

AMENDED IN SENATE AUGUST 17, 2016

AMENDED IN SENATE MAY 9, 2016

AMENDED IN SENATE SEPTEMBER 3, 2015

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 801**

**Introduced by Assembly Member Bloom**

February 26, 2015

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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 *delete the repeal date of, and thereby extend indefinitely,* 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, as defined, and extend the operation of this provision~~ *California. The bill would extend that priority requirement, and that request, to include homeless youth* 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,”~~ *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,~~ *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,~~ *households* and specifically include low-income youth within the scope of the respective programs.

This bill would additionally place 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 in Section 66025.9 of the Education Code, proposed by SB 906, to be operative only if SB 906 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered 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~~ *or, until January 1, 2020, a*  
11 homeless youth.

12 (b) For purposes of this section:

1 (1) “Foster youth” means a person who is currently in foster  
 2 care, and “former foster youth” means a person who is an  
 3 emancipated foster youth and who is 24 years of age or younger.

4 (2) “Homeless youth” means a student under 25 years of age,  
 5 who has been verified at any time during the 24 months  
 6 immediately preceding the receipt of his or her application for  
 7 admission by a postsecondary educational institution that is a  
 8 qualifying institution pursuant to Section 69432.7, as a homeless  
 9 child or youth, as defined in subsection (2) of Section 725 of the  
 10 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
 11 Sec. 11434a(2)), by at least one of the following:

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

15 (ii) The director of a federal TRIO program or Gaining Early  
 16 Awareness and Readiness for Undergraduate Programs program,  
 17 or a designee of that director.

18 (iii) A financial aid administrator for an institution of higher  
 19 education.

20 (c) For purposes of this section, a student who is verified as a  
 21 homeless youth as defined in paragraph (2) of subdivision (b) shall  
 22 retain that status for a period of six years from the date of  
 23 admission to the postsecondary educational institution.

24 ~~(d) This section shall remain in effect only until January 1, 2020,~~  
 25 ~~and as of that date is repealed, unless a later enacted statute, that~~  
 26 ~~is enacted before January 1, 2020, deletes or extends that date.~~

27 *SEC. 2.5. Section 66025.9 of the Education Code is amended*  
 28 *to read:*

29 66025.9. (a) The California State University and each  
 30 community college district shall, and the University of California  
 31 is requested to, with respect to each campus in their respective  
 32 jurisdictions that administers a priority enrollment system, grant  
 33 priority in that system for registration for enrollment to a foster  
 34 youth or former foster youth. ~~youth or, until January 1, 2020,~~  
 35 ~~homeless youth.~~

36 (b) For purposes of this section, ~~“foster section:~~

37 (1) ~~“Foster youth and former foster youth” means a person~~  
 38 ~~who is currently in foster care, and “former foster youth” means~~  
 39 ~~a person who is an emancipated foster youth and who is up to 24~~  
 40 ~~years of age. in California whose dependency was established or~~

1 *continued by the court on or after the youth's 16th birthday and*  
2 *who is no older than 25 years of age at the commencement of the*  
3 *academic year.*

4 ~~(e) This section shall remain in effect only until January 1, 2017,~~  
5 ~~and as of that date is repealed, unless a later enacted statute, that~~  
6 ~~is enacted before January 1, 2017, deletes or extends that date.~~

7 (2) *"Homeless youth" means a student under 25 years of age,*  
8 *who has been verified at any time during the 24 months*  
9 *immediately preceding the receipt of his or her application for*  
10 *admission by a postsecondary educational institution that is a*  
11 *qualifying institution pursuant to Section 69432.7, as a homeless*  
12 *child or youth, as defined in subsection (2) of Section 725 of the*  
13 *federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.*  
14 *11434a(2)), by at least one of the following:*

15 (i) *A homeless services provider, as that term is defined in*  
16 *paragraph (3) of subdivision (d) of Section 103577 of the Health*  
17 *and Safety Code.*

18 (ii) *The director of a federal TRIO program or Gaining Early*  
19 *Awareness and Readiness for Undergraduate Programs program,*  
20 *or a designee of that director.*

21 (iii) *A financial aid administrator for an institution of higher*  
22 *education.*

23 (c) *For purposes of this section, a student who is verified as a*  
24 *homeless youth as defined in paragraph (2) of subdivision (b) shall*  
25 *retain that status for a period of six years from the date of*  
26 *admission to the postsecondary educational institution.*

27 SEC. 3. Section 67003.5 is added to the Education Code, to  
28 read:

29 67003.5. (a) A postsecondary educational institution that is a  
30 "qualifying institution," as defined in Section 69432.7, shall do  
31 both of the following:

32 (1) Designate a staff member who is employed within the  
33 financial aid office, or another appropriate office or department,  
34 of the institution to serve as the Homeless and Foster Student  
35 Liaison. The Homeless and Foster Student Liaison shall be  
36 responsible for understanding the provisions of the federal Higher  
37 Education Act pertaining to financial aid eligibility of current and  
38 former foster youth and homeless youth, including unaccompanied  
39 homeless youth, and for identifying services available and  
40 appropriate for enrolled students who fall under one or more of

1 these categories. The liaison shall assist these students in applying  
2 for and receiving federal and state financial aid and available  
3 services.

