

AMENDED IN ASSEMBLY APRIL 14, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1583**

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

January 5, 2016

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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. 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 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~~ *lower* 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: yes.  
State-mandated local program: yes.

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

- 1 SECTION 1. (a) It is the intent of the Legislature to establish
- 2 the California Promise to ensure more Californians have the
- 3 opportunity to access and afford community college in California.
- 4 (b) The Legislature finds and declares all of the following:
- 5 (1) California's 1960 "A Master Plan for Higher Education in
- 6 California" affirmed the state's commitment to a system of higher
- 7 education combining exceptional quality with broad access.
- 8 (2) The California Community College system is the largest
- 9 system of higher education in the United States, offering associate

1 degrees and certificates in more than 175 fields to 2.1 million  
2 students on 113 campuses.

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

5 (4) In 2025, California faces an estimated shortage of one  
6 million college degree and certificate holders needed to sustain  
7 the state's workforce.

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

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

19 (7) Despite the many strengths of the fee waiver program,  
20 eligibility is currently limited to students with a minimum need of  
21 \$1,104.

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

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

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

36 SEC. 2. Section 76300 of the Education Code is amended to  
37 read:

38 76300. (a) The governing board of each community college  
39 district shall charge each student a fee pursuant to this section.

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

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

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

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

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

19 (1) Students enrolled in the noncredit courses designated by  
20 Section 84757.

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

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

34 (f) The governing board of a community college district may  
35 exempt special part-time students admitted pursuant to Section  
36 76001 from the fee requirement.

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

39 (A) Meets minimum academic and progress standards adopted  
40 by the board of governors, which fulfill the requirements outlined

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

9 (B) Meets one of the following criteria:

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

14 (ii) Demonstrates eligibility according to income standards  
15 established by regulations of the board of ~~governors, with income~~  
16 ~~standards set no lower than three times the current federal poverty~~  
17 ~~level.~~ *governors.*

18 (iii) Demonstrates financial need of at least one dollar in  
19 accordance with the methodology set forth in federal law or  
20 regulation for determining the expected family contribution of  
21 students seeking financial aid.

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

27 (i) Minimum uniform academic and progress standards that do  
28 not unfairly disadvantage financially needy students in pursuing  
29 their education.

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

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

38 (B) To ensure that students are not unfairly impacted by the  
39 requirements of subparagraph (A) of paragraph (1), the board of  
40 governors shall establish a reasonable implementation period that

1 commences no sooner than one year from adoption of the minimum  
2 academic and progress standards, or any subsequent changes to  
3 these standards, pursuant to subparagraph (A) of paragraph (1)  
4 and that is phased in to provide students adequate notification of  
5 this requirement and information about available support resources.

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

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

22 (A) Students are provided information about the available  
23 student support services to assist them in maintaining fee waiver  
24 eligibility.

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

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

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

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

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

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

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

21 (i) The fee requirements of this section shall be waived for any  
22 student who is the surviving spouse or the child, natural or adopted,  
23 of a deceased person who met all of the requirements of Section  
24 68120.

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

34 (1) The dependent was a resident of California on September  
35 11, 2001.

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

38 (k) A determination of whether a person is a resident of  
39 California on September 11, 2001, for purposes of subdivision (j)  
40 shall be based on the criteria set forth in Chapter 1 (commencing

1 with Section 68000) of Part 41 of Division 5 for determining  
2 nonresident and resident tuition.

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

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

12 (3) A dependent who is the surviving child, natural or adopted,  
13 of an individual killed in the terrorist attacks of September 11,  
14 2001, is entitled to the waivers under subdivision (j) until that  
15 person attains 30 years of age.

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

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

25 (2) From funds provided in the annual Budget Act, the board  
26 of governors shall allocate to community college districts, pursuant  
27 to this subdivision, an amount equal to 2 percent of the fees waived  
28 pursuant to subdivisions (g) to (j), inclusive. From funds provided  
29 in the annual Budget Act, the board of governors shall allocate to  
30 community college districts, pursuant to this subdivision, an  
31 amount equal to ninety-one cents (\$0.91) per credit unit waived  
32 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the  
33 Legislature that funds provided pursuant to this subdivision be  
34 used to support the determination of financial need and delivery  
35 of student financial aid services, on the basis of the number of  
36 students for whom fees are waived. It also is the intent of the  
37 Legislature that the funds provided pursuant to this subdivision  
38 directly offset mandated costs claimed by community college  
39 districts pursuant to Commission on State Mandates consolidated  
40 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15



1 (Enrollment Fee Waivers). Funds allocated to a community college  
2 district for determination of financial need and delivery of student  
3 financial aid services shall supplement, and shall not supplant, the  
4 level of funds allocated for the administration of student financial  
5 aid programs during the 1992–93 fiscal year.

6 (n) The board of governors shall adopt regulations implementing  
7 this section.

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

11 SEC. 3. Section 76300.1 is added to the Education Code, to  
12 read:

13 76300.1. (a) The board of governors shall establish a  
14 need-based aid program to provide fee waiver recipients with  
15 financial resources, not to exceed one thousand dollars (\$1,000)  
16 per student per year, for the purpose of offsetting a portion of the  
17 costs associated with the purchase of books, supplies,  
18 transportation, and other general living expenses.

19 (b) *Eligibility for the program described in subdivision (a) shall*  
20 *be determined by utilizing the student's Free Application for*  
21 *Federal Student Aid, or California Dream Act Application,*  
22 *whichever applies.*

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