

# CALIFORNIA AND OREGON INTERSTATE ATTENDANCE AGREEMENT

May 7-8, 2012

## ACTION

Presentation: Barry Russell, Vice Chancellor, Academic Affairs Division

## Item 2.3

### Issue

Education Code Sections 66800-66804, states that the Legislature recognizes that California community college districts may benefit from larger and more heterogeneous enrollment in certain curricula. The Legislature also “encourages community college districts and the Board of Governors of the California Community Colleges to include the educational needs of, and facilities available in, territory adjacent to California in their planning and to make use of those needs and facilities to the extent possible in the conduct of community college education in California.”

Education Code 66801 authorizes the Board of Governors of the California Community Colleges to enter into an interstate agreement with any statewide public agency of another state that is responsible for public institutions of postsecondary education providing the first two years of college instruction and that is an agency of a state that is a party to the Western Interstate Compact for Higher Education (WICHE) (e.g., Nevada and Oregon), for the exchange of residents, on a one-for-one basis, for the purposes of instruction. The same code also authorizes the governing board of a community college district to enter these types of agreements if the state is not represented by a statewide public agency by allowing Districts to develop agreements directly between the educational institutions with no state-to-state agreement, if the state is not represented by a statewide public agency (e.g., Arizona).

These agreements shall contain the provision that no additional state funds shall be required to carry out the provisions of this chapter.

### Background

In a letter dated August 17, 2011, the Chancellor of the Nevada System of Higher Education notified Chancellor Scott that its board of Regents has decided to discontinue the Good Neighbor tuition agreement that allowed students from designated California counties to attend Nevada colleges and universities at significantly reduced nonresident tuition rates. Under this agreement, Nevada students have also been able to enroll in the California Community Colleges (specifically, Lassen, Feather River, Lake Tahoe and Bartow) without paying full nonresident tuition (Ed Code Section 76140(j)). Effective November 30, 2011 (the end of the 90 day notice period), California students enrolling for the first time in Nevada colleges and universities will be charged the full nonresident tuition and all of the California Community Colleges will be required to charge nonresident tuition

for Nevada residents enrolling for the first time here, effectively ending the ability of California Community Colleges to provide exemptions for Nevada students.

## **Analysis**

The action of the Nevada System of Higher Education encouraged a review of other states responsible for public instruction or post-secondary education agreements, most notably Oregon, since it is the only state with a statewide public agency that is contiguous to California. Upon review, there was no such approved policy. Academic Affairs staff worked with the Legal Division to develop language for a Good Neighbor Policy with Oregon. This language was subsequently reviewed and approved by the Oregon University System.

The proposed agreement meets the following requirements of Education Code Sections 66801:

- The agreement is with a statewide public agency of another state responsible for public instructions or post-secondary education
- Exchange of residents, on a one-for-one basis, for the purposes of instruction
- There is a provision that no additional state funds shall be required to carry out the agreement
- Entry of California residents into Oregon institutions are on terms that are not different from those governing the admission of Oregon residents

Under this proposed agreement, two colleges, College of the Redwoods and College of the Siskiyou, qualify to develop reciprocal agreements with two Oregon universities, Southern Oregon University in Ashland, Oregon and the Oregon Institute of Technology in Klamath Falls, Oregon.

## **Recommended Action**

The Board of Governors is asked to adopt the following resolution:

### *Be it Resolved*

The Board of Governors of the California Community Colleges, acting pursuant to Education Code sections 66801, hereby agrees to enter into the attached interstate agreement with The State of Oregon acting by and through the State Board of Higher Education, on behalf of the Oregon University System, allowing eligible California Community College Districts to enter into agreements with the specified Oregon Universities for the exchange of residents on a one for one basis for the purposes of instruction.

ATTACHMENT 1

EDUCATION CODE  
SECTION 66801(a)

66801. (a) The Board of Governors of the California Community Colleges is authorized to enter into an interstate attendance agreement with any statewide public agency of another state that is responsible for public institutions of postsecondary education providing the first two years of college instruction and that is an agency of a state that is a party to the Western Interstate Compact for Higher Education, for the exchange of residents, on a one-for-one basis, for the purposes of instruction.

## **ATTACHMENT 2**

### **CALIFORNIA AND OREGON INTERSTATE ATTENDANCE AGREEMENT**

#### **Purpose**

This Agreement is between the State of California, acting by and through the Board of Governors of the California Community Colleges (BOG), and the State of Oregon, acting by and through State Board of Higher Education, on behalf of the Oregon University System (OUS), each a "Party" and together the "Parties."

