

AMENDED IN SENATE MAY 16, 2024

AMENDED IN SENATE MARCH 21, 2024

SENATE BILL

No. 971

Introduced by Senator Portantino

January 25, 2024

An act to ~~amend~~ *amend, repeal, and add* Section 76140 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 971, as amended, Portantino. Community colleges: exemption from nonresident tuition fee: resident of a region impacted by war or regional conflict.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state and authorizes them to operate campuses and provide instruction to students. Existing law authorizes community college districts to admit nonresident students, and requires that nonresident students be charged a nonresident tuition fee unless an exemption applies. Existing law includes among these exemptions any nonresident who is both a citizen and resident of a foreign country if the nonresident has demonstrated a financial need, as specified.

This bill would additionally exempt from the nonresident tuition fee a nonresident, low-income student who: (1) is a resident of a region impacted by war or other regional conflict, as defined, (2) registers for lower division courses at ~~a community college~~, *Glendale Community College or 2 other community colleges selected by the Chancellor of the California Community Colleges, one in the Central Valley/Mother*

Lode Region and one in the North/Far North Region, and (3) has indicated that they have sought residency in California in an effort to find relief from identified conflicts in their nation of origin. The bill would, in any academic year, prohibit more than 150 full-time equivalent students at a community college from being exempted from payment of the nonresident tuition fee pursuant to this exemption.

The bill would require the governing boards of the community colleges that choose to use this exemption to adopt one uniform policy to determine a student's residence classification, establish procedures for an appeal and review of the residence classification, and determine whether a student is low income. The bill would require the governing boards of the community colleges that choose to use this exemption, on or before January 1, 2029, to jointly submit a report to the Legislature that includes, but is not limited to, the demographics, attendance rate, and class completion rate of nonresident students who receive the exemption described above.

This bill would make these provisions inoperative on January 1, 2029.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) California continues to be a global economic leader that
4 strives to promote democratic values and support humanitarian
5 efforts.
- 6 (2) Increased educational access can help drive economic growth
7 and create new job opportunities in California's communities.
- 8 (3) California has a history of supporting immigrant
9 communities in their efforts to achieve the American dream and
10 go on to be contributors to our diverse economies and build upon
11 California's inclusive culture.
- 12 (4) California has recognized the impact of global conflicts,
13 including passing a resolution in support of ethnic Armenians in
14 Artsakh, and providing support for Ukraine.
- 15 (5) Ongoing conflicts and war have an impact on those residing
16 in those regions, often leading individuals to immigrate for safety
17 and to better support oneself and one's family. These conditions
18 often leave those immigrating with financial hardships and the

1 inability to participate in the educational opportunities needed to
2 avoid poverty.

3 (6) Reducing the cost of higher education for low-income
4 individuals, first-generation college students, students from
5 historically marginalized communities, and those immigrants
6 impacted by global and regional conflicts reduces the inequities
7 those students face in obtaining a college education and improves
8 their economic mobility.

9 (7) Community colleges play a crucial role in California's
10 workforce development by providing affordable, accessible, and
11 high-quality education and training opportunities to students across
12 the state, including a wide range of career and technical education
13 programs, and transfer programs for students who wish to continue
14 their education at four-year universities.

15 (8) Career and technical education programs in California offer
16 students the opportunity to earn industry-recognized certifications
17 and credentials, leading to higher paying jobs and greater job
18 security, while helping address the skills gap that exists in many
19 industries and providing employers with a pipeline of skilled
20 workers.

21 (9) As a hub of technological innovation and the world's fifth
22 largest economy, California requires a workforce with a solid
23 understanding of education in science, technology, engineering,
24 and mathematics, which plays a crucial role in driving innovation,
25 economic growth, and social progress.

26 (b) It is the intent of the Legislature to increase the pathways
27 by which nonresident students who have fled areas impacted by
28 war or ongoing conflict, and who might otherwise experience
29 financial hardships, can attend California community colleges.

