

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1583

Introduced by Assembly Member Santiago
(Coauthors: Assembly Members Medina and Rodriguez)

January 5, 2016

An act to amend Section 76300 of, and to add Section 76300.1 to, the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1583, as amended, Santiago. ~~Postsecondary education: community colleges.~~ *Community colleges: enrollment fee waiver and additional assistance.*

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 provides for the waiver of this fee under certain circumstances, including, among others, that the student either (1) at the time of enrollment is a recipient under the Temporary Assistance for Needy Families program, the Supplemental Security Income/State Supplementary Payment Program, or a general assistance program, (2) demonstrates eligibility according to income standards established by regulation of the board of governors, or (3) demonstrates financial*

need in accordance with methodology set forth in federal law or regulation for determining the expected family contribution of students seeking aid.

~~This bill would declare the intent of the Legislature to enact legislation that would establish a California Promise program to expand access to the California Community Colleges for California residents.~~

This bill would revise some of these circumstances by raising the amount of income a student can earn and still qualify for a fee waiver to no lower than three times the current federal poverty level and by lowering the amount of unmet financial need a student needs to demonstrate to qualify for a fee waiver to at least one dollar. The bill would require the board of governors, by January 1, 2018, to ensure a fee waiver application is available to be completed and submitted electronically by students at each community college. The bill would require the board of governors to establish a need-based aid program to provide fee waiver recipients with financial resources, not to exceed \$1,000 per student per year, for the purpose of offsetting a portion of the costs associated with the purchase of books, supplies, transportation, and other general living expenses. 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 these statutory provisions.

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

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

- 1 SECTION 1. (a) It is the intent of the Legislature to ~~enact~~
- 2 ~~legislation that would~~ establish a ~~the~~ California Promise ~~program~~
- 3 ~~to expand access to the California Community Colleges for~~
- 4 ~~California residents;~~ *ensure more Californians have the opportunity*
- 5 *to access and afford community college in California.*
- 6 (b) *The Legislature finds and declares all of the following:*

1 (1) California’s 1960 “A Master Plan for Higher Education in
2 California” affirmed the state’s commitment to a system of higher
3 education combining exceptional quality with broad access.

4 (2) The California Community College system is the largest
5 system of higher education in the United States, offering associate
6 degrees and certificates in more than 175 fields to 2.1 million
7 students on 113 campuses.

8 (3) For every dollar California invests to get students into and
9 through college, the state receives a \$4.50 net return on investment.

10 (4) In 2025, California faces an estimated shortage of one
11 million college degree and certificate holders needed to sustain
12 the state’s workforce.

13 (5) To meet the demand for college degree and certificate
14 holders, California has and must continue to invest significantly
15 in need-based financial aid for California community college
16 students, including the California Community Colleges Board of
17 Governors Enrollment Fee Waiver Program and the Cal Grant
18 Program.

19 (6) The fee waiver program offsets tuition and fees for more
20 than 60 percent of full-time community college students and nearly
21 half of all community college students, with the only requirements
22 being that students demonstrate financial need and meet reasonable
23 academic progress standards.

24 (7) Despite the many strengths of the fee waiver program,
25 eligibility is currently limited to students with a minimum need of
26 \$1,104.

27 (8) Community college access and affordability are not
28 exclusively tied to tuition and fees; for instance, nontuition costs
29 such as textbooks, transportation, food, housing, and other
30 college-related expenses can represent more than 90 percent of
31 the total cost of attending community college, thereby preventing
32 students from successfully enrolling in and completing community
33 college.

34 (9) Although California has devoted considerable resources to
35 need-based aid at the California Community Colleges, not every
36 student with need is able to access or receive aid to offset tuition
37 or nontuition expenses.

38 (c) It is the intent of the Legislature to ensure all Californians
39 with financial need are able to access and afford community
40 college in California.

1 SEC. 2. Section 76300 of the Education Code is amended to
2 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.

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

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

23 (1) Students enrolled in the noncredit courses designated by
24 Section 84757.

25 (2) California State University or University of California
26 students enrolled in remedial classes provided by a community
27 college district on a campus of the University of California or a
28 campus of the California State University, for whom the district
29 claims an attendance apportionment pursuant to an agreement
30 between the district and the California State University or the
31 University of California.

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

38 (f) The governing board of a community college district may
39 exempt special part-time students admitted pursuant to Section
40 76001 from the fee requirement.

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

3 (A) Meets minimum academic and progress standards adopted
4 by the board of governors, which fulfill the requirements outlined
5 in this paragraph and paragraphs (2) to (5), inclusive. Any
6 minimum academic and progress standards adopted pursuant to
7 this section shall be uniform across all community college districts
8 and campuses. These standards shall not include a maximum unit
9 cap, and community college districts and colleges shall not impose
10 requirements for fee waiver eligibility other than the minimum
11 academic and progress standards adopted by the board of governors
12 and the requirements of subparagraph (B).

13 (B) Meets one of the following criteria:

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

18 (ii) Demonstrates eligibility according to income standards
19 established by regulations of the board of ~~governors~~ *governors*,
20 *with income standards set no lower than three times the current*
21 *federal poverty level.*

22 (iii) Demonstrates financial need *of at least one dollar* in
23 accordance with the methodology set forth in federal law or
24 regulation for determining the expected family contribution of
25 students seeking financial aid.

