

AMENDED IN SENATE SEPTEMBER 3, 2015

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 801

Introduced by Assembly Member Bloom

February 26, 2015

An act to amend Sections 66025.9, 69514.5, 69561, and 76300 of, and to add Section 67003.5 to, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 801, as amended, Bloom. Postsecondary education: Success for Homeless Youth in Higher Education Act.

(1) Existing law, the Donahoe Higher Education Act, sets forth the missions and functions of the segments of postsecondary education in this state. Among other things, the act requires the California State University and each community college district, and requests the University of California, with respect to each campus in their respective jurisdictions that administers a priority enrollment system, to grant priority in that system for registration for enrollment to foster youth, as defined, or former foster youth, until the repeal of this provision on January 1, 2017.

This bill would enact the Success for Homeless Youth in Higher Education Act. The bill would extend the above-referenced priority requirement, with respect to the California State University and community college districts, and would extend the request for the granting of priority, with respect to the University of California, to

include homeless youth and former homeless youth, as defined, and extend the operation of this provision until January 1, 2020. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

(2) Existing provisions of the Donahoe Higher Education Act set forth various duties and responsibilities for state entities, such as the California State University, the California Community Colleges, the University of California, and the Treasurer, with respect to federal assistance to higher education. Existing provisions of the Ortiz-Pacheco-Poochigian-Vasconcellos Cal Grant Program set forth the requirements for status as a “qualifying institution,” whose students are eligible, if as individuals they meet pertinent program requirements, to receive Cal Grant awards.

This bill would require qualifying institutions, other than the University of California, which would be requested to do so, to designate a staff member who is employed within the financial aid office, or another appropriate office or department, of the institution to serve as a Homeless and Foster Student Liaison, and to inform current and prospective students of the institution about student financial aid and other assistance available to homeless youth and current and former foster youth, as specified. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

(3) Existing law establishes the Student Aid Commission and assigns to it numerous duties with respect to student financial aid programs, including the Community College Student Financial Aid Outreach Program and the Student Opportunity and Access Program. Both of these programs include provisions addressing the needs of youth from low-income households, and specifically include low-income youth within the scope of the respective programs.

This bill would additionally place homeless youth and former homeless youth, as defined, within the scope of these programs.

(4) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires the governing board of each community college district to charge an enrollment fee of \$46 per unit per semester, but authorizes the waiver of this fee for students meeting specified requirements.

This bill would add persons who are, at the time of enrollment, homeless youths, as defined, to the groups of persons eligible for this

fee waiver. To the extent that this provision would impose new duties on community college districts, it would constitute a state-mandated local program.

(5) *This bill would incorporate additional changes to Section 76300 of the Education Code proposed by AB 573 that would become operative if this bill and AB 573 are both enacted and this bill is enacted last.*

~~(5)~~

(6) 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 these statutory provisions.

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. This act shall be known, and may be cited, as the
2 Success for Homeless Youth in Higher Education Act.

3 SEC. 2. Section 66025.9 of the Education Code is amended to
4 read:

5 66025.9. (a) The California State University and each
6 community college district shall, and the University of California
7 is requested to, with respect to each campus in their respective
8 jurisdictions that administers a priority enrollment system, grant
9 priority in that system for registration for enrollment to a foster
10 youth or former foster youth or a homeless youth or former
11 homeless youth.

12 (b) For purposes of this section:

13 (1) "Foster youth" means a person who is currently in foster
14 care, and "former foster youth" means a person who is an
15 emancipated foster youth and who is 24 years of age or younger.

16 (2) (A) "Homeless" has the same meaning as defined in Section
17 725 of the federal McKinney-Vento Homeless Assistance Act (42
18 U.S.C. Sec. 11434a), as it read on December 31, 2015.

19 (B) "Homeless youth" means a person who is 24 years of age
20 or younger and who has been determined to be homeless at any
21 time during the current calendar year, and "former homeless youth"

1 means a person who is 24 years of age or younger, and who, while
2 not currently homeless, has been determined to be homeless, at
3 any time in the immediately preceding six calendar years, by any
4 of the following:

5 (i) A homeless services provider, as that term is defined in
6 paragraph (3) of subdivision (d) of Section 103577 of the Health
7 and Safety Code.

8 (ii) The director of a federal TRIO program or Gaining Early
9 Awareness and Readiness for Undergraduate Programs program,
10 or a designee of that director.

