serve in any capacity in student government at the California State University or the California Community Colleges and receive any grant, scholarship, fee waiver, or reimbursement for expenses incurred connected with that service to the full extent consistent with federal law. The bill also requests that the University of California comply as well.

The University supported AB 540 - which exempts a student, other than a nonimmigrant alien, from paying nonresident tuition at the University of California if certain requirements are met - because we believe that students who attended and graduated from high school in California but are not legal residents should have access to higher education, and nonresident fee levels served as a barrier to their participation. AB 844 addresses yet another area of higher education where these students are at a disadvantage.

By making AB 540 students eligible to serve in student government and receive aid in connection to that service, AB 844 would help place these students on a more equal footing with other students and would enhance their access to all that the University experience offers.

However, in keeping with existing state law with regard to AB 540 students, we are requesting amendments seeking protection in the case of litigation involving this policy.

Through their hard work and perseverance, these students have earned the opportunity to attend UC and participate at all levels of University life. Their accomplishments should not be disregarded or their future jeopardized because of their legal status.

We thank Assembly Member Lara's staff for taking the time to discuss our proposed amendments with us and thank you for your consideration of our views. Should you have any questions about the University's position on this bill, please do not hesitate to contact me at (916) 445-9924.

Sincerely,

A handwritten signature in black ink, appearing to read "Nadia Leal-Carrillo". The signature is fluid and cursive, with the first name "Nadia" being the most prominent part.

Nadia Leal-Carrillo  
Legislative Director

Attachment

cc: Assembly Member Lara  
Members, Senate Education Committee  
President Mark G. Yudof  
Provost Lawrence Pitts  
Executive Vice President Nathan Brostrom  
Senior Vice President Daniel M. Dooley  
Associate Vice President and Director Steve Juarez

## UC Proposed Amendments to AB 844

### Amendment A)

An act *to amend Section 68130.7* and add Section 66016.3 to the Education Code, relating to student government.

### Amendment B)

68130.7. If a state court finds that Section **66016.3**, 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the court may order, as equitable relief, that the administering entity that is the subject of the lawsuit terminate any waiver awarded under that statute or provision, but no money damages, tuition refund or waiver, or other retroactive relief, may be awarded. In any action in which the court finds that Section **66016.3**, 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the California Community Colleges, the California State University, and the University of California are immune from the imposition of any award of money damages, tuition refund or waiver, or other retroactive relief.

### Amendment C)

SECTION 1. Section 66016.3 is added to the Education Code, to read:

66016.3. (a) Any student, including a person without lawful immigration status, or a person who is exempt from nonresident tuition pursuant to Section 68130.5, may serve in any capacity in student government at the California State University or the California Community Colleges and receive any grant, scholarship, fee waiver, or reimbursement for expenses incurred connected with that service to the full extent consistent with federal law.

(b) The University of California is requested to comply with this section.

(c) *The Legislature finds that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.*