

Attachment 2

SUMMARY AND ANALYSIS OF PROPOSED REVISIONS TO TITLE 5 REGULATIONS OF NONRESIDENT TUITION EXEMPTION - § 54045.5

General explanation

Section 54045.5 fell out of compliance with California law principally because it contained a specific recitation of Education Code section 68130.5's eligibility requirements for the nonresident tuition exemption provided to Assembly Bill 540 students. These provisions are removed in the proposed section 54045.5. This approach allows the regulation to relate to current law, however the law may evolve. Other adjustments are also made.

Detail

Proposed subdivision 54045.5(a)

Subdivision 54045.5(a) is a renumbering of current subdivision 54045.5(b), with a non-substantive revision.

Proposed subdivision 54045.5(b)

Subdivision 54045.5(b) renumbers current subdivision 54045.5(c) with non-substantive amendments.

Proposed subdivision 54045.5(c)

Subdivision 54045.5(c) renumbers current subdivision 54045.5(d).

Proposed subdivision 54045.5(d)

Subdivision 54045.5(d) updates current subdivision 54045.5(f) by establishing that the provisions of this exemption are not a basis for claiming a refund of nonresident tuition paid in prior years.

Proposed subdivision 54045.5(e)

Subdivision 54045.5(e) renumbers current subdivision 54045.5(g), with non-substantive revisions.

Proposed subdivision 54045.5(f)

Subdivision 54045.5(f) is added to reflect Senate Bill 68's revisions to the confidentiality provisions of Education Code section 68130.5, subdivision (d). The regulation clarifies that the exemption to disclosure under the Public Records Act includes records, in addition to information.

Removed provisions

Current subdivision 54045.5(a)

Current subdivision 54045.5(a) contains a near-verbatim recitation of former Education Code section 68130.5, which under Senate Bill 68 has been reorganized and expanded to extend the nonresident tuition exemption to additional students. These provisions have been removed, rather than amended, because direct reliance on the statute is adequate and appropriate.

Current subdivision 54045.5(e)

Current subdivision 54045.5(e) states that the Assembly Bill 540 nonresident tuition exemption does not affect eligibility standards for student financial aid. This provision was included when Assembly Bill 540 students were not eligible for state financial aid, and was intended to clarify that principle. This prohibition on financial aid no longer applies, and so the intent of this provision is no longer relevant.