11 (iii) A financial aid administrator for an institution of higher
12 education.

13 (c) This section shall remain in effect only until January 1, 2020,
14 and as of that date is repealed, unless a later enacted statute, that
15 is enacted before January 1, 2020, deletes or extends that date.

16 SEC. 3. Section 67003.5 is added to the Education Code, to
17 read:

18 67003.5. (a) A postsecondary educational institution that is a
19 “qualifying institution,” as defined in Section 69432.7, shall do
20 both of the following:

21 (1) Designate a staff member who is employed within the
22 financial aid office, or another appropriate office or department,
23 of the institution to serve as the Homeless and Foster Student
24 Liaison. The Homeless and Foster Student Liaison shall be
25 responsible for understanding the provisions of the federal Higher
26 Education Act pertaining to financial aid eligibility of current and
27 former foster youth and unaccompanied homeless youth, and for
28 identifying services available and appropriate for enrolled students
29 who fall under one or more of these categories. The liaison shall
30 assist these students in applying for and receiving federal and state
31 financial aid and available services.

32 (2) Inform current and prospective students of the institution
33 about student financial aid and other assistance available to
34 homeless youth and current and former foster youth, including
35 their eligibility as independent students under Section 1087vv of
36 the federal Higher Education Act, as that section read on December
37 31, 2015.

38 (b) The Regents of the University of California are requested
39 to adopt policies that are, to the extent that is feasible, equivalent
40 to the provisions of subdivision (a).

1 (c) The definitions of foster youth, former foster youth, and
2 homeless youth in Section 66025.9 shall apply to this section.

3 SEC. 4. Section 69514.5 of the Education Code is amended to
4 read:

5 69514.5. (a) The Community College Student Financial Aid
6 Outreach Program is hereby established. The commission shall,
7 in consultation with the office of the Chancellor of the California
8 Community Colleges, develop and administer this program for the
9 purpose of providing financial aid training to high school and
10 community college counselors and advisers who work with students
11 planning to attend or attending a community college. This training
12 shall also address the specific needs of all of the following:

13 (1) Community college students intending to transfer to a
14 four-year institution of higher education.

15 (2) Foster youth, as defined in Section 66025.9.

16 (3) Homeless youth and former homeless youth, as defined in
17 Section 66025.9.

18 (4) Students with disabilities.

19 (b) The program shall provide specialized information on
20 financial aid opportunities available to community college students,
21 with a particular focus on students who plan to transfer to a
22 four-year college or university. The commission shall work in
23 collaboration with the Chancellor of the California Community
24 Colleges and other segments of higher education to develop and
25 distribute this specialized information to assist community college
26 students who are planning to transfer to a four-year college or
27 university. Each year, the program shall offer financial aid
28 workshops for high school and community college counselors,
29 targeted for students planning to attend a community college or to
30 transfer from a community college to a four-year institution of
31 higher education. The program shall assist community college
32 counselors in conducting student and family workshops that
33 provide general information about financial aid and technical
34 assistance in completing financial aid forms.

35 (c) The program shall concentrate its efforts on high schools
36 and community colleges that are located in geographic areas that
37 have a high percentage of low-income families.

38 SEC. 5. Section 69561 of the Education Code is amended to
39 read:

- 1 69561. (a) The Student Opportunity and Access Program is
2 administered by the Student Aid Commission.
- 3 (b) The Student Aid Commission may apportion funds on a
4 progress payment schedule for the support of projects designed to
5 increase the accessibility of postsecondary educational
6 opportunities for any of the following elementary and secondary
7 school pupils:
- 8 (1) Pupils who are from low-income families.
9 (2) Pupils who would be the first in their families to attend
10 college.
- 11 (3) Pupils who are from schools or geographic regions with
12 documented low-eligibility or college participation rates.
- 13 (4) Pupils who are homeless youth or former homeless youth,
14 as defined in Section 66025.9.
- 15 (c) These projects shall primarily do all of the following:
- 16 (1) Increase the availability of information for these pupils on
17 the existence of postsecondary schooling and work opportunities.
18 (2) Raise the achievement levels of these pupils so as to increase
19 the number of high school graduates eligible to pursue
20 postsecondary learning opportunities.
- 21 (d) Projects may assist community college students in
22 transferring to four-year institutions, to the extent that project
23 resources are available.
- 24 (e) Projects may provide assistance to low-income fifth and
25 sixth grade pupils and their parents in order to implement outreach
26 efforts designed to use the future availability of financial assistance
27 as a means of motivating pupils to stay in school and complete
28 college preparatory courses.
- 29 (f) Projects may provide assistance to low-income middle and
30 high school pupils and their parents in order to implement outreach
31 efforts designed to use the future availability of financial assistance
32 as a means of motivating pupils to stay in school by promoting
33 career technical education public awareness. Projects shall promote
34 the value of career technical education, available career programs
35 in public schools and postsecondary segments with sequenced
36 courses beginning in high school and continuing into postsecondary
37 education, and the resulting career opportunities.
- 38 (g) Each project shall be proposed and operated through a
39 consortium that involves at least one secondary school district