30 SEC. 2. Section 76140 of the Education Code, as amended by
31 Section 1.5 of Chapter 512 of the Statutes of 2022, is amended to
32 read:

33 76140. (a) A community college district may admit, and shall
34 charge a tuition fee to, nonresident students, except that a
35 community college district may exempt from all or parts of the
36 fee any person described in paragraph (1), (2), (3), (6), or (8) and
37 shall exempt from all of the fee any person described in paragraph
38 (4), (5), or (7):

39 (1) All nonresidents who enroll for six or fewer units.
40 Exemptions made pursuant to this paragraph shall not be made on

1 an individual basis. A nonresident student exempted pursuant to
2 paragraph (8) is not exempted pursuant to this paragraph.

3 (2) Any nonresident who is both a citizen and resident of a
4 foreign country, if the nonresident has demonstrated a financial
5 need for the exemption. Not more than 10 percent of the
6 nonresident foreign students attending any community college
7 district may be so exempted. Exemptions made pursuant to this
8 paragraph may be made on an individual basis.

9 (3) (A) A student who, as of August 29, 2005, was enrolled,
10 or admitted with an intention to enroll, in the fall term of the
11 2005–06 academic year in a regionally accredited institution of
12 higher education in Alabama, Louisiana, or Mississippi, and who
13 could not continue the student’s attendance at that institution as a
14 direct consequence of damage sustained by that institution as a
15 result of Hurricane Katrina.

16 (B) The chancellor shall develop guidelines for the
17 implementation of this paragraph. These guidelines shall include
18 standards for appropriate documentation of student eligibility to
19 the extent feasible.

20 (C) This paragraph shall apply only to the 2005–06 academic
21 year.

22 (4) A special part-time student, other than a person excluded
23 from the term “immigrant,” for purposes of the federal Immigration
24 and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph
25 (15) of subsection (a) of Section 1101 of Title 8 of the United
26 States Code, admitted pursuant to Section 76001, 76003, or 76004.

27 (5) A nonresident student who is a United States citizen who
28 resides in a foreign country, if that nonresident meets all of the
29 following requirements:

30 (A) Demonstrates a financial need for the exemption.

31 (B) Has a parent or guardian who has been deported or was
32 permitted to depart voluntarily under the federal Immigration and
33 Nationality Act in accordance with Section 1229c of Title 8 of the
34 United States Code. The student shall provide documents from the
35 United States Citizenship and Immigration Services evidencing
36 the deportation or voluntary departure of the student’s parent or
37 guardian.

38 (C) Moved abroad as a result of the deportation or voluntary
39 departure specified in subparagraph (B).

1 (D) Lived in California immediately before moving abroad. The
2 student shall provide information and evidence that demonstrates
3 the student previously lived in California.

4 (E) Attended a public or private secondary school, as described
5 in Sections 52 and 53, in the state for three or more years. The
6 student shall provide documents that demonstrate the student's
7 secondary school attendance.

8 (F) Upon enrollment, the student will be in the student's first
9 academic year as a matriculated student in California public higher
10 education, as that term is defined in subdivision (a) of Section
11 66010, will be living in California, and will file an affidavit with
12 the institution stating that the student intends to establish residency
13 in California as soon as possible.

14 (6) (A) A student who attends Lake Tahoe Community College
15 and who has residence, pursuant to subparagraph (B), in one of
16 the following communities in Nevada:

17 (i) Incline Village.

18 (ii) Kingsbury.

19 (iii) Round Hill.

20 (iv) Skyland.

21 (v) Stateline.

22 (vi) Zephyr Cove.

23 (B) Residence shall be determined pursuant to Article 5
24 (commencing with Section 68060) of Chapter 1 of Part 41 of
25 Division 5. A person shall have residence in one of the
26 communities listed in subparagraph (A) if the person has lived in
27 the community for more than one year immediately before seeking
28 the fee exemption pursuant to this paragraph.

29 (C) The governing board of the Lake Tahoe Community College
30 District shall adopt rules and regulations for determining a student's
31 residence classification and for establishing procedures for an
32 appeal and review of the residence classification. No more than
33 200 students shall be exempted from payment of a nonresident
34 tuition fee under this paragraph in any academic year.

35 (7) (A) A nonresident student who enrolls in a credit English
36 as a second language (ESL) course at a California Community
37 College and who is any of the following:

38 (i) A recent immigrant, as defined in Section 1101(a)(15) of
39 Title 8 of the United States Code.

(ii) A recent refugee, as defined in Section 1101(a)(42) of Title 8 of the United States Code.

