

CALIFORNIA COMMUNITY COLLEGES
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TO: Admissions and Records Officers
Chief Student Services Officers
Chief Business Officers

FROM: Dan Troy, Vice Chancellor
Fiscal Policy

Linda Michalowski, Vice Chancellor
Student Services and Special Programs

SUBJECT: Implementation of Senate Bill 150 (Correa) and Senate Bill 141 (Lara)

With the Governor's signing of Senate Bill (SB) 150 and SB 141, several colleges have raised questions about implementation, impact on apportionment funding, and effective date of implementation. The following summary is intended to provide clarification on these new provisions of law pertaining to two categories of nonresident students.

As doubled-joined bills SB 141 and SB 150, which both amended California Education Code section 76140, provide two new exemptions from nonresident tuition for specified students described below. Both of the new exemptions became effective January 1, 2014, so students determined to be eligible for either exemption who paid nonresident tuition for terms or sessions starting on or after that date (i.e., students who enrolled for a 2014 term prior to January 1, 2014) are entitled to a refund of those fees.

SB 150: Community college districts are permitted to exempt nonresident special part-time students from the requirement to pay nonresident tuition for community college credit courses. The term "special part-time student" refers to students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11.99 or fewer units per semester, or the quarter equivalent, in accordance with Education Code section 76001. The exemption does not apply to special full-time students.

Districts that elect to provide this exemption should develop, adopt, and publish a policy for consistently granting the exemption. As it relates to the development of the local policy, it is our belief that this exemption is not intended to apply to categories of students who would be precluded from qualifying for the AB 540 nonresident tuition exemption; i.e., a) students who actually reside outside of California and enroll via Distance Education and b) students on most nonimmigrant visas. There is an exception for "T" and "U" nonimmigrant visa holders who were recently made eligible for the AB 540 nonresident tuition exemption under Education Code Section 68122, so a district policy could permit students holding either of these two nonimmigrant visa types to also qualify for this new non-resident tuition exemption.

It is important to note that this exemption does not authorize districts to claim apportionment funding for nonresident special part-time students who are exempted from nonresident tuition under this provision.

A student receiving a nonresident tuition exemption under SB 150 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other financial aid. However, please note that districts are permitted to exempt special part-time students, including those that have nonresident status, from the per unit enrollment fee pursuant to Education Code Section 76300(f).

SB 141: Districts are required to exempt from nonresident tuition a nonresident student who is a U.S. citizen and who resides in a foreign country, if that student meets all of the following requirements:

- i. Demonstrates a financial need for the exemption.
- ii. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- iii. Moved abroad as a result of the deportation or voluntary departure.
- iv. Lived in California immediately before moving abroad.
- v. Attended a public or private secondary school in California for three or more years.
- vi. Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- vii. Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
- viii. Documentation shall be provided by the student as required by statute as specified in Education Code section 76140(a)(5).

Districts are authorized to claim state apportionment for FTES generated by nonresident students exempted under this provision and their attendance should be reported as resident FTES for state apportionment purposes.

A student receiving a nonresident tuition exemption under SB 141 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other state financial aid until they establish California residency. As citizens, SB 141 students may apply and qualify for federal financial assistance such as Pell, FSEOG and federal student loans.

Status: SB 141 and SB 150 were signed by the Governor on October 5, 2013 and became effective on January 1, 2014.

Contact: For questions concerning attendance accounting and reporting for apportionment purposes, please contact Elias Regalado at eregalad@cccco.edu or (916) 445-1165. For other admissions questions, please contact Mia Keeley at mkeeley@cccco.edu or (916) 323-5953. For questions concerning BOG fee waivers/financial aid, please contact Tim Bonnel at tbommel@cccco.edu or (916) 445-0104, or Rhonda Mohr at rmohr@cccco.edu or (916) 323-6894.

Links:

[Senate Bill 150](#)
[Senate Bill 141](#)