1 office, at least one four-year college or university, at least one
2 community college, and at least one of the following agencies:

- 3 (1) A nonprofit educational, counseling, or community agency.
- 4 (2) A private vocational or technical school accredited by a
5 national, state, or regional accrediting association recognized by
6 the United States Department of Education.

7 (h) The commission, in awarding initial project grants, shall
8 give priority to proposals developed by more than three eligible
9 agencies. Projects shall be located throughout the state in order to
10 provide access to program services in rural, urban, and suburban
11 areas.

12 (i) The governing board of each project, comprising at least one
13 representative from each entity in the consortium, shall establish
14 management policy, provide direction to the project director, set
15 priorities for budgetary decisions that reflect the specific needs of
16 the project, and assume responsibility for maintaining the required
17 level of matching funds, including solicitations from the private
18 sector and corporate sources.

19 (j) Prior to receiving a project grant, each consortium shall
20 conduct a planning process and submit a comprehensive project
21 proposal to include, but not be limited to, the following
22 information:

- 23 (1) The agencies participating in the project.
- 24 (2) The pupils to be served by the project.
- 25 (3) The ways in which the project will reduce duplication and
26 related costs.
- 27 (4) The methods for assessing the project's impact.

28 (k) Each project shall include the direct involvement of
29 secondary school staff in the daily operations of the project, with
30 preference in funding to those projects that effectively integrate
31 the objectives of the Student Opportunity and Access Program
32 with those of the school district in providing services that are
33 essential to preparing pupils for postsecondary education.

34 (l) Each project shall maintain within the project headquarters
35 a comprehensive pupil-specific information system on pupils
36 receiving services through the program in grades 11 and 12 at
37 secondary schools within the participating districts. This
38 information shall be maintained in a manner consistent with the
39 law relating to pupil records.

1 (m) At least 30 percent or the equivalent of each project grant
 2 shall be allocated for stipends to peer advisers and tutors who meet
 3 all of the following criteria:

- 4 (1) Work with secondary school pupils.
- 5 (2) Are currently enrolled in a college or other postsecondary
 6 school as an undergraduate or graduate student.
- 7 (3) Have demonstrated financial need for the stipend.

8 (n) Each project should work cooperatively with other projects
 9 in the program and with the commission to establish viable student
 10 services and sound administrative procedures and to ensure
 11 coordination of the activities of the project with existing
 12 educational opportunity programs. The Student Aid Commission
 13 may develop additional regulations regarding the awarding of
 14 project grants and criteria for evaluating the effectiveness of the
 15 individual projects.

16 SEC. 6. Section 76300 of the Education Code is amended to
 17 read:

18 76300. (a) The governing board of each community college
 19 district shall charge each student a fee pursuant to this section.

20 (b) (1) The fee prescribed by this section shall be forty-six
 21 dollars (\$46) per unit per semester, effective with the summer term
 22 of the 2012 calendar year.

23 (2) The board of governors shall proportionately adjust the
 24 amount of the fee for term lengths based upon a quarter system,
 25 and also shall proportionately adjust the amount of the fee for
 26 summer sessions, intersessions, and other short-term courses. In
 27 making these adjustments, the board of governors may round the
 28 per unit fee and the per term or per session fee to the nearest dollar.

29 (c) For the purposes of computing apportionments to community
 30 college districts pursuant to Section 84750.5, the board of
 31 governors shall subtract, from the total revenue owed to each
 32 district, 98 percent of the revenues received by districts from
 33 charging a fee pursuant to this section.

34 (d) The board of governors shall reduce apportionments by up
 35 to 10 percent to any district that does not collect the fees prescribed
 36 by this section.