(iii) A person who has been granted asylum by the United States, as defined in Section 1158 of Title 8 of the United States Code.

(B) This exemption shall apply only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year.

(C) This exemption shall apply only to the tuition fee for credit ESL courses.

(8) (A) A student who meets all of the following criteria:

(i) Is a nonresident, low-income student who was a resident of a region impacted by war or other regional conflict.

(ii) Registers for lower division courses at ~~a community college~~. *Glendale Community College or two other community colleges selected by the chancellor, one in the Central Valley/Mother Lode Region and one in the North/Far North Region.*

(iii) Has indicated that they have sought residency in California in an effort to find relief from identified conflicts in their nation of origin.

(B) The chancellor shall develop guidelines for the implementation of subparagraph (A). The guidelines shall include standards for appropriate documentation of student eligibility, to the extent feasible.

(C) The governing boards of the community colleges *described in clause (ii) of subparagraph (A)* that choose to use the exemption pursuant to this paragraph shall adopt one uniform policy that accomplishes all of the following:

(i) Determines a student's residence classification.

(ii) Establishes procedures for an appeal and review of the residence classification.

(iii) Determines whether a student is low income.

(D) No more than 150 full-time equivalent students (FTES) at each community college shall be exempted from payment of a nonresident tuition fee under this paragraph in any academic year.

(E) On or before January 1, 2029, the governing boards of the community colleges *described in clause (ii) of subparagraph (A)* that choose to use the exemption pursuant to this paragraph shall jointly submit a report to the Legislature in compliance with Section 9795 of the Government Code that includes, but is not

1 limited to, the demographics, attendance rate, and class completion
2 rate of students receiving an exemption pursuant to this paragraph.

3 (F) For purposes of this paragraph, “region impacted by war or
4 other regional conflict” means a region that is identified and
5 assigned a travel advisory level by the Bureau of Consular Affairs
6 in the United States Department of State due to armed conflict or
7 military action in that region.

8 (b) A community college district may contract with a state, a
9 county contiguous to California, the federal government, or a
10 foreign country, or an agency thereof, for payment of all or a part
11 of a nonresident student’s tuition fee.

12 (c) Nonresident students shall not be reported as FTES for state
13 apportionment purposes, except as provided by subdivision (j) or
14 another statute, in which case a nonresident tuition fee shall not
15 be charged.

16 (d) The nonresident tuition fee shall be set by the governing
17 board of each community college district not later than March 1
18 of each year for the succeeding fiscal year. The governing board
19 of each community college district shall provide nonresident
20 students with notice of nonresident tuition fee changes during the
21 spring term before the fall term in which the change will take
22 effect. Nonresident tuition fee increases shall be gradual, moderate,
23 and predictable. The fee may be paid in installments, as determined
24 by the governing board of the district.

25 (e) (1) The fee established by the governing board of a
26 community college district pursuant to subdivision (d) shall
27 represent for nonresident students enrolled in 30 semester units or
28 45 quarter units of credit per fiscal year one or more of the
29 following:

30 (A) The amount that was expended by the community college
31 district for the expense of education as defined by the California
32 Community Colleges Budget and Accounting Manual in the
33 preceding fiscal year increased by the projected percent increase
34 in the United States Consumer Price Index as determined by the
35 Department of Finance for the current fiscal year and succeeding
36 fiscal year and divided by the FTES (including nonresident
37 students) attending in the community college district in the
38 preceding fiscal year. However, if for the community college
39 district’s preceding fiscal year FTES of all students attending in
40 the community college district in noncredit courses is equal to, or

1 greater than, 10 percent of the community college district's total
2 FTES attending in the community college district, the community
3 college district may substitute the data for expense of education
4 in grades 13 and 14 and FTES in grades 13 and 14 attending in
5 the community college district.

6 (B) The expense of education in the preceding fiscal year of all
7 community college districts increased by the projected percent
8 increase in the United States Consumer Price Index as determined
9 by the Department of Finance for the fiscal year and succeeding
10 fiscal year and divided by the FTES (including nonresident
11 students) attending all community college districts during the
12 preceding fiscal year. However, if the amount calculated under
13 this paragraph for the succeeding fiscal year is less than the amount
14 established for the current fiscal year or for any of the past four
15 fiscal years, the community college district may set the nonresident
16 tuition fee at the greater of the current or any of the past four-year
17 amounts.

