

Introduced by Senator GainesFebruary 19, 2013

An act to amend Section 76140 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 329, as introduced, Gaines. Community colleges: nonresident tuition: Lake Tahoe Community College.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, including the Lake Tahoe Community College District, and authorizes them to operate campuses and provide instruction to students. Existing law authorizes community college districts to admit nonresident students, and requires that nonresident students be charged a nonresident tuition fee unless an exemption is applicable.

This bill would exempt from the nonresident tuition fee students who attend Lake Tahoe Community College and who reside in one of several designated communities in Nevada.

This bill would make a legislative finding and declaration as to the necessity of a special statute for the Lake Tahoe Community College District with respect to students who reside in nearby communities located in Nevada.

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 of the Education Code, as added
 2 by Section 66 of Chapter 38 of the Statutes of 2012, is amended
 3 to read:

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

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

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

17 (3) (A) A student who, as of August 29, 2005, was enrolled,
 18 or admitted with an intention to enroll, in the fall term of the
 19 2005–06 academic year in a regionally accredited institution of
 20 higher education in Alabama, Louisiana, or Mississippi, and who
 21 could not continue his or her attendance at that institution as a
 22 direct consequence of damage sustained by that institution as a
 23 result of Hurricane Katrina.

24 (B) The chancellor shall develop guidelines for the
 25 implementation of this paragraph. These guidelines shall include
 26 standards for appropriate documentation of student eligibility to
 27 the extent feasible.

28 (C) This paragraph shall apply only to the 2005–06 academic
 29 year.

30 (4) *A student who attends Lake Tahoe Community College and*
 31 *who resides in one of the following communities in Nevada:*

32 (A) *Incline Village.*

33 (B) *Kingsbury.*

34 (C) *Round Hill.*

35 (D) *Skyland.*

36 (E) *Stateline.*

37 (F) *Zephyr Cove.*

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 (e) 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.

17 SEC. 2. The Legislature finds and declares that a special law
18 is necessary and that a general law cannot be made applicable
19 within the meaning of Section 16 of Article IV of the California
20 Constitution because of the unique circumstances of the Lake
21 Tahoe Community College District with respect to students who
22 reside in nearby communities located in Nevada.

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