37 (e) The fee requirement does not apply to any of the following:

- 38 (1) Students enrolled in the noncredit courses designated by
 39 Section 84757.

1 (2) California State University or University of California
2 students enrolled in remedial classes provided by a community
3 college district on a campus of the University of California or a
4 campus of the California State University, for whom the district
5 claims an attendance apportionment pursuant to an agreement
6 between the district and the California State University or the
7 University of California.

8 (3) Students enrolled in credit contract education courses
9 pursuant to Section 78021, if the entire cost of the course, including
10 administrative costs, is paid by the public or private agency,
11 corporation, or association with which the district is contracting
12 and if these students are not included in the calculation of the
13 full-time equivalent students (FTES) of that district.

14 (f) The governing board of a community college district may
15 exempt special part-time students admitted pursuant to Section
16 76001 from the fee requirement.

17 (g) (1) The fee requirements of this section shall be waived for
18 any student who meets all of the following requirements:

19 (A) Meets minimum academic and progress standards adopted
20 by the board of governors, which fulfill the requirements outlined
21 in this paragraph and paragraphs (2) to (5), inclusive. Any
22 minimum academic and progress standards adopted pursuant to
23 this section shall be uniform across all community college districts
24 and campuses. These standards shall not include a maximum unit
25 cap, and community college districts and colleges shall not impose
26 requirements for fee waiver eligibility other than the minimum
27 academic and progress standards adopted by the board of governors
28 and the requirements of subparagraph (B).

29 (B) Meets one of the following criteria:

30 (i) At the time of enrollment, is a recipient of benefits under the
31 Temporary Assistance for Needy Families program, the
32 Supplemental Security Income/State Supplementary Payment
33 Program, or a general assistance program.

34 (ii) Demonstrates eligibility according to income standards
35 established by regulations of the board of governors.

36 (iii) Demonstrates financial need in accordance with the
37 methodology set forth in federal law or regulation for determining
38 the expected family contribution of students seeking financial aid.

39 (iv) At the time of enrollment, is a homeless youth as defined
40 in Section 66025.9.

1 (2) (A) The board of governors, in consultation with students,
2 faculty, and other key stakeholders, shall consider all of the
3 following in the development and adoption of minimum academic
4 and progress standards pursuant to subparagraph (A) of paragraph
5 (1):

6 (i) Minimum uniform academic and progress standards that do
7 not unfairly disadvantage financially needy students in pursuing
8 their education.

9 (ii) Criteria for reviewing extenuating circumstances and
10 granting appeals that, at a minimum, take into account and do not
11 penalize a student for circumstances outside his or her control,
12 such as reductions in student support services or changes to the
13 economic situation of the student.

14 (iii) A process for reestablishing fee waiver eligibility that
15 provides a student with a reasonable opportunity to continue or
16 resume his or her enrollment at a community college.

17 (B) To ensure that students are not unfairly impacted by the
18 requirements of subparagraph (A) of paragraph (1), the board of
19 governors shall establish a reasonable implementation period that
20 commences no sooner than one year from adoption of the minimum
21 academic and progress standards, or any subsequent changes to
22 these standards, pursuant to subparagraph (A) of paragraph (1)
23 and that is phased in to provide students adequate notification of
24 this requirement and information about available support resources.

25 (3) It is the intent of the Legislature that minimum academic
26 and progress standards adopted pursuant to subparagraph (A) of
27 paragraph (1) be implemented only as campuses develop and
28 implement the student support services and interventions necessary
29 to ensure no disproportionate impact to students based on ethnicity,
30 gender, disability, or socioeconomic status. The board of governors
31 shall consider the ability of community college districts to meet
32 the requirements of this paragraph before adopting minimum
33 academic and progress standards, or any subsequent changes to
34 these standards, pursuant to subparagraph (A) of paragraph (1).

35 (4) It is the intent of the Legislature to ensure that a student shall
36 not lose fee waiver eligibility without a community college campus
37 first demonstrating a reasonable effort to provide a student with
38 adequate notification and assistance in maintaining his or her fee
39 waiver eligibility. The board of governors shall adopt regulations
40 to implement this paragraph that ensure all of the following:

1 (A) Students are provided information about the available
2 student support services to assist them in maintaining fee waiver
3 eligibility.

