



# The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS  
 DATE: January 20-21, 2015

SUBJECT: Nonresident Tuition Exemption - Regulation (SECOND READING AND ADOPTION)		Item Number: 2.1	
		Attachment: Yes	
CATEGORY:	Student Services and Special Programs	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Jeff Spano, Dean	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

**ISSUE:** A change is proposed to section 54045.5, of title 5, of the California Code of Regulations, governing when a student may be exempt from paying nonresident tuition to conform to a recent change in law.

**BACKGROUND:** On September 27, 2014, Governor Brown approved Assembly Bill 2000 (Gomez). This bill amended Education Code section 68130.5 concerning criteria for exempting certain students from nonresident tuition. Regulations of the Board of Governors implementing this section of law must now be amended to conform to the statutory change.

**RECOMMENDED ACTION:** The proposed regulations are presented to the Board of Governors for approval and adoption. The Board of Governors held a public hearing on November 17, 2014; no comments were made during the hearing. In addition, no written comments were received during the public comment period from November 7, 2014 through December 26, 2014.

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 66700, 70901(c) and 70901.5, hereby:

- approves the proposed regulatory changes;
- directs the Chancellor to file the regulations with the Secretary of State and submit the regulations to the Office of Administrative Law for printing unless the Department of Finance determines the regulations would create a state-mandated local program cost and is unable to certify to the Board of Governors and the Legislature that a source of funds is available to reimburse that cost as set forth in Education Code section 70901.5(a)(6);
- authorizes the Chancellor to take any necessary ministerial action to process these regulations; and
- adopts the regulations effective thirty days after filing with the Secretary of State and submission of the regulations to the Office of Administrative Law.

**ANALYSIS:** Previously Education Code section 68130.5 permitted nonresident students an exemption from paying nonresident tuition 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 that a student must meet to be exempt from paying nonresident tuition 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 to allow high school students who participate in accelerated learning programs and graduate early to be eligible for the nonresident tuition exemption.

The proposed regulatory change is included as Attachment 1.