4 (2) Inform current and prospective students of the institution  
5 about student financial aid and other assistance available to  
6 homeless youth and current and former foster youth, including  
7 their eligibility as independent students under Section 1087vv of  
8 the federal Higher Education Act, as that section read on December  
9 31, 2015.

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

13 (c) The definitions of foster youth, former foster youth, and  
14 homeless youth in subdivision (b) of Section 66025.9 shall apply  
15 to this section.

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

18 69514.5. (a) The Community College Student Financial Aid  
19 Outreach Program is hereby established. The commission shall,  
20 in consultation with the office of the Chancellor of the California  
21 Community Colleges, develop and administer this program for the  
22 purpose of providing financial aid training to high school and  
23 community college counselors and advisers who work with students  
24 planning to attend or attending a community college. This training  
25 shall also address the specific needs of all of the following:

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

28 (2) Foster youth and former foster youth, as defined in  
29 subdivision (b) of Section 66025.9.

30 (3) Homeless youth, as defined in subdivision (b) of Section  
31 66025.9.

32 (4) Students with disabilities.

33 (b) The program shall provide specialized information on  
34 financial aid opportunities available to community college students,  
35 with a particular focus on students who plan to transfer to a  
36 four-year college or university. The commission shall work in  
37 collaboration with the Chancellor of the California Community  
38 Colleges and other segments of higher education to develop and  
39 distribute this specialized information to assist community college  
40 students who are planning to transfer to a four-year college or

1 university. Each year, the program shall offer financial aid  
2 workshops for high school and community college counselors,  
3 targeted for students planning to attend a community college or to  
4 transfer from a community college to a four-year institution of  
5 higher education. The program shall assist community college  
6 counselors in conducting student and family workshops that  
7 provide general information about financial aid and technical  
8 assistance in completing financial aid forms.

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

12 SEC. 5. Section 69561 of the Education Code is amended to  
13 read:

14 69561. (a) The Student Opportunity and Access Program is  
15 administered by the Student Aid Commission.

16 (b) The Student Aid Commission may apportion funds on a  
17 progress payment schedule for the support of projects designed to  
18 increase the accessibility of postsecondary educational  
19 opportunities for any of the following elementary and secondary  
20 school pupils:

21 (1) Pupils who are from low-income families.

22 (2) Pupils who would be the first in their families to attend  
23 college.

24 (3) Pupils who are from schools or geographic regions with  
25 documented low-eligibility or college participation rates.

26 (4) Pupils who are homeless youth, as defined in subdivision  
27 (b) of Section 66025.9.

28 (c) These projects shall primarily do all of the following:

29 (1) Increase the availability of information for these pupils on  
30 the existence of postsecondary schooling and work opportunities.

31 (2) Raise the achievement levels of these pupils so as to increase  
32 the number of high school graduates eligible to pursue  
33 postsecondary learning opportunities.

34 (d) Projects may assist community college students in  
35 transferring to four-year institutions, to the extent that project  
36 resources are available.

37 (e) Projects may provide assistance to low-income fifth and  
38 sixth grade pupils and their parents in order to implement outreach  
39 efforts designed to use the future availability of financial assistance

1 as a means of motivating pupils to stay in school and complete  
2 college preparatory courses.

3 (f) Projects may provide assistance to low-income middle and  
4 high school pupils and their parents in order to implement outreach  
5 efforts designed to use the future availability of financial assistance  
6 as a means of motivating pupils to stay in school by promoting  
7 career technical education public awareness. Projects shall promote  
8 the value of career technical education, available career programs  
9 in public schools and postsecondary segments with sequenced  
10 courses beginning in high school and continuing into postsecondary  
11 education, and the resulting career opportunities.

12 (g) Each project shall be proposed and operated through a  
13 consortium that involves at least one secondary school district  
14 office, at least one four-year college or university, at least one  
15 community college, and at least one of the following agencies:

16 (1) A nonprofit educational, counseling, or community agency.

17 (2) A private vocational or technical school accredited by a  
18 national, state, or regional accrediting association recognized by  
19 the United States Department of Education.

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

25 (i) The governing board of each project, comprising at least one  
26 representative from each entity in the consortium, shall establish  
27 management policy, provide direction to the project director, set  
28 priorities for budgetary decisions that reflect the specific needs of  
29 the project, and assume responsibility for maintaining the required  
30 level of matching funds, including solicitations from the private  
31 sector and corporate sources.

32 (j) Prior to receiving a project grant, each consortium shall  
33 conduct a planning process and submit a comprehensive project  
34 proposal to include, but not be limited to, the following  
35 information:

36 (1) The agencies participating in the project.

37 (2) The pupils to be served by the project.

38 (3) The ways in which the project will reduce duplication and  
39 related costs.

40 (4) The methods for assessing the project's impact.



1 (k) Each project shall include the direct involvement of  
2 secondary school staff in the daily operations of the project, with  
3 preference in funding to those projects that effectively integrate  
4 the objectives of the Student Opportunity and Access Program  
5 with those of the school district in providing services that are  
6 essential to preparing pupils for postsecondary education.

