

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

1102 Q STREET, 4<sup>TH</sup> FLOOR  
SACRAMENTO, CA 95811-6549  
(916) 445-8752

<http://www.cccco.edu>



## Memorandum

January 4, 2011

Fiscal Services Memo 10-11  
Via E-mail Only

**TO:** Chief Business Officers  
Chief Instructional Officers

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

**SUBJECT:** 2011-12 Nonresident Fees need to be adopted by February 1, 2011

**SYNOPSIS:** Education Code Section (ECS) 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 2011-12 nonresident tuition fee, the 2009-10 statewide average expense of education was **\$5,021** 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 2.2% for the 2010-11 fiscal year and 2.9% for 2011-12, for a compound factor of 1.053 against the 2009-10 statewide average expense of education (\$5,021) yields an Average cost of **\$5,287** per FTES for the tuition year, or **\$176** 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 **\$117** per quarter term unit.

**Nonresident Tuition Fee Options.** ECS 76140(e)(1) now enumerates seven options for a district to choose in setting its nonresident tuition fee. These options are listed on the enclosed worksheet as the "Basis for Adoption." Options 1-3 are easily calculated on the enclosed worksheet. However for **Option 4** ("*No more than contiguous district*") and **Option 5** ("*No more than district, no less than statewide cost*"), please consider the following details:

**Option 4 'No more than contiguous district'.** (ECS 76140(e)(1)(C)) 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'**. (ECS 76140(e)(1)(D)). 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.

**Recent Legislative Changes.** AB 2297, Brownley (Chapter 259, Statutes of 2010) amended ECS 76140(e) to add two new options. It is the responsibility of the district to ensure and document that the **additional revenue** generated by the increased nonresident tuition permitted under options 6 and 7 shall be used to expand and enhance services **to resident students only** (ECS 76140(e)(2)):

- **(New) Option 6 'Highest Years Statewide Average Tuition'**. (ECS 76140(e)(1)(B)). Use the greater of the succeeding year, the current year or any of the four prior year's statewide average nonresident tuition fee calculation, which is **\$190 per semester unit** or **\$126 per quarter unit** from **2007-08**.
- **(New) Option 7 'No more than 12 Comparable States' Average Tuition'**. (ECS 76140(e)(1)(E)). No greater than the 2009-10 average nonresident tuition fee of public community colleges in a minimum of 12 states comparable to California in cost of living. This average is calculated to be **\$280 per semester unit** or **\$187 per quarter unit**.

**Nonresident Capital Outlay Fee.** Pursuant to ECS 76141 a district may also charge to any nonresident student a capital outlay fee. The amount of the nonresident capital outlay fee is 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 2011-12 nonresident tuition fee adopted pursuant to ECS 76140.

**Processing Fee for Students from Foreign Countries.** Pursuant to ECS 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 All Non-Resident fees.** Various exemptions to these fees are provided in the law. Please click on the following web links to ECS 76140-76143 and a related legal opinion to learn more about these exemptions:

<http://Ed Code Non-Res>

<http://AB540 and Non-Res Capital Outlay Fee>

**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 2009-10 is also enclosed for your reference.

**ACTION/DATE REQUESTED:** Please complete and return by **February 15, 2011** a copy of the enclosed worksheet with the 2011-12 nonresident tuition and capital outlay fees adopted by your district governing board by February 1, 2011.

**CONTACT:** If you have any questions or comments regarding this memorandum, please contact Mike Yarber at (916) 327-6818 or [myarber@cccco.edu](mailto:myarber@cccco.edu). The office fax number is (916) 323-3057.

**CALIFORNIA COMMUNITY COLLEGES**  
 2011-12 Nonresident Tuition Fee  
 Based on 2009-10 Actual Expense of Education from CCFS-311  
 (AC 0100-6700, columns 1-3)

