

Introduced by Senator Nguyen

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An act to amend Section 76300 of, and to add Section 68121.5 to, the Education Code, relating to postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 893, as introduced, Nguyen. Postsecondary education: tuition and fees.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, the Trustees of the California State University, and the governing board of each community college district to collect fees from students attending those postsecondary education institutions. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would prohibit the regents, the trustees, and the governing board of each community college district from collecting any fees or tuition of any kind from a student in an undergraduate program who is the surviving dependent, as defined, of any individual killed in the terrorist attack in San Bernardino on December 2, 2015, if the dependent meets the financial need requirements of the Cal Grant A Program and the dependent was a resident of California on December 2, 2015, or if the individual killed in the attack was a resident of California on that

date. The bill would require the governing board of each community college district to waive fee requirements for any student in an undergraduate program who is a surviving dependent. The bill would require the California Victim Compensation and Government Claims Board to identify all persons who are eligible for tuition and fee waivers pursuant to the bill, to notify these persons or their parents or guardians of that eligibility, and, if requested by the public segments of postsecondary education in the state, on a case-by-case basis, to confirm the eligibility of persons requesting the waiver of tuition and fees. This prohibition would apply to the University of California only if the regents, by resolution, make it applicable. To the extent that the bill would impose new duties on community college districts, it would constitute a state-mandated local program.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) On December 2, 2015, a terrorist attack occurred at the
- 4 Inland Regional Center in San Bernardino County in which 14
- 5 people were killed and 21 people were injured.
- 6 (b) President Obama’s speech from the oval office stated that
- 7 the San Bernardino attack was “an act of terrorism designed to kill
- 8 innocent people.”
- 9 (c) Governor Brown proclaimed a state of emergency to assist
- 10 San Bernardino County and waived fees for copies of certificates
- 11 of death records by any person who suffered a loss of a family
- 12 member due to that terrorist attack.

1 (d) The Legislature established a precedent for providing
2 financial assistance for dependents of victims of the September
3 11, 2001, terror attacks when it passed Assembly Bill 1746
4 (Chapter 450 of the Statutes of 2002).

5 (e) Existing law requires the University of California, the
6 Hastings College of the Law, and the California State University
7 to waive systemwide fees and tuition fees for any surviving spouse
8 or surviving child, natural or adopted, of peace officers killed in
9 the performance of active law enforcement.

10 SEC. 2. Section 68121.5 is added to the Education Code, to
11 read:

12 68121.5. (a) Notwithstanding any other law, no mandatory
13 systemwide fees or tuition of any kind shall be required or collected
14 by the Regents of the University of California or the Trustees of
15 the California State University from a student who is in an
16 undergraduate program and who is the surviving dependent of any
17 individual killed in the terrorist attack in San Bernardino on
18 December 2, 2015, if he or she meets the financial need
19 requirements set forth in Section 69432.7 for the Cal Grant A
20 Program and either of the following apply:

21 (1) The surviving dependent was a resident of California on
22 December 2, 2015.

23 (2) The individual killed in the attack was a resident of
24 California on December 2, 2015.

25 (b) (1) The California Victim Compensation and Government
26 Claims Board shall identify all persons who are eligible for tuition
27 and fee waivers pursuant to this section or subdivision (k) of
28 Section 76300. That board shall notify these persons or, in the case
29 of minors, the parents or guardians of these persons, of their
30 eligibility for tuition and fee waivers under these provisions. This
31 notification shall be in writing, and shall be received by all of the
32 appropriate persons no later than July 1, 2016.

33 (2) The Trustees of the California State University, the Regents
34 of the University of California, and the governing board of each
35 community college district in the state shall waive tuition and fees,
36 as specified in this section and in subdivision (k) of Section 76300,
37 for any person who can demonstrate eligibility. If requested by
38 the California State University, the University of California, the
39 Hastings College of the Law, or a California Community College,
40 the California Victim Compensation and Government Claims

1 Board, on a case-by-case basis, shall confirm the eligibility of
2 persons requesting the waiver of tuition and fees, as provided for
3 in this section.

4 (c) A determination of whether a person was a resident of
5 California on December 2, 2015, shall be based on the criteria set
6 forth in this chapter for determining nonresident and resident
7 tuition.

8 (d) (1) “Dependent,” for purposes of this section, means the
9 surviving spouse or a surviving child, natural or adopted, of an
10 individual killed as a result of injuries sustained during the terrorist
11 attack in San Bernardino on December 2, 2015.

12 (2) A dependent who is the surviving spouse of an individual
13 killed in the terrorist attack in San Bernardino on December 2,
14 2015, is entitled to the waivers provided in this section until ____.

15 (3) A dependent who is the surviving child, natural or adopted,
16 of an individual killed in the terrorist attack in San Bernardino on
17 December 2, 2015, is entitled to the waivers under this section
18 until that person attains 30 years of age.

19 (4) A dependent of an individual killed in the terrorist attack in
20 San Bernardino on December 2, 2015, who is determined to be
21 eligible by the California Victim Compensation and Government
22 Claims Board, is entitled to the waivers provided in this section
23 until ____.

24 SEC. 3. Section 76300 of the Education Code is amended to
25 read:

26 76300. (a) The governing board of each community college
27 district shall charge each student a fee pursuant to this section.

