



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS

DATE: March 21-22, 2016

SUBJECT: California and Nevada Interstate Attendance Agreement – Lake Tahoe Community College		Item Number: 2.9	
		Attachment: Yes	
CATEGORY:	Legal	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Thuy Thi Nguyen, Interim General Counsel	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: This item requests approval of the proposed Interstate Attendance Agreement between the Board of Governors of the California Community Colleges and the Board of Regents of the Nevada System of Higher Education (“Agreement”).

BACKGROUND: Education Code Section 66801 authorizes the Board of Governors to enter into an interstate attendance and tuition reciprocity agreement with a statewide public entity of another state. Consistent with this provision, the Board of Governors has entered into various interstate attendance agreements over the years. For example, in 2012 the Board of Governors entered into an agreement with the State of Oregon that allowed non-resident students to attend certain colleges within each state at reduced tuition/fee rates.

Senate Bill 605 (2015, Gaines) amended California Education Code Section 76140 to authorize a nonresident tuition/fee exemption for students who attend Lake Tahoe Community College (“LTCC”) from certain communities in the State of Nevada. As a companion measure, Nevada Senate Bill 414 (2015, Settelmeier) encouraged the Nevada Board of Regents to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition/fees to students in the Lake Tahoe Basin consistent with California Senate Bill 605. **(Background cont’d)**

RECOMMENDATION: It is recommended that the Board of Governors: (1) approve the attached California and Nevada Interstate Attendance Agreement; (2) direct the Chancellor to provide an executed copy to the Board of Regents of the Nevada System of Higher Education; and (3) direct the Chancellor to post notice of the final executed agreement on the Chancellor’s Office website.

(Background cont'd)

Consistent with California Senate Bill 605 and Nevada Senate Bill 414, the Agreement would establish a tuition/fee reciprocity program that enables California residents in the Lake Tahoe Basin to enroll at Western Nevada College (“WNC”), and Nevada residents in the Lake Tahoe Basin to enroll at LTCC, at discounted tuition/fee rates.

ANALYSIS: The California and Nevada State Legislatures have clearly articulated a desire to establish a tuition/fee reciprocity program in the Lake Tahoe Basin that would allow California and Nevada residents to attend LTCC and WNC at a discounted rate. The proposed Agreement is intended to establish the basic duties and responsibilities of each state related to the reciprocity program.

California SB 605 amended Education Code Section 76140 to allow “a student who attends Lake Tahoe Community College and who has residence in [certain identified] communities in Nevada” to be exempted from nonresident tuition/fees. Section 76140 specifically identifies residents of Incline Village, Kingsbury, Round Hill, Skyland, Stateline and Zephyr Cove as eligible for reduced tuition/fees “if the person has lived in the community for more than one year immediately prior to seeking the [nonresident] fee exemption.”

Nevada Senate Bill 414 provides, in part, that “the Legislature of the State of California is considering the passage of Senate Bill No. 605 of the 2015-2016 Regular Session, which authorizes waivers of nonresident tuition to residents of certain communities located in the Nevada portion of the Lake Tahoe Basin if the Nevada Legislature enacts legislation authorizing reciprocal waivers of nonresident tuition to certain residents of the California portion of the Lake Tahoe Basin . . . The Nevada Legislature hereby encourages the [Nevada Board of Regents] to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition.”

SB 605 requires the governing board of the Lake Tahoe Community College District to adopt rules and regulations for determining a student’s residence classification and procedures for appeal and review of a student’s residence classification. Lake Tahoe Community College District is currently drafting the required local rules and regulations and intends to present them to its governing board for approval at an upcoming meeting.

SB 605 limits out-of-state participation in the reciprocity program to 200 students in any academic year. The State of Nevada has determined that it would prefer to cap program participation to 100 out-of-state students each academic year. As part of the negotiation process with the State of Nevada, Section 3(g) of the proposed agreement was modified to reflect the 100 student limit per Nevada’s request.

California Education Code Section 76140(j) requires any nonresident student reported as resident FTES for state apportionment purposes to pay a per unit fee that is three times the amount of the fee established for residents. The State of Nevada intends to charge nonresidents a per unit registration fee equal to the Western Undergraduate Exchange rate approved by the Nevada Board of Regents “or a per unit fee that does not exceed the fee [adopted by the State of California].” These fees are reflected in Sections 3(e) and 3(f) of the proposed agreement.

Consistent with SB 605, the proposed Agreement establishes the basic structure of a tuition reciprocity program for residents of the Lake Tahoe Basin. The Agreement identifies program residency requirements, institutional standards, and specific responsibilities for LTCC and WNC.

The Board of Regents of the Nevada System of Higher Education intends to consider this agreement at a special meeting scheduled for April of 2016. LTCC and WNC would like to have the agreement in place in time to establish the reciprocity program for the enrollment of students in the Fall of 2016.

LTCC has been instrumental in promoting this Agreement and the reciprocity program generally. LTCC will provide the Board of Governors with a report at the end of each academic year detailing tuition reciprocity program participation.

The attached Agreement was drafted by the Chancellor's Office Legal Affairs Division in consultation with the Governmental Relations Division and the Lake Tahoe Community College District.

Attachment: California and Nevada Interstate Attendance Agreement