<b>District Code</b>	<b>District</b>	<b>2009-10 Expense of Education*</b>	<b>2009-10 Total FTES**</b>	<b>2009-10 Expense Per FTES</b>
610	Allan Hancock	\$52,076,577	10,112.77	\$5,150
620	Antelope Valley Joint	\$62,358,622	11,783.28	\$5,292
910	Barstow	\$13,103,940	2,973.50	\$4,407
110	Butte-Glenn	\$76,882,158	11,878.00	\$6,473
410	Cabrillo	\$65,729,333	13,045.73	\$5,038
810	Cerritos	\$84,565,431	18,830.80	\$4,491
480	Chabot-Las Positas	\$104,484,403	19,372.79	\$5,393
920	Chaffey	\$82,240,109	15,353.60	\$5,356
820	Citrus	\$59,915,281	11,900.04	\$5,035
830	Coast	\$189,824,629	37,885.09	\$5,011
710	Compton	\$33,013,534	5,538.11	\$5,961
310	Contra Costa	\$165,247,146	34,426.61	\$4,800
970	Copper Mountain	\$10,940,541	1,635.95	\$6,688
930	Desert	\$40,853,372	9,378.63	\$4,356
720	El Camino	\$108,048,813	22,136.14	\$4,881
120	Feather River	\$13,133,224	1,797.20	\$7,308
420	Foothill-DeAnza (quarter system)	\$193,668,221	37,867.18	\$5,114
440	Gavilan	\$30,719,263	6,005.72	\$5,115
730	Glendale	\$87,214,213	20,055.93	\$4,349
20	Grossmont-Cuyamaca	\$106,465,526	21,998.83	\$4,840
450	Hartnell	\$31,921,329	7,479.95	\$4,268
30	Imperial	\$44,969,604	7,203.11	\$6,243
520	Kern	\$104,361,699	21,159.37	\$4,932
220	Lake Tahoe (quarter system)	\$13,293,625	2,066.35	\$6,433
130	Lassen	\$12,891,148	1,781.98	\$7,234
840	Long Beach	\$114,493,674	22,014.16	\$5,201
740	Los Angeles	\$565,275,380	111,647.85	\$5,063
230	Los Rios	\$287,080,104	61,237.15	\$4,688
330	Marin	\$45,416,053	5,626.50	\$8,072
140	Mendocino-Lake	\$20,719,838	3,012.22	\$6,879
530	Merced	\$52,946,205	10,344.64	\$5,118
50	Mira Costa	\$84,786,341	11,104.70	\$7,635
460	Monterey Peninsula	\$35,806,239	8,065.49	\$4,439
850	Mt. San Antonio	\$144,494,835	31,797.32	\$4,544
940	Mt. San Jacinto	\$53,540,044	13,193.43	\$4,058
240	Napa Valley	\$37,175,725	6,757.02	\$5,502
860	North Orange County	\$168,609,429	39,677.28	\$4,250

District Code	District	2009-10 Expense of Education*	2009-10 Total FTES**	2009-10 Expense Per FTES
430	Ohlone	\$47,167,885	8,601.33	\$5,484
950	Palo Verde	\$12,653,752	1,954.88	\$6,473
60	Palomar	\$109,660,631	21,994.22	\$4,986
770	Pasadena	\$121,772,364	25,111.30	\$4,849
340	Peralta	\$71,101,580	23,633.30	\$3,009
870	Rancho Santiago	\$146,775,696	32,055.07	\$4,579
160	Redwoods	\$36,176,592	5,773.62	\$6,266
880	Rio Hondo	\$73,534,724	15,630.43	\$4,705
960	Riverside	\$150,281,541	31,696.17	\$4,741
980	San Bernardino	\$74,678,780	15,972.41	\$4,675
70	San Diego	\$223,518,662	43,961.44	\$5,084
360	San Francisco	\$207,982,041	36,538.30	\$5,692
550	San Joaquin Delta	\$86,626,449	17,542.54	\$4,938
470	San Jose-Evergreen	\$85,703,883	15,956.01	\$5,371
640	San Luis Obispo County	\$51,453,309	9,808.24	\$5,246
370	San Mateo County	\$115,155,352	23,437.43	\$4,913
650	Santa Barbara	\$91,866,093	18,760.64	\$4,897
660	Santa Clarita	\$74,588,189	16,916.16	\$4,409
780	Santa Monica	\$138,472,151	27,861.05	\$4,970
560	Sequoias	\$56,176,705	10,885.00	\$5,161
170	Shasta-Tehama-Trinity	\$41,848,549	8,398.50	\$4,983
270	Sierra Jt.	\$79,162,717	15,879.85	\$4,985
180	Siskiyou Jt.	\$17,786,246	2,765.39	\$6,432
280	Solano	\$54,001,356	9,612.96	\$5,618
260	Sonoma	\$107,295,163	21,570.85	\$4,974
890	South Orange County	\$138,767,157	27222.93	\$5,097
90	Southwestern	\$85,548,741	16325.81	\$5,240
570	State Center	\$151,411,906	32,124.99	\$4,713
680	Ventura	\$147,295,270	29,634.25	\$4,970
990	Victor Valley	\$66,888,973	10,238.13	\$6,533
580	West Hills	\$32,432,886	5,670.72	\$5,719
690	West Kern	\$23,027,339	2,642.66	\$8,714
490	West Valley	\$100,426,201	17,913.95	\$5,606
590	Yosemite	\$105,542,422	18,295.02	\$5,769
290	Yuba	\$47,763,250	8,608.88	\$5,548
<b>Totals</b>		<b>\$6,572,810,163</b>	<b>1,309,138.85</b>	<b>\$5,021</b>

\* "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.