The Parties wish to enter an interstate education Agreement that creates an attendance and tuition reciprocity program to enable students of both states to have greater access to quality instruction at a reasonable cost by allowing admissible students from eligible college districts to attend participating institutions at reduced tuition rates regardless of resident status (Program). Hereinafter, students participating in the Program shall be referred to as "Students."

BOG is authorized pursuant to California Education Code Section 66801 to enter into an interstate attendance and tuition reciprocity agreement with a statewide public agency of another state.

OUS is authorized pursuant to Oregon Administrative Rule 580-010-0085(2) to enter into reciprocal student exchange programs with other states.

#### **Agreement**

In consideration of the mutual promises contained in this Agreement, the Parties agree as follows:

1. This Agreement shall be effective upon the last signature to it and shall extend until terminated by either Party upon ninety days prior written notice. In the event that either Party decides to terminate this Agreement or reduce Program enrollment, both Parties shall ensure that Students will be allowed to continue in the Program at reduced tuition rates as long as they are continually enrolled and making normal progress toward a certificate or degree.

2. Pursuant to California Education Code Sections 66802, 66803, and 76140, Students from the State of Oregon may enroll at community colleges within eligible community college districts.
  - a. Eligible community college districts are those that have complied with California Education Code Section 66802, and met the requirements regarding proximity to Oregon and requirements regarding full-time equivalent students (FTES) set forth in 76140, subdivisions (h) or (i).
  - b. If an Oregon Student is enrolled by a College for California apportionment, the Student shall pay fees as prescribed in California Education Code Section 76140.
3. The OUS shall allow graduates of specifically designated California high schools and community colleges who are also permanent residents of specifically designated areas in California to attend OUS's Southern Oregon University (SOU) or Oregon Institute of Technology (OIT) for a reduced non-resident tuition fee (each an "Institution" and together the "Institutions").
4. Students admitted to enroll in the Colleges must meet the criteria established by those Colleges. Students admitted to enroll in the Institutions must meet the criteria established by the Institutions.
5. California Students shall not be required to meet higher standards for matriculation to the Institutions than are required for Oregon students. Oregon Students shall not be required to meet higher standards for matriculation to the Colleges than are required for California students.
6. The OUS allows California residents from designated areas to attend its Institutions without limitation. California statutes authorize an interstate attendance agreement in which residents of the respective states are exchanged on a one-to-one basis. As a result, BOG will accept Oregon residents to attend the Colleges without limitation. The Parties may alter this provision at any time that it appears that there is a substantial imbalance in the number of Students participating in the Program from either state.
7. Participating Colleges and Institutions shall:
  - a. Determine the uniform eligibility and selection criteria to be used in determining which students living in Oregon may participate in the Program.
  - b. Refrain from discrimination on the basis of race, sex, national origin, religion, age, or handicap in the administration of the Program.
  - c. Designate an official from each College or Institution who is responsible for:
    - i. Evaluating Student eligibility for participation in the Program.
    - ii. Charging Program participants the appropriate reduced tuition rate.

- iii. Maintaining Program records, including the number of Students at the College or Institution.
  - iv. Providing the Parties information regarding Program participation.
8. No money shall be exchanged between the Parties for the administration of this Program. Each participating College or Institution shall be responsible for budgeting, obtaining, and managing any funds required to perform the duties and obligation of this Agreement. Each College or Institution agrees to budget for and take such actions as required to carry out its duties and obligations arising through this Agreement.
  9. No additional state funds shall be required to carry out the provisions of this Agreement.
  10. This Agreement shall not preclude either Party from working together to facilitate distance learning, cooperative programs, or other educational services that can expand educational opportunities for California and Oregon students.
  11. The Parties will cooperate to the greatest extent practical for the effective cooperation of the Program.

**SIGNATURES**

IN WITNESS WHEREOF, the Parties have caused their authorized representatives to execute this Agreement as of the dates written below.

State of California acting by and through  
the Board of Governors California  
Community Colleges, BOG

The State of Oregon acting by and  
through the State Board of Higher  
Education, on behalf of the Oregon  
University System, OUS

\_\_\_\_\_  
Signature    Date

\_\_\_\_\_  
Sona K. Andrews    Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

Vice Chancellor for Academic Strategies  
Title