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

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

37 (c) For the purposes of computing apportionments to community
38 college districts pursuant to Section 84750.5, the board of
39 governors shall subtract, from the total revenue owed to each

1 district, 98 percent of the revenues received by districts from
2 charging a fee pursuant to this section.

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

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

7 (1) Students enrolled in the noncredit courses designated by
8 Section 84757.

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

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

22 (f) The governing board of a community college district may
23 exempt special part-time students admitted pursuant to Section
24 76001 from the fee requirement.

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

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

37 (B) Meets one of the following criteria:

38 (i) At the time of enrollment, is a recipient of benefits under the
39 Temporary Assistance for Needy Families program, the

1 Supplemental Security Income/State Supplementary Payment
2 Program, or a general assistance program.

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

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

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

13 (i) Minimum uniform academic and progress standards that do
14 not unfairly disadvantage financially needy students in pursuing
15 their education.

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

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

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

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

1 academic and progress standards, or any subsequent changes to
2 these standards, pursuant to subparagraph (A) of paragraph (1).

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

9 (A) Students are provided information about the available
10 student support services to assist them in maintaining fee waiver
11 eligibility.

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

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

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

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

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

32 (C) The criteria for reviewing extenuating circumstances,
33 granting appeals, and reestablishing fee waiver eligibility pursuant
34 to paragraph (2).

35 (h) The fee requirements of this section shall be waived for any
36 student who, at the time of enrollment, is a dependent or surviving
37 spouse who has not remarried, of any member of the California
38 National Guard who, in the line of duty and while in the active
39 service of the state, was killed, died of a disability resulting from
40 an event that occurred while in the active service of the state, or

1 is permanently disabled as a result of an event that occurred while
2 in the active service of the state. “Active service of the state,” for
3 the purposes of this subdivision, refers to a member of the
4 California National Guard activated pursuant to Section 146 of
5 the Military and Veterans Code.

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

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

19 (1) The dependent was a resident of California on September
20 11, 2001.

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

23 (k) *The fee requirements of this section shall be waived for any*
24 *student in an undergraduate program, including a student who*
25 *has previously graduated from another undergraduate or graduate*
26 *program, who is the dependent of any individual killed in the*
27 *terrorist attack in San Bernardino on December 2, 2015, if that*
28 *dependent meets the financial need requirements set forth in*
29 *Section 69432.7 for the Cal Grant A Program and either of the*
30 *following applies:*

31 (1) *The dependent was a resident of California on December*
32 *2, 2015.*

33 (2) *The individual killed in the attack was a resident of*
34 *California on December 2, 2015.*

35 ~~(k)~~

36 (l) A determination of whether a person is a resident of
37 California on September 11, 2001, for purposes of subdivision (j)
38 shall be based on the criteria set forth in Chapter 1 (commencing
39 with Section 68000) of Part 41 of Division 5 for determining
40 nonresident and resident tuition.

1 (m) A determination of whether a person was a resident of
2 California on December 2, 2015, for purposes of subdivision (k)
3 shall be based on the criteria set forth in Chapter 1 (commencing
4 with Section 68000) of Part 41 of Division 5 for determining
5 nonresident and resident tuition.

6 ~~(n)~~

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

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

16 (3) A dependent who is the surviving child, natural or adopted,
17 of an individual killed in the terrorist attacks of September 11,
18 2001, is entitled to the waivers under subdivision (j) until that
19 person attains 30 years of age.

20 (4) A dependent of an individual killed in the terrorist attacks
21 of September 11, 2001, who is determined to be eligible by the
22 California Victim Compensation and Government Claims Board,
23 is also entitled to the waivers provided in this section until January
24 1, 2013.

25 (o) (1) “Dependent,” for purposes of subdivision (k), means
26 the surviving spouse or a surviving child, natural or adopted, of
27 an individual killed as a result of injuries sustained during the
28 terrorist attack in San Bernardino on December 2, 2015.

29 (2) A dependent who is the surviving spouse of an individual
30 killed in the terrorist attack in San Bernardino on December 2,
31 2015, is entitled to the waivers provided in this section until ____.

32 (3) A dependent who is the surviving child, natural or adopted,
33 of an individual killed in the terrorist attack in San Bernardino on
34 December 2, 2015, is entitled to the waivers under this section
35 until that person attains 30 years of age.

36 (4) A dependent of an individual killed in the terrorist attack in
37 San Bernardino on December 2, 2015, who is determined to be
38 eligible by the California Victim Compensation and Government
39 Claims Board, is entitled to the waivers provided in this section
40 until ____.

1 ~~(m)~~

2

(p) (1) It is the intent of the Legislature that sufficient funds be
3 provided to support the provision of a fee waiver for every student
4 who demonstrates eligibility pursuant to subdivisions (g) to ~~(j)~~,
5 (k), inclusive.

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

27 ~~(n)~~

28

(q) The board of governors shall adopt regulations implementing
29 this section.

30 ~~(o) This section shall become operative on May 1, 2012, only
31 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is
32 operative.~~

33 SEC. 4. If the Commission on State Mandates determines that
34 this act contains costs mandated by the state, reimbursement to
35 local agencies and school districts for those costs shall be made
36 pursuant to Part 7 (commencing with Section 17500) of Division
37 4 of Title 2 of the Government Code.

38 SEC. 5. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to provide immediate educational and economic relief
4 to the surviving dependents of any individual killed in the terrorist
5 attack in San Bernardino on December 2, 2015, it is necessary for
6 this act to take effect immediately.

O