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

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

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

20 (n) Each project should work cooperatively with other projects  
21 in the program and with the commission to establish viable student  
22 services and sound administrative procedures and to ensure  
23 coordination of the activities of the project with existing  
24 educational opportunity programs. The Student Aid Commission  
25 may develop additional regulations regarding the awarding of  
26 project grants and criteria for evaluating the effectiveness of the  
27 individual projects.

28 SEC. 6. Section 76300 of the Education Code is amended to  
29 read:

30 76300. (a) The governing board of each community college  
31 district shall charge each student a fee pursuant to this section.

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

35 (2) The board of governors shall proportionately adjust the  
36 amount of the fee for term lengths based upon a quarter system,  
37 and also shall proportionately adjust the amount of the fee for  
38 summer sessions, intersessions, and other short-term courses. In  
39 making these adjustments, the board of governors may round the  
40 per unit fee and the per term or per session fee to the nearest dollar.

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

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

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

10 (1) Students enrolled in the noncredit courses designated by  
11 Section 84757.

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

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

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

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

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

40 (B) Meets one of the following criteria:

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

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

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

10 (iv) At the time of enrollment, is a homeless youth as defined  
11 in subdivision (b) of Section 66025.9.

12 (2) (A) The board of governors, in consultation with students,  
13 faculty, and other key stakeholders, shall consider all of the  
14 following in the development and adoption of minimum academic  
15 and progress standards pursuant to subparagraph (A) of paragraph  
16 (1):

17 (i) Minimum uniform academic and progress standards that do  
18 not unfairly disadvantage financially needy students in pursuing  
19 their education.

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

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

28 (B) To ensure that students are not unfairly impacted by the  
29 requirements of subparagraph (A) of paragraph (1), the board of  
30 governors shall establish a reasonable implementation period that  
31 commences no sooner than one year from adoption of the minimum  
32 academic and progress standards, or any subsequent changes to  
33 these standards, pursuant to subparagraph (A) of paragraph (1)  
34 and that is phased in to provide students adequate notification of  
35 this requirement and information about available support resources.

36 (3) It is the intent of the Legislature that minimum academic  
37 and progress standards adopted pursuant to subparagraph (A) of  
38 paragraph (1) be implemented only as campuses develop and  
39 implement the student support services and interventions necessary  
40 to ensure no disproportionate impact to students based on ethnicity,

1 gender, disability, or socioeconomic status. The board of governors  
2 shall consider the ability of community college districts to meet  
3 the requirements of this paragraph before adopting minimum  
4 academic and progress standards, or any subsequent changes to  
5 these standards, pursuant to subparagraph (A) of paragraph (1).

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

12 (A) Students are provided information about the available  
13 student support services to assist them in maintaining fee waiver  
14 eligibility.

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

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

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

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

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

35 (C) The criteria for reviewing extenuating circumstances,  
36 granting appeals, and reestablishing fee waiver eligibility pursuant  
37 to paragraph (2).

38 (h) The fee requirements of this section shall be waived for any  
39 student who, at the time of enrollment, is a dependent or surviving  
40 spouse who has not remarried, of any member of the California

1 National Guard who, in the line of duty and while in the active  
2 service of the state, was killed, died of a disability resulting from  
3 an event that occurred while in the active service of the state, or  
4 is permanently disabled as a result of an event that occurred while  
5 in the active service of the state. “Active service of the state,” for  
6 the purposes of this subdivision, refers to a member of the  
7 California National Guard activated pursuant to Section 146 of  
8 the Military and Veterans Code.

9 (i) The fee requirements of this section shall be waived for any  
10 student who is the surviving spouse or the child, natural or adopted,  
11 of a deceased person who met all of the requirements of Section  
12 68120.

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

22 (1) The dependent was a resident of California on September  
23 11, 2001.

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

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

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

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

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

5 (4) A dependent of an individual killed in the terrorist attacks  
6 of September 11, 2001, who is determined to be eligible by the  
7 California Victim Compensation and Government Claims Board,  
8 is also entitled to the waivers provided in this section until January  
9 1, 2013.

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

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

35 (n) The board of governors shall adopt regulations implementing  
36 this section.

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

1     *SEC. 7. Section 2.5 of this bill incorporates amendments to*  
2     *Section 66025.9 of the Education Code proposed by both this bill*  
3     *and Senate Bill 906. It shall only become operative if (1) both bills*  
4     *are enacted and become effective on or before January 1, 2017,*  
5     *(2) each bill amends Section 66025.9 of the Education Code, and*  
6     *(3) this bill is enacted after Senate Bill 906, in which case Section*  
7     *2 of this bill shall not become operative.*

8     ~~SEC. 7.~~

9     *SEC. 8. If the Commission on State Mandates determines that*  
10    *this act contains costs mandated by the state, reimbursement to*  
11    *local agencies and school districts for those costs shall be made*  
12    *pursuant to Part 7 (commencing with Section 17500) of Division*  
13    *4 of Title 2 of the Government Code.*

O