

**Introduced by Senator Block**

February 19, 2016

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An act to amend Section 76300 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 1357, as introduced, Block. Community colleges: enrollment fees.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires community college district governing boards to charge students an enrollment fee of \$46 per unit per semester. Existing law provides for the waiver of this fee under certain circumstances.

This bill would make a nonsubstantive change in this law by deleting an obsolete provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 76300 of the Education Code is amended
- 2 to read:
- 3 76300. (a) The governing board of each community college
- 4 district shall charge each student a fee pursuant to this section.
- 5 (b) (1) The fee prescribed by this section shall be forty-six
- 6 dollars (\$46) per unit per semester, effective with the summer term
- 7 of the 2012 calendar year.

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

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

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

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

16 (1) Students enrolled in the noncredit courses designated by  
17 Section 84757.

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

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

31 (f) The governing board of a community college district may  
32 exempt special part-time students admitted pursuant to Section  
33 76001 from the fee requirement.

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

36 (A) Meets minimum academic and progress standards adopted  
37 by the board of governors, which fulfill the requirements outlined  
38 in this paragraph and paragraphs (2) to (5), inclusive. Any  
39 minimum academic and progress standards adopted pursuant to  
40 this section shall be uniform across all community college districts

1 and campuses. These standards shall not include a maximum unit  
2 cap, and community college districts and colleges shall not impose  
3 requirements for fee waiver eligibility other than the minimum  
4 academic and progress standards adopted by the board of governors  
5 and the requirements of subparagraph (B).

6 (B) Meets one of the following criteria:

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

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

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

16 (2) (A) The board of governors, in consultation with students,  
17 faculty, and other key stakeholders, shall consider all of the  
18 following in the development and adoption of minimum academic  
19 and progress standards pursuant to subparagraph (A) of paragraph  
20 (1):

21 (i) Minimum uniform academic and progress standards that do  
22 not unfairly disadvantage financially needy students in pursuing  
23 their education.

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

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

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

1 (3) It is the intent of the Legislature that minimum academic  
2 and progress standards adopted pursuant to subparagraph (A) of  
3 paragraph (1) be implemented only as campuses develop and  
4 implement the student support services and interventions necessary  
5 to ensure no disproportionate impact to students based on ethnicity,  
6 gender, disability, or socioeconomic status. The board of governors  
7 shall consider the ability of community college districts to meet  
8 the requirements of this paragraph before adopting minimum  
9 academic and progress standards, or any subsequent changes to  
10 these standards, pursuant to subparagraph (A) of paragraph (1).

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

17 (A) Students are provided information about the available  
18 student support services to assist them in maintaining fee waiver  
19 eligibility.

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

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

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

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

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

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

4 (h) The fee requirements of this section shall be waived for any  
5 student who, at the time of enrollment, is a dependent or surviving  
6 spouse who has not remarried, of any member of the California  
7 National Guard who, in the line of duty and while in the active  
8 service of the state, was killed, died of a disability resulting from  
9 an event that occurred while in the active service of the state, or  
10 is permanently disabled as a result of an event that occurred while  
11 in the active service of the state. “Active service of the state,” for  
12 the purposes of this subdivision, refers to a member of the  
13 California National Guard activated pursuant to Section 146 of  
14 the Military and Veterans Code.

15 (i) The fee requirements of this section shall be waived for any  
16 student who is the surviving spouse or the child, natural or adopted,  
17 of a deceased person who met all of the requirements of Section  
18 68120.

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

28 (1) The dependent was a resident of California on September  
29 11, 2001.

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

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

37 (l) (1) “Dependent,” for purposes of subdivision (j), is a person  
38 who, because of his or her relationship to an individual killed as  
39 a result of injuries sustained during the terrorist attacks of  
40 September 11, 2001, qualifies for compensation under the federal

1 September 11th Victim Compensation Fund of 2001 (Title IV  
2 (commencing with Section 401) of Public Law 107-42).

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

6 (3) A dependent who is the surviving child, natural or adopted,  
7 of an individual killed in the terrorist attacks of September 11,  
8 2001, is entitled to the waivers under subdivision (j) until that  
9 person attains 30 years of age.

10 (4) A dependent of an individual killed in the terrorist attacks  
11 of September 11, 2001, who is determined to be eligible by the  
12 California Victim Compensation and Government Claims Board,  
13 is also entitled to the waivers provided in this section until January  
14 1, 2013.

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

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

1 (n) The board of governors shall adopt regulations implementing  
2 this section.  
3 ~~(o) This section shall become operative on May 1, 2012, only~~  
4 ~~if subdivision (b) of Section 3.94 of the Budget Act of 2011 is~~  
5 ~~operative.~~

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