

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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**NOTICE OF PROPOSED RULEMAKING****AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5
REGARDING NONRESIDENT TUITION EXEMPTION**

Notice published on or before November 7, 2014

NOTICE IS HEREBY GIVEN that, pursuant to Standing Order 200, the Board of Governors of the California Community Colleges proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on November 17-18, 2014, at De Anza College, 21250 Stevens Creek Blvd., Cupertino, California, 95014; Hinson Campus Center, Conference Rooms A and B. The Board meeting will commence at the hour of 12:00 p.m. on November 17, 2014, or as soon thereafter as the business of the Agency will permit. The room is wheelchair accessible. Other disability-related accommodations such as materials in alternate media, sign language interpreters, or real time transcription will be provided to persons with disabilities upon request. Parking accessible for persons with disabilities is available near the facility. Persons requesting such accommodations should notify Karen Gilmer, 1102 Q Street, Suite 4554, Sacramento, CA 95811-6549, kgilmer@cccco.edu, 916/322-4005, no less than five working days prior to the meeting. The Chancellor's Office will make efforts to meet requests made after such date, if possible.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. The Board of Governors requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their comments. Oral comments will not be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific section(s) and subdivision(s) of the

proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

Please send your comments to:

Michelle Goldberg, Attorney
Legal Affairs Division
California Community Colleges
Chancellor's Office
1102 Q Street
Sacramento, CA 95811-6549

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu.

Comments must be received by Michelle Goldberg prior to 5:00 p.m. on December 26, 2014. All written comments received by the Chancellor's Office during the public comment period are subject to disclosure under the Public Records Act.

CHANGES TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulations substantially as described in this Notice or may change the proposed regulations if the changes are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from Michelle Goldberg and will be mailed to those persons who submit written comments relevant to the proposed regulatory action, or who provide oral comments at the public hearing, or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Authority: Education Code sections 66700, 68130.5, 70901, and 70901.5

Reference: Education Code sections 68130.5, 70901, and 70901.5

INFORMATIVE DIGEST

On September 27, 2014, the Governor approved Assembly Bill 2000 (AB 2000-Gomez). This bill amended Education Code section 68130.5. Previously Education Code section 68130.5 permitted nonresident students an exemption from paying nonresident fees if the student meets the following three conditions:

- attended high school in California for three or more years,
- graduated from a California high school or attained the equivalent thereof, and,
- in the case of a student who does not have lawful immigration status, has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

AB 2000 amended the first condition by allowing the attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school course work to substitute for three years of high school attendance as long as the student attended a combination of elementary and/or secondary schools in California for a total of three or more years. According to the author, the intent of this change is intended to allow high school students who participate in accelerated learning programs and graduate early to be eligible for the nonresident tuition exemption. To implement this statutory change, California Code of Regulations, title 5, section 54045.5 is proposed to be amended.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: None

Cost or savings to state agencies: None

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: None

Other non-discretionary cost or savings imposed on community college districts: None

Cost or savings in federal funding to state agencies: None

The effect of the adoption of the proposed regulations will not impose increased costs or new costs to community college districts that are required to be reimbursed under section 17561 of the Government Code. Such determination will be made a formal part of the public hearing at the time and place described above. Furthermore, there are no direct costs or indirect costs or savings to any state agency, no costs or savings in federal funding to the state and no non-discretionary costs or savings to local agencies.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Linda Michalowski, Vice Chancellor of Student Services and Special Programs
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4554
Sacramento, CA 95811-6549
Telephone: 916-445-9328
E-mail: lmichalowski@ccccc.edu

Inquiries concerning the regulatory process may be directed to Michelle Goldberg Staff Counsel, at 916-445-4826, or mgoldberg@ccccc.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, and all of the information upon which the proposal is based, may be obtained online at:

<http://extranet.cccco.edu/SystemOperations/BoardofGovernors/Meetings.aspx>

or <http://extranet.cccco.edu/Divisions/Legal/Regulations.aspx>.

Those who receive the Board of Governors Agenda package for the November 17-18, 2014, meeting can find a further description of the proposal and the full text of the regulation in that packet.

You may also request a copy of the proposal from Michelle Goldberg, using the contact information provided above.

MG/jg