26 (2) (A) The board of governors, in consultation with students,
27 faculty, and other key stakeholders, shall consider all of the
28 following in the development and adoption of minimum academic
29 and progress standards pursuant to subparagraph (A) of paragraph
30 (1):

31 (i) Minimum uniform academic and progress standards that do
32 not unfairly disadvantage financially needy students in pursuing
33 their education.

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

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

4 (B) To ensure that students are not unfairly impacted by the
5 requirements of subparagraph (A) of paragraph (1), the board of
6 governors shall establish a reasonable implementation period that
7 commences no sooner than one year from adoption of the minimum
8 academic and progress standards, or any subsequent changes to
9 these standards, pursuant to subparagraph (A) of paragraph (1)
10 and that is phased in to provide students adequate notification of
11 this requirement and information about available support resources.

12 (3) It is the intent of the Legislature that minimum academic
13 and progress standards adopted pursuant to subparagraph (A) of
14 paragraph (1) be implemented only as campuses develop and
15 implement the student support services and interventions necessary
16 to ensure no disproportionate impact to students based on ethnicity,
17 gender, disability, or socioeconomic status. The board of governors
18 shall consider the ability of community college districts to meet
19 the requirements of this paragraph before adopting minimum
20 academic and progress standards, or any subsequent changes to
21 these standards, pursuant to subparagraph (A) of paragraph (1).

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

28 (A) Students are provided information about the available
29 student support services to assist them in maintaining fee waiver
30 eligibility.

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

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

39 (5) The board of governors shall provide notification of a
40 proposed action to adopt regulations pursuant to this subdivision

1 to the appropriate policy and fiscal committees of the Legislature
2 in accordance with the requirements of paragraph (1) of subdivision
3 (a) of Section 70901.5. This notification shall include, but not be
4 limited to, all of the following:

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

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

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

14 (h) The fee requirements of this section shall be waived for any
15 student who, at the time of enrollment, is a dependent or surviving
16 spouse who has not remarried, of any member of the California
17 National Guard who, in the line of duty and while in the active
18 service of the state, was killed, died of a disability resulting from
19 an event that occurred while in the active service of the state, or
20 is permanently disabled as a result of an event that occurred while
21 in the active service of the state. "Active service of the state," for
22 the purposes of this subdivision, refers to a member of the
23 California National Guard activated pursuant to Section 146 of
24 the Military and Veterans Code.

25 (i) The fee requirements of this section shall be waived for any
26 student who is the surviving spouse or the child, natural or adopted,
27 of a deceased person who met all of the requirements of Section
28 68120.

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

38 (1) The dependent was a resident of California on September
39 11, 2001.

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

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

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

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

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

21 (4) A dependent of an individual killed in the terrorist attacks
22 of September 11, 2001, who is determined to be eligible by the
23 California Victim Compensation and Government Claims Board,
24 is also entitled to the waivers provided in this section until January
25 1, 2013.

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

30 (2) From funds provided in the annual Budget Act, the board
31 of governors shall allocate to community college districts, pursuant
32 to this subdivision, an amount equal to 2 percent of the fees waived
33 pursuant to subdivisions (g) to (j), inclusive. From funds provided
34 in the annual Budget Act, the board of governors shall allocate to
35 community college districts, pursuant to this subdivision, an
36 amount equal to ninety-one cents (\$0.91) per credit unit waived
37 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the
38 Legislature that funds provided pursuant to this subdivision be
39 used to support the determination of financial need and delivery
40 of student financial aid services, on the basis of the number of

1 students for whom fees are waived. It also is the intent of the
2 Legislature that the funds provided pursuant to this subdivision
3 directly offset mandated costs claimed by community college
4 districts pursuant to Commission on State Mandates consolidated
5 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15
6 (Enrollment Fee Waivers). Funds allocated to a community college
7 district for determination of financial need and delivery of student
8 financial aid services shall supplement, and shall not supplant, the
9 level of funds allocated for the administration of student financial
10 aid programs during the 1992–93 fiscal year.

11 (n) The board of governors shall adopt regulations implementing
12 this section.

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

16 (o) *By January 1, 2018, the board of governors shall ensure a*
17 *fee waiver application is available to be completed and submitted*
18 *electronically by students at each community college.*

19 *SEC. 3. Section 76300.1 is added to the Education Code, to*
20 *read:*

21 *76300.1. The board of governors shall establish a need-based*
22 *aid program to provide fee waiver recipients with financial*
23 *resources, not to exceed one thousand dollars (\$1,000) per student*
24 *per year, for the purpose of offsetting a portion of the costs*
25 *associated with the purchase of books, supplies, transportation,*
26 *and other general living expenses.*

27 *SEC. 4. If the Commission on State Mandates determines that*
28 *this act contains costs mandated by the state, reimbursement to*
29 *local agencies and school districts for those costs shall be made*
30 *pursuant to Part 7 (commencing with Section 17500) of Division*
31 *4 of Title 2 of the Government Code.*