

ASSEMBLY BILL

No. 1197

Introduced by Assembly Member Firebaugh

February 26, 1999

An act to amend Sections 76140 and 89706 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as introduced, Firebaugh. Public postsecondary education: residency.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law authorizes community college districts to admit, and charge a tuition fee for, nonresident students in accordance with specified criteria.

This bill would make various technical, nonsubstantive changes to the provisions relating to nonresident tuition for community college students.

(2) Existing law establishes the California State University and authorizes the operation of its various campuses under the administration of the Trustees of the California State University. Existing law authorizes the trustees, on the basis of demonstrated financial need and scholastic achievement,

to waive entirely, or reduce below the minimum rate, the tuition fee of a nonresident student, as defined.

This bill would make various technical, nonsubstantive changes to this provision.

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

Vote: ²/₃. 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 76140 of the Education Code is
2 amended to read:

3 76140. (a) A community college district may admit
4 and shall charge a tuition fee to nonresident students. The
5 district may exempt from all or parts of the fee any person
6 described in paragraph (1) or (2):

7 (1) All nonresidents who enroll for six or fewer units.
8 Exemptions made pursuant to this paragraph shall not be
9 made on an individual basis.

10 (2) Any nonresident who is both a citizen and resident
11 of a foreign country, if the nonresident has demonstrated
12 a financial need for the exemption. Not more than 10
13 percent of the nonresident foreign students attending
14 any community college district may be so exempted.
15 Exemptions made pursuant to this paragraph may be
16 made on an individual basis.

17 (b) A *community college* district may contract with a
18 state, a county contiguous to California, the federal
19 government, or a foreign country, or an agency thereof,
20 for payment of all or a part of a nonresident student's
21 tuition fee.

22 (c) Nonresident students shall not be reported as
23 full-time equivalent students (FTES) for state
24 apportionment purposes, except as provided by
25 subdivision (k) or another statute, in which case a
26 nonresident tuition fee may not be charged.

27 (d) The nonresident tuition fee shall be set by the
28 governing board of each community college district not
29 later than February 1 of each year for the succeeding



1 fiscal year. The governing board of each community
2 college district shall provide nonresident students with
3 notice of nonresident tuition fee changes during the
4 spring term before the fall term in which the change will
5 take effect. Nonresident tuition fee increases shall be
6 gradual, moderate, and predictable. The fee may be paid
7 in installments, as determined by the governing board of
8 the district.

9 (e) The fee established by the governing board of a
10 *community college district* pursuant to subdivision (d)
11 shall represent for nonresident students enrolled in 30
12 semester units or 45 quarter units of credit per fiscal year
13 (1) the amount that was expended by the district for the
14 expense of education as defined by the California
15 Community College Budget and Accounting Manual in
16 the preceding fiscal year, increased by the projected
17 percent increase in the United States Consumer Price
18 Index as determined by the Department of Finance for
19 the current fiscal year and succeeding fiscal year and
20 divided by the FTES (including nonresident students)
21 attending in the district in the preceding fiscal year, (2)
22 the expense of education in the preceding fiscal year of
23 all districts increased by the projected percent increase
24 in the United States Consumer Price Index as determined
25 by the Department of Finance for the fiscal year and
26 succeeding fiscal year and divided by the FTES
27 (including nonresident students) attending all districts
28 during the preceding fiscal year, (3) an amount not to
29 exceed the fee established by the governing board of any
30 contiguous district, or (4) an amount not to exceed the
31 amount that was expended by the district for the expense
32 of education, but in no case less than the statewide
33 average as set forth in paragraph (2). However, if for the
34 district's preceding fiscal year FTES of all students
35 attending in the district in noncredit courses is equal to,
36 or greater than, 10 percent of the district's total FTES
37 attending in the district, the district, in calculating the
38 amount in paragraph (1), may substitute, instead, the
39 data for expense of education in grades 13 and 14 and
40 FTES in grades 13 and 14 attending in the district.



1 (f) The governing board of each community college
2 district also shall adopt a tuition fee per unit of credit for
3 nonresident students enrolled in more or less than 15
4 units of credit per term by dividing the fee determined
5 in subdivision (e) by 30 for colleges operating on the
6 semester system and 45 for colleges operating on the
7 quarter system and rounding to the nearest whole dollar.
8 The same rate shall be uniformly charged nonresident
9 students attending any terms or sessions maintained by
10 the community college. The rate charged shall be the rate
11 established for the fiscal year in which the term or session
12 ends.

13 (g) In adopting a tuition fee for nonresident students,
14 the governing board of each community college district
15 shall consider nonresident tuition fees of public
16 community colleges in other states.

17 (h) Any loss in district revenue generated by the
18 nonresident tuition fee shall not be offset by additional
19 state funding.

20 (i) Any *community college* district that has fewer than
21 1,500 FTES and whose boundary is within 10 miles of
22 another state that has a reciprocity agreement with
23 California governing student attendance and fees may
24 exempt students from that state from the mandatory fee
25 requirement described in subdivision (a) for nonresident
26 students.

27 (j) Any *community college* district that has more than
28 1,500, but less than 3,001, FTES and whose boundary is
29 within 10 miles of another state that has a reciprocity
30 agreement with California governing student attendance
31 and fees may, in any one fiscal year, exempt up to 100
32 FTES from that state from the mandatory fee
33 requirement described in subdivision (a) for nonresident
34 students.

35 (k) The attendance of nonresident students who are
36 exempted pursuant to subdivision (i) or (j) from the
37 mandatory fee requirement described in subdivision (a)
38 for nonresident students may be reported as resident
39 FTES for state apportionment purposes. Any nonresident
40 student reported as resident FTES for state



1 apportionment purposes pursuant to subdivision (i) or
2 (j) shall pay a fee of forty-two dollars (\$42) per course
3 unit. That fee is to be included in the FTES adjustments
4 described in Section 76330 for purposes of computing
5 apportionments.

6 SEC. 2. Section 89706 of the Education Code is
7 amended to read:

8 89706. (a) The trustees may, on the basis of
9 demonstrated financial need and scholastic achievement,
10 waive entirely, or reduce below the rate, or the minimum
11 rate, fixed by Section 89705, the tuition fee of a
12 nonresident student, as defined in Section 68018, who is
13 a citizen and resident of a foreign country, who is an
14 undergraduate student of exceptional scholastic ability
15 and prior scholastic achievement, and who is enrolled in
16 a course of study of no less than 10 semester units.

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18 (b) *The* number of reductions and waivers granted by
19 the trustees under this section shall at no time exceed 7¹/₂
20 percent of the nonresident undergraduate students who
21 are citizens and residents of a foreign country, then
22 enrolled in the California State University.

23 SEC. 3. This act is an urgency statute necessary for the
24 immediate preservation of the public peace, health, or
25 safety within the meaning of Article IV of the
26 Constitution and shall go into immediate effect. The facts
27 constituting the necessity are:

28 So that important revisions to the law relating to
29 residency requirements in the state's public institutions
30 of high education may be made in time for the
31 commencement of the 1999–2000 academic year, it is
32 necessary that this act take effect immediately.

