

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE MARCH 14, 2013

SENATE BILL

No. 150

Introduced by Senator Lara

(Coauthors: Assembly Members ~~Alejo~~ and *Alejo*, Ian Calderon, *Fong*,
and *Garcia*)

January 31, 2013

An act to ~~amend Section 76140~~ of *add Section 76140.1* to the
Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 150, as amended, Lara. Pupils: concurrent enrollment in secondary
school and community college: nonresident tuition exemption.

Existing law authorizes the governing board of a school district to
allow pupils whom the school district has determined would benefit
from advanced scholastic or vocational work to attend a community
college as special part-time or full-time students, as specified. Existing
law authorizes community college governing boards to exempt these
special part-time students from paying the \$46 per unit per semester
enrollment fee.

This bill would authorize a community college district to exempt a
pupil attending a community college as a special part-time student from
paying nonresident tuition at the community college.

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

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

1 SECTION 1. Section 76140.1 is added to the Education Code,
2 to read:

3 76140.1. Notwithstanding Section 76140, a community college
4 district may exempt a special part-time student admitted pursuant
5 to Section 76001 from all or part of the tuition fee charged to
6 nonresident students pursuant to Section 76140.

7 SECTION 1. ~~Section 76140 of the Education Code, as added~~
8 ~~by Section 66 of Chapter 38 of the Statutes of 2012, is amended~~
9 ~~to read:~~

10 ~~76140. (a) A community college district may admit and shall~~
11 ~~charge a tuition fee to nonresident students. The district may~~
12 ~~exempt from all or parts of the fee any person described in~~
13 ~~paragraph (1), (2), (3), or (4):~~

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

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

23 ~~(3) (A) A student who, as of August 29, 2005, was enrolled,~~
24 ~~or admitted with an intention to enroll, in the fall term of the~~
25 ~~2005–06 academic year in a regionally accredited institution of~~
26 ~~higher education in Alabama, Louisiana, or Mississippi, and who~~
27 ~~could not continue his or her attendance at that institution as a~~
28 ~~direct consequence of damage sustained by that institution as a~~
29 ~~result of Hurricane Katrina.~~

30 ~~(B) The chancellor shall develop guidelines for the~~
31 ~~implementation of this paragraph. These guidelines shall include~~
32 ~~standards for appropriate documentation of student eligibility to~~
33 ~~the extent feasible.~~

34 ~~(C) This paragraph shall apply only to the 2005–06 academic~~
35 ~~year.~~

36 ~~(4) A special part-time student admitted pursuant to Section~~
37 ~~76001.~~

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

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

9 ~~(d) The nonresident tuition fee shall be set by the governing~~
10 ~~board of each community college district not later than February~~
11 ~~1 of each year for the succeeding fiscal year. The governing board~~
12 ~~of each community college district shall provide nonresident~~
13 ~~students with notice of nonresident tuition fee changes during the~~
14 ~~spring term before the fall term in which the change will take~~
15 ~~effect. Nonresident tuition fee increases shall be gradual, moderate,~~
16 ~~and predictable. The fee may be paid in installments, as determined~~
17 ~~by the governing board of the district.~~

18 ~~(e) (1) The fee established by the governing board pursuant to~~
19 ~~subdivision (d) shall represent for nonresident students enrolled~~
20 ~~in 30 semester units or 45 quarter units of credit per fiscal year~~
21 ~~one or more of the following:~~

22 ~~(A) The amount that was expended by the district for the~~
23 ~~expense of education as defined by the California Community~~
24 ~~College Budget and Accounting Manual in the preceding fiscal~~
25 ~~year increased by the projected percent increase in the United~~
26 ~~States Consumer Price Index as determined by the Department of~~
27 ~~Finance for the current fiscal year and succeeding fiscal year and~~
28 ~~divided by the FTES (including nonresident students) attending~~
29 ~~in the district in the preceding fiscal year. However, if for the~~
30 ~~district's preceding fiscal year FTES of all students attending in~~
31 ~~the district in noncredit courses is equal to, or greater than, 10~~
32 ~~percent of the district's total FTES attending in the district, the~~
33 ~~district may substitute the data for expense of education in grades~~
34 ~~13 and 14 and FTES in grades 13 and 14 attending in the district.~~

35 ~~(B) The expense of education in the preceding fiscal year of all~~
36 ~~districts increased by the projected percent increase in the United~~
37 ~~States Consumer Price Index as determined by the Department of~~
38 ~~Finance for the fiscal year and succeeding fiscal year and divided~~
39 ~~by the FTES (including nonresident students) attending all districts~~
40 ~~during the preceding fiscal year. However, if the amount calculated~~

1 under this paragraph for the succeeding fiscal year is less than the
2 amount established for the current fiscal year or for any of the past
3 four fiscal years, the district may set the nonresident tuition fee at
4 the greater of the current or any of the past four-year amounts.

5 ~~(C) An amount not to exceed the fee established by the~~
6 ~~governing board of any contiguous district.~~

7 ~~(D) An amount not to exceed the amount that was expended by~~
8 ~~the district for the expense of education, but in no case less than~~
9 ~~the statewide average as set forth in subparagraph (B).~~

10 ~~(E) An amount no greater than the average of the nonresident~~
11 ~~tuition fees of public community colleges of no less than 12 states~~
12 ~~that are comparable to California in cost of living. The~~
13 ~~determination of comparable states shall be based on a composite~~
14 ~~cost-of-living index as determined by the United States Department~~
15 ~~of Labor or a cooperating government agency.~~

16 ~~(2) The additional revenue generated by the increased~~
17 ~~nonresident tuition permitted under the amendments made to this~~
18 ~~subdivision during the 2009–10 Regular Session shall be used to~~
19 ~~expand and enhance services to resident students. In no event shall~~
20 ~~the admission of nonresident students come at the expense of~~
21 ~~resident enrollment.~~

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

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

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

39 ~~(i) Any district that has more than 1,500, but less than 3,001,~~
40 ~~FTES and whose boundary is within 10 miles of another state that~~

1 ~~has a reciprocity agreement with California governing student~~
2 ~~attendance and fees may, in any one fiscal year, exempt up to 100~~
3 ~~FTES from that state from the mandatory fee requirement described~~
4 ~~in subdivision (a) for nonresident students.~~

5 ~~(j) The attendance of nonresident students who are exempted~~
6 ~~pursuant to subdivision (h) or (i), or pursuant to paragraph (3) of~~
7 ~~subdivision (a), from the mandatory fee requirement described in~~
8 ~~subdivision (a) for nonresident students may be reported as resident~~
9 ~~FTES for state apportionment purposes. Any nonresident student~~
10 ~~reported as resident FTES for state apportionment purposes~~
11 ~~pursuant to subdivision (h) or (i) shall pay a per unit fee that is~~
12 ~~three times the amount of the fee established for residents pursuant~~
13 ~~to Section 76300. That fee is to be included in the FTES~~
14 ~~adjustments described in Section 76330 for purposes of computing~~
15 ~~apportionments.~~

16 ~~(k) This section shall become operative on July 1, 2013.~~

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