4 (B) Community college district policies and course catalogs
5 reflect the minimum academic and progress standards adopted
6 pursuant to subparagraph (A) of paragraph (1) and that appropriate
7 notice is provided to students before the policies are put into effect.

8 (C) A student does not lose fee waiver eligibility unless he or
9 she has not met minimum academic and progress standards adopted
10 pursuant to subparagraph (A) of paragraph (1) for a period of no
11 less than two consecutive academic terms.

12 (5) The board of governors shall provide notification of a
13 proposed action to adopt regulations pursuant to this subdivision
14 to the appropriate policy and fiscal committees of the Legislature
15 in accordance with the requirements of paragraph (1) of subdivision
16 (a) of Section 70901.5. This notification shall include, but not be
17 limited to, all of the following:

18 (A) The proposed minimum academic and progress standards
19 and information detailing how the requirements of paragraphs (1)
20 to (4), inclusive, have been or will be satisfied.

21 (B) How many students may lose fee waiver eligibility by
22 ethnicity, gender, disability, and, to the extent relevant data is
23 available, by socioeconomic status.

24 (C) The criteria for reviewing extenuating circumstances,
25 granting appeals, and reestablishing fee waiver eligibility pursuant
26 to paragraph (2).

27 (h) The fee requirements of this section shall be waived for any
28 student who, at the time of enrollment, is a dependent or surviving
29 spouse who has not remarried, of any member of the California
30 National Guard who, in the line of duty and while in the active
31 service of the state, was killed, died of a disability resulting from
32 an event that occurred while in the active service of the state, or
33 is permanently disabled as a result of an event that occurred while
34 in the active service of the state. "Active service of the state," for
35 the purposes of this subdivision, refers to a member of the
36 California National Guard activated pursuant to Section 146 of
37 the Military and Veterans Code.

38 (i) The fee requirements of this section shall be waived for any
39 student who is the surviving spouse or the child, natural or adopted,

1 of a deceased person who met all of the requirements of Section
2 68120.

3 (j) The fee requirements of this section shall be waived for any
4 student in an undergraduate program, including a student who has
5 previously graduated from another undergraduate or graduate
6 program, who is the dependent of any individual killed in the
7 September 11, 2001, terrorist attacks on the World Trade Center
8 and the Pentagon or the crash of United Airlines Flight 93 in
9 southwestern Pennsylvania, if that dependent meets the financial
10 need requirements set forth in Section 69432.7 for the Cal Grant
11 A Program and either of the following applies:

12 (1) The dependent was a resident of California on September
13 11, 2001.

14 (2) The individual killed in the attacks was a resident of
15 California on September 11, 2001.

16 (k) A determination of whether a person is a resident of
17 California on September 11, 2001, for purposes of subdivision (j)
18 shall be based on the criteria set forth in Chapter 1 (commencing
19 with Section 68000) of Part 41 of Division 5 for determining
20 nonresident and resident tuition.

21 (l) (1) “Dependent,” for purposes of subdivision (j), is a person
22 who, because of his or her relationship to an individual killed as
23 a result of injuries sustained during the terrorist attacks of
24 September 11, 2001, qualifies for compensation under the federal
25 September 11th Victim Compensation Fund of 2001 (Title IV
26 (commencing with Section 401) of Public Law 107-42).

27 (2) A dependent who is the surviving spouse of an individual
28 killed in the terrorist attacks of September 11, 2001, is entitled to
29 the waivers provided in this section until January 1, 2013.

30 (3) A dependent who is the surviving child, natural or adopted,
31 of an individual killed in the terrorist attacks of September 11,
32 2001, is entitled to the waivers under subdivision (j) until that
33 person attains 30 years of age.

34 (4) A dependent of an individual killed in the terrorist attacks
35 of September 11, 2001, who is determined to be eligible by the
36 California Victim Compensation and Government Claims Board,
37 is also entitled to the waivers provided in this section until January
38 1, 2013.

39 (m) (1) It is the intent of the Legislature that sufficient funds
40 be provided to support the provision of a fee waiver for every

1 student who demonstrates eligibility pursuant to subdivisions (g)
2 to (j), inclusive.

