

AMENDED IN SENATE APRIL 19, 2016

**SENATE BILL**

**No. 893**

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**Introduced by Senator Nguyen**

**(Principal coauthor: Senator Leyva)**

(Principal coauthors: Assembly Members Brown, Obernolte, and  
Steinorth)

**(Coauthors: Senators Bates, Fuller, Huff, and Runner)**

(Coauthors: Assembly Members Lackey and Mayes)

January 20, 2016

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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 amended, 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

*either* 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~~ *The bill* 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~~ 22 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

1 of death records by any person who suffered a loss of a family  
2 member due to that terrorist attack.

3 (d) The Legislature established a precedent for providing  
4 financial assistance for dependents of victims of the September  
5 11, 2001, terror attacks when it passed Assembly Bill 1746  
6 (Chapter 450 of the Statutes of 2002).

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

12 SEC. 2. Section 68121.5 is added to the Education Code, to  
13 read:

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

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

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

27 (b) (1) The California Victim Compensation and Government  
28 Claims Board shall identify all persons who are eligible for tuition  
29 and fee waivers pursuant to this section or subdivision (k) of  
30 Section 76300. That board shall notify these persons or, in the case  
31 of minors, the parents or guardians of these persons, of their  
32 eligibility for tuition and fee waivers under these provisions. This  
33 notification shall be in writing, and shall be received by all of the  
34 appropriate persons no later than July 1, ~~2016~~. 2017.

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

1 Hastings College of the Law, or a California Community College,  
2 the California Victim Compensation and Government Claims  
3 Board, on a case-by-case basis, shall confirm the eligibility of  
4 persons requesting the waiver of tuition and fees, as provided for  
5 in this section.

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

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

14 (2) A dependent who is the surviving spouse of an individual  
15 killed in the terrorist attack in San Bernardino on December 2,  
16 2015, is entitled to the waivers provided in this section until \_\_\_\_\_.  
17 *January 1, 2027.*

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

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

27 SEC. 3. Section 76300 of the Education Code is amended to  
28 read:

29 76300. (a) The governing board of each community college  
30 district shall charge each student a fee pursuant to this section.

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

34 (2) The board of governors shall proportionately adjust the  
35 amount of the fee for term lengths based upon a quarter system,  
36 and also shall proportionately adjust the amount of the fee for  
37 summer sessions, intersessions, and other short-term courses. In  
38 making these adjustments, the board of governors may round the  
39 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 (2) (A) The board of governors, in consultation with students,  
11 faculty, and other key stakeholders, shall consider all of the  
12 following in the development and adoption of minimum academic  
13 and progress standards pursuant to subparagraph (A) of paragraph  
14 (1):

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

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

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

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

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

1 the requirements of this paragraph before adopting minimum  
2 academic and progress standards, or any subsequent changes to  
3 these standards, pursuant to subparagraph (A) of paragraph (1).

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) The dependent was a resident of California on September  
21 11, 2001.

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

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

32 (1) The dependent was a resident of California on December 2,  
33 2015.

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

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

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

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

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

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

28 (2) A dependent who is the surviving spouse of an individual  
29 killed in the terrorist attack in San Bernardino on December 2,  
30 2015, is entitled to the waivers provided in this section until \_\_\_\_\_.  
31 *January 1, 2027.*

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

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

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

28 SEC. 4. 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.

33 SEC. 5. This act is an urgency statute necessary for the  
34 immediate preservation of the public peace, health, or safety within  
35 the meaning of Article IV of the Constitution and shall go into  
36 immediate effect. The facts constituting the necessity are:

37 In order to provide immediate educational and economic relief  
38 to the surviving dependents of any individual killed in the terrorist

1 attack in San Bernardino on December 2, 2015, it is necessary for  
2 this act to take effect immediately.

O