



**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

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LEGAL AFFAIRS DIVISION

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**15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5 REGARDING
NONRESIDENT TUITION EXEMPTION - § 54045.5**

15-day Notice published February 13, 2018

The Board of Governors of the California Community Colleges hereby provides notice of changes made to the above-referenced proposed regulation text which was the subject of a public hearing on January 16, 2018. Section 206, subdivision (c), of the Procedures for the Standing Orders of the Board of Governors requires the Board to renote the proposed regulatory action where the proposed regulations have been previously considered and are now being modified, and those changes are "sufficiently related" to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

The initial 45-day comment period has ended. These proposed changes to the text of the regulations will be presented to the Board of Governors at its March 19-20, 2018, meeting. It is anticipated that the Board of Governors will vote to approve all proposed changes to these regulations, as originally noticed, and as noticed here. All of the new changes that have been made to the proposed text of the regulations are denoted by **double bold underline** or ~~double strikethrough~~, as follows.

§54045.5. Nonresident Tuition Exemption Implementation.

~~(a) In accordance with Education Code section 68130.5, any student, other than a student who is a nonimmigrant alien under title 8 United States Code section 1101(a)(15), shall be exempt from paying nonresident tuition at any community college district if he or she:~~

- ~~(1) satisfies either of the following:
(A) attended high school in California for three or more years, or
(B) attained credits earned in California from a California high school equivalent to three or more years of full time high school coursework and a total of three or more years attendance in California elementary schools, California secondary schools, or a combination of those schools;~~
- ~~(2) graduated from a California high school or attained the equivalent of such graduation; and~~
- ~~(3) registers for, or is enrolled in, a course offered by any college in the district for any term commencing on, or after January 1, 2002.~~

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~~(a)~~ Any student seeking an exemption under ~~subdivision (a)~~ the eligibility criteria expressed in Education Code section 68130.5, subdivision (a), shall complete a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption, and may be required to provide documentation in addition to the information required by the questionnaire as necessary to verify eligibility for an exemption. ~~All nonpublic student information so provided shall be confidential and shall not be disclosed unless required by law.~~

~~(b)~~ Any student without lawful immigration status who is seeking an exemption under ~~subdivision (a)~~, Education Code section 68130.5 shall, in the questionnaire described in ~~(a)~~, affirm that he or she has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

~~(c)~~ A student seeking this tuition exemption has the burden of providing evidence of compliance with the requirements of this section.

~~(e)~~ ~~Nothing herein modifies eligibility standards for any form of student financial aid, including but not limited to, those contained in Subchapter 7 of Chapter 9 of this Division.~~

~~(d)~~ Nothing herein authorizes a refund of nonresident tuition that was paid for any term commencing prior to January 1, 201802.

~~(g)~~ Notwithstanding the general nonimmigrant alien exclusion from the exemption noted in Education Code section 68130.5, subdivision (a), nonimmigrant aliens granted “T” or “U” visa status under title 8 United States Code section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)(U)(i) or (ii), respectively, shall be exempt from paying nonresident tuition, provided all eligibility requirements in Education Code section 68130.5, subdivisions (a), (1) (a)(3) above are met.

~~(f) Documents and information obtained in implementing the exemption provided by Education Code section 68130.5 are confidential and shall not be disclosed in response to a request for public records. Such documents and information shall not be disclosed without the written consent of the student, except as necessary to administer this section, or as otherwise required by California law, or a state or federal court order. Aggregate data may be disclosed in a manner that would prevent it from being used to determine the identities of the persons upon whom the data is based.~~

Note: Authority cited: Sections 66700, 68130.5 and 70901, Education Code. Reference: Section 68130.5, Education Code.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to the renote, i.e., title 5, California Code of Regulations, section 54045.5. As the 45-day comment period for the original proposal has closed, we will accept comments concerning the changes outlined in this 15-day notice up to February 28, 2018. To ensure that your comments have the maximum effect in developing the final regulations, we urge you to identify clearly the specific subdivisions of the proposed regulations that each of your comments addresses and to arrange your comments in the same order as the proposed regulations.

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Please send your comments to:

Office of the General Counsel
California Community Colleges
Chancellor's Office
1102 Q Street, 6th Floor
Sacramento, CA 95811-6549
Attn: Marc A. LeForestier, General Counsel

Comments may also be submitted by facsimile at 916-322-9030 or by email at regcomments@cccco.edu. Comments must be received by Marc LeForestier prior to 4:00 p.m. on February 28, 2018.

UPDATED INFORMATIVE DIGEST

At its January 26, 2018, meeting, the Board of Governors held a public hearing and first reading regarding proposed changes to these regulations pursuant to the 45-day notice published on December 27, 2017. As a result of further staff analysis, staff discovered an error in section 54045.5, subdivision (f), in the description of the confidentiality of records obtained in the processing of nonresident tuition exemption applications under Education Code section 68130.5.

It is expected that the Board of Governors will be asked to adopt these regulation changes pursuant to the original 45-day notice and this 15-day notice, at its meeting of March 19-20, 2018.

CONTACT PERSON

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

Marc A. LeForestier
General Counsel
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4554
Sacramento, CA 95811-6549
Telephone: 916-445-6272
E-mail: mleforestier@cccco.edu

Inquiries concerning the regulatory process may be directed to Leslie LeBlanc, Regulations Coordinator, at 916-327-5913, or lleblanc@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

The exact language of the proposed regulation change subject to this 15-day notice is set forth above. All of the information upon which this proposal is based may be obtained online at:

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

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Those who received the Board of Governors Agenda package for the January 16, 2018, meeting can find a further description of the original proposal and the full text of the regulations. You may also request a copy of the proposal from Leslie LeBlanc using the contact information provided above.

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