3 (2) From funds provided in the annual Budget Act, the board
4 of governors shall allocate to community college districts, pursuant
5 to this subdivision, an amount equal to 2 percent of the fees waived
6 pursuant to subdivisions (g) to (j), inclusive. From funds provided
7 in the annual Budget Act, the board of governors shall allocate to
8 community college districts, pursuant to this subdivision, an
9 amount equal to ninety-one cents (\$0.91) per credit unit waived
10 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the
11 Legislature that funds provided pursuant to this subdivision be
12 used to support the determination of financial need and delivery
13 of student financial aid services, on the basis of the number of
14 students for whom fees are waived. It also is the intent of the
15 Legislature that the funds provided pursuant to this subdivision
16 directly offset mandated costs claimed by community college
17 districts pursuant to Commission on State Mandates consolidated
18 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15
19 (Enrollment Fee Waivers). Funds allocated to a community college
20 district for determination of financial need and delivery of student
21 financial aid services shall supplement, and shall not supplant, the
22 level of funds allocated for the administration of student financial
23 aid programs during the 1992–93 fiscal year.

24 (n) The board of governors shall adopt regulations implementing
25 this section.

26 (o) This section shall become operative on May 1, 2012, only
27 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is
28 operative.

29 *SEC. 6.5. Section 76300 of the Education Code is amended*
30 *to read:*

31 76300. (a) The governing board of each community college
32 district shall charge each student a fee pursuant to this section.

33 (b) (1) The fee prescribed by this section shall be forty-six
34 dollars (\$46) per unit per semester, effective with the summer term
35 of the 2012 calendar year.

36 (2) The board of governors shall proportionately adjust the
37 amount of the fee for term lengths based upon a quarter system,
38 and also shall proportionately adjust the amount of the fee for
39 summer sessions, intersessions, and other short-term courses. In

1 making these adjustments, the board of governors may round the
2 per unit fee and the per term or per session fee to the nearest dollar.

3 (c) For the purposes of computing apportionments to community
4 college districts pursuant to Section 84750.5, the board of
5 governors shall subtract, from the total revenue owed to each
6 district, 98 percent of the revenues received by districts from
7 charging a fee pursuant to this section.

8 (d) The board of governors shall reduce apportionments by up
9 to 10 percent to any district that does not collect the fees prescribed
10 by this section.

11 (e) The fee requirement does not apply to any of the following:

12 (1) Students enrolled in the noncredit courses designated by
13 Section 84757.

14 (2) California State University or University of California
15 students enrolled in remedial classes provided by a community
16 college district on a campus of the University of California or a
17 campus of the California State University, for whom the district
18 claims an attendance apportionment pursuant to an agreement
19 between the district and the California State University or the
20 University of California.

21 (3) Students enrolled in credit contract education courses
22 pursuant to Section 78021, if the entire cost of the course, including
23 administrative costs, is paid by the public or private agency,
24 corporation, or association with which the district is contracting
25 and if these students are not included in the calculation of the
26 full-time equivalent students (FTES) of that district.

27 (f) The governing board of a community college district may
28 exempt special part-time students admitted pursuant to Section
29 76001 from the fee requirement.

30 (g) (1) The fee requirements of this section shall be waived for
31 any student who meets all of the following requirements:

32 (A) Meets minimum academic and progress standards adopted
33 by the board of governors, which fulfill the requirements outlined
34 in this paragraph and paragraphs (2) to (5), inclusive. Any
35 minimum academic and progress standards adopted pursuant to
36 this section shall be uniform across all community college districts
37 and campuses. These standards shall not include a maximum unit
38 cap, and community college districts and colleges shall not impose
39 requirements for fee waiver eligibility other than the minimum

1 academic and progress standards adopted by the board of governors
2 and the requirements of subparagraph (B).

3 (B) Meets *at least* one of the following criteria:

4 (i) At the time of enrollment, is a recipient of benefits under the
5 Temporary Assistance for Needy Families program, the
6 Supplemental Security Income/State Supplementary Payment
7 Program, or a general assistance program.

8 (ii) Demonstrates eligibility according to income standards
9 established by regulations of the board of governors.

10 (iii) Demonstrates financial need in accordance with the
11 methodology set forth in federal law or regulation for determining
12 the expected family contribution of students seeking financial aid.

