

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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Memorandum

December 29, 2009

Fiscal Services Memo 09-10
Via E-mail Only

TO: Chief Business Officers

FROM: Frederick E. Harris, Assistant Vice Chancellor
College Finance and Facilities Planning

SUBJECT: 2010-11 Nonresident Fees need to be established by February 1, 2010

SYNOPSIS: Education Code (EC) Section 76140 requires each district governing board to establish the nonresident tuition fee not later than February 1 for the succeeding fiscal year.

Nonresident Tuition Fee. For determining your district's 2010-11 nonresident tuition fee, the 2008-09 statewide average expense of education was **\$5,257** per full-time equivalent student (FTES). The projected increase in the U.S. Consumer Price Index (USCPI) as determined by the Department of Finance is 1.9% for the 2009-10 fiscal year, and 2.4% for 2010-11, for a compounded factor of 1.043. Multiplying this USCPI factor (1.043) against the 2008-09 statewide average expense of education (\$5,257) yields an Average Cost of **\$5,483** per FTES for the Tuition Year, OR **\$183** per semester unit for a 30 unit semester term academic year. For districts on the quarter system, the 45 unit quarter term academic year results in **\$122** per quarter term unit.

Nonresident Tuition Fee Options. EC 76140(e) enumerates 5 options for a district to choose in setting its nonresident tuition fee. These options are reflected in the enclosed worksheet as the "basis for adoption." Options 1-3 are generally well understood, but for Option 4 ("*No more than contiguous district*") and Option 5 ("*No more than district, no less than statewide cost*"), please keep in mind the following specifics:

Option 4 'No more than contiguous district'. A review of the legislative history when this option was adopted confirms that this amount **must be within** the:

- **Fee** (not cost) adopted by a contiguous district (**Maximum** amount for Option #4);

AND

- **Cost** of the lesser of (1) your district's average **cost** OR (2) the statewide average **cost** (**Minimum** amount for Option #4).

Option 5 ‘No more than district, no less than statewide cost’. The **maximum amount** for this option is the district average cost, and the **minimum amount** for this option is the statewide average cost. **Only** an amount **between** these maximum and minimum amounts is allowed under this option.

Nonresident Capital Outlay Fee. Pursuant to EC Section 76141 a district **may** also charge nonresident students a capital outlay fee. This portion of the Education Code was amended by AB 947 (Chapter 377, statutes of 2009) to now charge this capital outlay fee to **ANY** nonresident student – **except** for “AB 540” students, who will continue to be exempt from this fee. AB 947 deleted the condition that a nonresident student capital fee will be charged **only** to nonresidents that were citizens and residents of a foreign country.

Also, the amount of the nonresident capital outlay fee has to be the lesser of:

- the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding fiscal year; **OR**
- 50% of the 2010-11 nonresident tuition fee adopted pursuant to EC 76140.

Processing Fee for Students from Foreign Countries. Pursuant to EC 76142 a district **may** charge each nonresident applicant a processing fee not to exceed the lesser of (1) the actual cost of processing an application and other documentation required by the federal government **OR** (2) \$100, which may be deducted from the tuition fee at the time of enrollment.

Exemptions to these fees. Various exemptions to these fees are provided in the law. Please click on the following web links to EC Sections 76140-76143 and a related legal opinion to learn more about these exemptions:

<http://tiny.cc/EdCodeNonRes>

<http://tiny.cc/AB540>

Tuition Fee Worksheet. A worksheet for computing the nonresident tuition and capital outlay fees is enclosed. The comparable information for all districts used to derive the statewide average expense of education per FTES for 2008-09 is also enclosed for your reference.

ACTION/DATE REQUESTED: Please complete and return by **February 15, 2010** a copy of the enclosed worksheet and provide information on the 2010-11 nonresident tuition and capital outlay fees adopted by your district governing board by February 1, 2010.

CONTACT: If you have any questions or comments regarding this memorandum, please contact Glen A. Campora at (916) 323-6899) or gcampora@cccco.edu. The office fax number is (916) 323-3057.

CALIFORNIA COMMUNITY COLLEGES
 2010-11 Nonresident Tuition Fee
 Based on 2008-09 Actual Expense of Education from CCFS-311
 (AC 0100-6700, columns 1-3)

