

AMENDED IN ASSEMBLY MAY 30, 2017
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CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 19

Introduced by Assembly Members Santiago, Chiu, and McCarty

December 5, 2016

An act to amend Section 76300 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as amended, Santiago. Community colleges: enrollment fee waiver.

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 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 requires community college district governing boards to charge students an enrollment fee of \$46 per unit per semester. Existing law requires the board of governors to waive this fee for students meeting prescribed requirements.

This bill would, except as provided, waive the fee, for one academic year, for first-time community college students who enroll in 12 or

more semester units or the equivalent, as specified. ~~To the extent the bill would impose new duties on community college districts, it would constitute a state-mandated local program. The bill would require each district that has offsetting local revenues that exceed the funding calculated pursuant to the district's budget formula to annually report to the chancellor the amount of these fee waivers granted for that fiscal year, as specified. To the extent 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 the statutory provisions noted above.

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. 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.
8 (2) The board of governors shall proportionately adjust the
9 amount of the fee for term lengths based upon a quarter system,
10 and also shall proportionately adjust the amount of the fee for
11 summer sessions, intersessions, and other short-term courses. In
12 making these adjustments, the board of governors may round the
13 per unit fee and the per term or per session fee to the nearest dollar.
14 (c) For the purposes of computing apportionments to community
15 college districts pursuant to Section 84750.5, the board of
16 governors shall subtract, from the total revenue owed to each
17 district, 98 percent of the revenues received by districts from
18 charging a fee pursuant to this section.

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

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

5 (1) Students enrolled in the noncredit courses designated by
6 Section 84757.

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

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

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

23 (g) (1) The fee requirements of this section shall be waived for
24 any student who meets both of the following requirements:

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

35 (B) Meets one of the following criteria:

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

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

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

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

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

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

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

37 (3) A dependent who is the surviving child, natural or adopted,
38 of an individual killed in the terrorist attacks of September 11,
39 2001, is entitled to the waivers under subdivision (j) until that
40 person attains 30 years of age.

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

(m) (1) The fee requirements of this section shall be waived for any first-time community college student who is enrolled full time. A fee waiver that a student receives pursuant to this subdivision shall only be for one academic year and shall only be waived for the summer term and each semester or quarter of that year in which the student maintains full-time status. A fee waiver provided pursuant to this subdivision shall not be available to a student who is charged a tuition fee pursuant to Section 76140.

(2) For purposes of this subdivision, the following terms have the following meanings:

(A) "Full time" means 12 or more semester units or the equivalent.

(B) "One academic year" means the total of the summer term that immediately precedes the first semester or quarter of the fall term, and the two consecutive semesters or three quarters that immediately follow that summer term. Each semester or quarter is approximately the same length.

(3) *Each district that has offsetting local revenues that exceed the funding calculated pursuant to the district's budget formula shall annually report to the chancellor the amount of fee waivers granted for that fiscal year pursuant to this subdivision. In computing the amount of fee waivers, the district shall exclude fee waivers for all students that are eligible for a fee waiver pursuant to subdivisions (g) to (j), inclusive.*

(4) *All districts, including districts described in paragraph (3), shall be eligible for state funds provided to support the implementation of this subdivision. Notwithstanding any other law, if insufficient state funds are available to cover the additional cost of waivers provided pursuant to this subdivision, the shortfall shall be borne by all districts, including districts described in paragraph (3), based on the number of waivers provided pursuant to this subdivision.*

(n) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), ~~inclusive~~; *inclusive, and subdivision (m).*

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

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

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