13 (iv) *At the time of enrollment, is a homeless youth as defined in*
14 *Section 66025.9.*

15 (v) *Was enrolled at a California campus of a Corinthian*
16 *Colleges, Inc., institution, was unable to complete an education*
17 *program offered by the campus due to the campus's closure on*
18 *April 27, 2015, and has demonstrated financial need, as determined*
19 *by the enrolling campus. This clause shall become inoperative on*
20 *July 1, 2018.*

21 (vi) *Was enrolled at a California campus of a Corinthian*
22 *Colleges, Inc., institution, withdrew from an education program*
23 *offered by the campus after the earlier of either (1) 120 days before*
24 *the April 27, 2015, closure, or an earlier date as may be*
25 *determined by the Bureau for Private Postsecondary Education*
26 *pursuant to Section 94923, or (2) the date set by the United States*
27 *Department of Education for closed school loan discharge*
28 *eligibility, and has demonstrated financial need, as determined by*
29 *the enrolling campus. This clause shall become inoperative on*
30 *July 1, 2018.*

31 (2) (A) The board of governors, in consultation with students,
32 faculty, and other key stakeholders, shall consider all of the
33 following in the development and adoption of minimum academic
34 and progress standards pursuant to subparagraph (A) of paragraph

35 (1):

36 (i) Minimum uniform academic and progress standards that do
37 not unfairly disadvantage financially needy students in pursuing
38 their education.

39 (ii) Criteria for reviewing extenuating circumstances and
40 granting appeals that, at a minimum, take into account and do not

1 penalize a student for circumstances outside his or her control,
2 such as reductions in student support services or changes to the
3 economic situation of the student.

4 (iii) A process for reestablishing fee waiver eligibility that
5 provides a student with a reasonable opportunity to continue or
6 resume his or her enrollment at a community college.

7 (B) To ensure that students are not unfairly impacted by the
8 requirements of subparagraph (A) of paragraph (1), the board of
9 governors shall establish a reasonable implementation period that
10 commences no sooner than one year from adoption of the minimum
11 academic and progress standards, or any subsequent changes to
12 these standards, pursuant to subparagraph (A) of paragraph (1)
13 and that is phased in to provide students adequate notification of
14 this requirement and information about available support resources.

15 (3) It is the intent of the Legislature that minimum academic
16 and progress standards adopted pursuant to subparagraph (A) of
17 paragraph (1) be implemented only as campuses develop and
18 implement the student support services and interventions necessary
19 to ensure no disproportionate impact to students based on ethnicity,
20 gender, disability, or socioeconomic status. The board of governors
21 shall consider the ability of community college districts to meet
22 the requirements of this paragraph before adopting minimum
23 academic and progress standards, or any subsequent changes to
24 these standards, pursuant to subparagraph (A) of paragraph (1).

25 (4) It is the intent of the Legislature to ensure that a student shall
26 not lose fee waiver eligibility without a community college campus
27 first demonstrating a reasonable effort to provide a student with
28 adequate notification and assistance in maintaining his or her fee
29 waiver eligibility. The board of governors shall adopt regulations
30 to implement this paragraph that ensure all of the following:

31 (A) Students are provided information about the available
32 student support services to assist them in maintaining fee waiver
33 eligibility.

34 (B) Community college district policies and course catalogs
35 reflect the minimum academic and progress standards adopted
36 pursuant to subparagraph (A) of paragraph (1) and that appropriate
37 notice is provided to students before the policies are put into effect.

38 (C) A student does not lose fee waiver eligibility unless he or
39 she has not met minimum academic and progress standards adopted

1 pursuant to subparagraph (A) of paragraph (1) for a period of no
2 less than two consecutive academic terms.

3 (5) The board of governors shall provide notification of a
4 proposed action to adopt regulations pursuant to this subdivision
5 to the appropriate policy and fiscal committees of the Legislature
6 in accordance with the requirements of paragraph (1) of subdivision
7 (a) of Section 70901.5. This notification shall include, but not be
8 limited to, all of the following:

9 (A) The proposed minimum academic and progress standards
10 and information detailing how the requirements of paragraphs (1)
11 to (4), inclusive, have been or will be satisfied.

12 (B) How many students may lose fee waiver eligibility by
13 ethnicity, gender, disability, and, to the extent relevant data is
14 available, by socioeconomic status.

15 (C) The criteria for reviewing extenuating circumstances,
16 granting appeals, and reestablishing fee waiver eligibility pursuant
17 to paragraph (2).

18 (h) The fee requirements of this section shall be waived for any
19 student who, at the time of enrollment, is a dependent or surviving
20 spouse who has not remarried, of any member of the California
21 National Guard who, in the line of duty and while in the active
22 service of the state, was killed, died of a disability resulting from
23 an event that occurred while in the active service of the state, or
24 is permanently disabled as a result of an event that occurred while
25 in the active service of the state. "Active service of the state," for
26 the purposes of this subdivision, refers to a member of the
27 California National Guard activated pursuant to Section 146 of
28 the Military and Veterans Code.