District Code	District	2008-09 Expense of Education*	2008-09 Total FTES**	2008-09 Expense Per FTES
610	Allan Hancock	\$53,229,043	10,250.55	\$5,193
620	Antelope Valley Joint	\$64,388,716	13,021.05	\$4,945
910	Barstow	\$13,147,565	2,715.58	\$4,842
110	Butte-Glenn	\$75,255,661	11,993.17	\$6,275
410	Cabrillo	\$66,620,517	13,710.31	\$4,859
810	Cerritos	\$92,669,158	18,292.18	\$5,066
480	Chabot-Las Positas	\$104,539,214	18,097.53	\$5,776
920	Chaffey	\$83,061,286	15,351.99	\$5,410
820	Citrus	\$63,451,778	13,581.64	\$4,672
830	Coast	\$195,428,161	39,203.88	\$4,985
710	Compton	\$33,258,823	5,232.21	\$6,357
310	Contra Costa	\$168,743,573	30,481.07	\$5,536
970	Copper Mountain	\$12,278,563	1,615.28	\$7,602
930	Desert	\$43,969,210	9,092.28	\$4,836
720	El Camino	\$113,105,752	22,064.48	\$5,126
120	Feather River	\$13,704,146	1,933.30	\$7,088
420	Foothill-DeAnza (quarter system)	\$201,339,052	39,377.19	\$5,113
440	Gavilan	\$33,002,059	5,805.33	\$5,685
730	Glendale	\$89,846,533	19,592.24	\$4,586
20	Grossmont-Cuyamaca	\$112,966,049	21,096.84	\$5,355
450	Hartnell	\$41,942,538	7,697.22	\$5,449
30	Imperial	\$44,506,422	7,509.19	\$5,927
520	Kern	\$110,613,993	20,868.49	\$5,301
220	Lake Tahoe (quarter system)	\$14,231,116	1,984.47	\$7,171
130	Lassen	\$12,312,994	1,614.87	\$7,625
840	Long Beach	\$120,784,146	22,458.44	\$5,378
740	Los Angeles	\$609,183,601	113,647.00	\$5,360
230	Los Rios	\$297,375,428	60,465.93	\$4,918
330	Marin	\$47,411,257	4,812.24	\$9,852
140	Mendocino-Lake	\$21,739,289	3,175.99	\$6,845
530	Merced	\$56,124,359	10,469.50	\$5,361
50	Mira Costa	\$78,179,578	9,742.05	\$8,025
460	Monterey Peninsula	\$37,245,953	8,799.54	\$4,233
850	Mt. San Antonio	\$152,870,216	33,488.79	\$4,565
940	Mt. San Jacinto	\$53,267,100	11,778.75	\$4,522
240	Napa Valley	\$39,417,785	6,588.74	\$5,983
860	North Orange County	\$175,125,928	39,455.88	\$4,439
430	Ohlone	\$50,298,680	8,890.52	\$5,658

District Code	District	2008-09 Expense of Education*	2008-09 Total FTES**	2008-09 Expense Per FTES
950	Palo Verde	\$15,130,771	1,971.94	\$7,673
60	Palomar	\$115,067,857	21,665.54	\$5,311
770	Pasadena	\$127,141,954	25,812.43	\$4,926
340	Peralta	\$124,067,265	21,691.68	\$5,720
870	Rancho Santiago	\$164,116,170	36,185.66	\$4,535
160	Redwoods	\$34,114,543	5,482.19	\$6,223
880	Rio Hondo	\$77,639,818	15,702.94	\$4,944
960	Riverside	\$164,106,929	31,565.63	\$5,199
980	San Bernardino	\$79,538,442	15,412.18	\$5,161
70	San Diego	\$229,788,353	45,553.39	\$5,044
360	San Francisco	\$222,347,128	39,902.78	\$5,572
550	San Joaquin Delta	\$94,529,242	18,387.82	\$5,141
470	San Jose-Evergreen	\$92,599,423	15,787.37	\$5,865
640	San Luis Obispo County	\$53,541,459	10,206.57	\$5,246
370	San Mateo County	\$117,045,354	22,383.34	\$5,229
650	Santa Barbara	\$93,875,449	18,281.96	\$5,135
660	Santa Clarita	\$76,511,690	17,240.17	\$4,438
780	Santa Monica	\$141,740,497	28,254.20	\$5,017
560	Sequoias	\$57,600,980	10,405.07	\$5,536
170	Shasta-Tehama-Trinity	\$43,384,447	8,103.24	\$5,354
270	Sierra Jt.	\$81,099,110	16,198.55	\$5,007
180	Siskiyou Jt.	\$17,423,643	2,828.82	\$6,159
280	Solano	\$54,034,191	9,401.71	\$5,747
260	Sonoma	\$115,258,393	21,641.75	\$5,326
890	South Orange County	\$137,902,780	26,994.78	\$5,108
90	Southwestern	\$89,849,981	16,425.30	\$5,470
570	State Center	\$155,656,723	30,117.57	\$5,168
680	Ventura	\$149,949,454	29,754.48	\$5,040
990	Victor Valley	\$56,514,933	10,264.36	\$5,506
580	West Hills	\$34,624,182	5,735.13	\$6,037
690	West Kern	\$24,638,262	2,655.80	\$9,277
490	West Valley	\$103,052,862	18,272.27	\$5,640
590	Yosemite	\$110,157,333	18,412.68	\$5,983
290	Yuba	\$53,294,491	8,536.98	\$6,243
Totals		\$6,903,979,351	1,313,192.01	\$5,257

* Expense of Education is defined in the Budget and Accounting Manual as including all General Fund expenditures, restricted and unrestricted, for all objects of expenditure 1000 through 5000 and all expenditures of activity from 0100 through 6700. For the purposes of calculating the Nonresident Tuition Fee, Expense of Education is different than the 50% Law “current expense of education”.

** Includes FTES for resident, nonresident, credit, noncredit and apprenticeship.