29 (i) The fee requirements of this section shall be waived for any
30 student who is the surviving spouse or the child, natural or adopted,
31 of a deceased person who met all of the requirements of Section
32 68120.

33 (j) The fee requirements of this section shall be waived for any
34 student in an undergraduate program, including a student who has
35 previously graduated from another undergraduate or graduate
36 program, who is the dependent of any individual killed in the
37 September 11, 2001, terrorist attacks on the World Trade Center
38 and the Pentagon or the crash of United Airlines Flight 93 in
39 southwestern Pennsylvania, if that dependent meets the financial

1 need requirements set forth in Section 69432.7 for the Cal Grant
2 A Program and either of the following applies:

3 (1) The dependent was a resident of California on September
4 11, 2001.

5 (2) The individual killed in the attacks was a resident of
6 California on September 11, 2001.

7 (k) A determination of whether a person is a resident of
8 California on September 11, 2001, for purposes of subdivision (j)
9 shall be based on the criteria set forth in Chapter 1 (commencing
10 with Section 68000) of Part 41 of Division 5 for determining
11 nonresident and resident tuition.

12 (l) (1) “Dependent,” for purposes of subdivision (j), is a person
13 who, because of his or her relationship to an individual killed as
14 a result of injuries sustained during the terrorist attacks of
15 September 11, 2001, qualifies for compensation under the federal
16 September 11th Victim Compensation Fund of 2001 (Title IV
17 (commencing with Section 401) of Public Law 107-42).

18 (2) A dependent who is the surviving spouse of an individual
19 killed in the terrorist attacks of September 11, 2001, is entitled to
20 the waivers provided in this section until January 1, 2013.

21 (3) A dependent who is the surviving child, natural or adopted,
22 of an individual killed in the terrorist attacks of September 11,
23 2001, is entitled to the waivers under subdivision (j) until that
24 person attains 30 years of age.

25 (4) A dependent of an individual killed in the terrorist attacks
26 of September 11, 2001, who is determined to be eligible by the
27 California Victim Compensation and Government Claims Board,
28 is also entitled to the waivers provided in this section until January
29 1, 2013.

30 (m) (1) It is the intent of the Legislature that sufficient funds
31 be provided to support the provision of a fee waiver for every
32 student who demonstrates eligibility pursuant to subdivisions (g)
33 to (j), inclusive.

34 (2) From funds provided in the annual Budget Act, the board
35 of governors shall allocate to community college districts, pursuant
36 to this subdivision, an amount equal to 2 percent of the fees waived
37 pursuant to subdivisions (g) to (j), inclusive. From funds provided
38 in the annual Budget Act, the board of governors shall allocate to
39 community college districts, pursuant to this subdivision, an
40 amount equal to ninety-one cents (\$0.91) per credit unit waived

1 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the
2 Legislature that funds provided pursuant to this subdivision be
3 used to support the determination of financial need and delivery
4 of student financial aid services, on the basis of the number of
5 students for whom fees are waived. It also is the intent of the
6 Legislature that the funds provided pursuant to this subdivision
7 directly offset mandated costs claimed by community college
8 districts pursuant to Commission on State Mandates consolidated
9 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15
10 (Enrollment Fee Waivers). Funds allocated to a community college
11 district for determination of financial need and delivery of student
12 financial aid services shall supplement, and shall not supplant, the
13 level of funds allocated for the administration of student financial
14 aid programs during the 1992–93 fiscal year.

15 (n) The board of governors shall adopt regulations implementing
16 this section.

17 (o) This section shall become operative on May 1, 2012, only
18 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is
19 operative.

20 *SEC. 7. Section 6.5 of this bill incorporates amendments to*
21 *Section 76300 of the Education Code proposed by both this bill*
22 *and Assembly Bill 573. It shall only become operative if (1) both*
23 *bills are enacted and become effective on or before January 1,*
24 *2016, (2) each bill amends Section 76300 of the Education Code,*
25 *and (3) this bill is enacted after Assembly Bill 573, in which case*
26 *Section 6 of this bill shall not become operative.*

27 ~~SEC. 7.~~

28 *SEC. 8.* If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.