18 (C) An amount not to exceed the fee established by the
19 governing board of any contiguous community college district.

20 (D) An amount not to exceed the amount that was expended by
21 the community college district for the expense of education, but
22 in no case less than the statewide average as set forth in
23 subparagraph (B).

24 (E) An amount no greater than the average of the nonresident
25 tuition fees of public community colleges of no less than 12 states
26 that are comparable to California in cost of living. The
27 determination of comparable states shall be based on a composite
28 cost-of-living index as determined by the United States Department
29 of Labor or a cooperating government agency.

30 (2) The additional revenue generated by the increased
31 nonresident tuition permitted under the amendments made to this
32 subdivision during the 2009–10 Regular Session shall be used to
33 expand and enhance services to resident students. The admission
34 of nonresident students shall not come at the expense of resident
35 enrollment.

36 (f) The governing board of each community college district also
37 shall adopt a tuition fee per unit of credit for nonresident students
38 enrolled in more or less than 15 units of credit per term by dividing
39 the fee determined in subdivision (e) by 30 for colleges operating
40 on the semester system and 45 for colleges operating on the quarter

1 system and rounding to the nearest whole dollar. The same rate
2 shall be uniformly charged to nonresident students attending any
3 terms or sessions maintained by the community college. The rate
4 charged shall be the rate established for the fiscal year in which
5 the term or session ends.

6 (g) Any loss in community college district revenue generated
7 by the nonresident tuition fee shall not be offset by additional state
8 funding.

9 (h) Any community college district that has fewer than 1,500
10 FTES and whose boundary is within 10 miles of another state that
11 either (1) has a reciprocity agreement with California governing
12 student attendance and fees, or (2) participates in the Western
13 Undergraduate Exchange, may exempt students from that state,
14 or may exempt students from those states that participate in the
15 Western Undergraduate Exchange, from the mandatory fee
16 requirement described in subdivision (a) for nonresident students.

17 (i) Any community college district that has more than 1,500,
18 but fewer than 3,001, FTES and whose boundary is within 10 miles
19 of another state that either (1) has a reciprocity agreement with
20 California governing student attendance and fees, or (2) participates
21 in the Western Undergraduate Exchange, may, in any one fiscal
22 year, exempt up to 100 FTES from that state or from states that
23 participate in the Western Undergraduate Exchange from the
24 mandatory fee requirement described in subdivision (a) for
25 nonresident students.

26 (j) The attendance of nonresident students who are exempted
27 pursuant to subdivision (h) or (i), or pursuant to paragraph (3), (4),
28 (5), (6), or (8) of subdivision (a), from the mandatory fee
29 requirement described in subdivision (a) for nonresident students
30 may be reported as resident FTES for state apportionment purposes.
31 Any nonresident student reported as resident FTES for state
32 apportionment purposes who is exempt pursuant to paragraph (6)
33 of subdivision (a), or pursuant to subdivision (h) or (i), shall pay
34 a per-unit fee that is one and one-half times the amount of the fee
35 established for residents pursuant to Section 76300. That fee shall
36 be included in the FTES adjustments described in Section 76300
37 for purposes of computing apportionments.

38 (k) *This section shall remain in effect only until January 1, 2029,*
39 *and as of that date is repealed.*

SEC. 3. Section 76140 of the Education Code, as amended by Section 3 of Chapter 796 of the Statutes of 2023, is amended to read:

76140. (a) A community college district may admit, and shall charge a tuition fee to, nonresident students, except that a community college district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), (6), (8), or (9) and shall exempt from all of the fee any person described in paragraph (4), (5), or (7):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis. A nonresident student exempted pursuant to paragraph (8) or (9) is not exempted pursuant to this paragraph.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005–06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue the student’s attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.

(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.

(C) This paragraph shall apply only to the 2005–06 academic year.

(4) A special part-time student, other than a person excluded from the term “immigrant,” for purposes of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, admitted pursuant to Section 76001, 76003, or 76004.

1 (5) A nonresident student who is a United States citizen who
2 resides in a foreign country, if that nonresident meets all of the
3 following requirements:

4 (A) Demonstrates a financial need for the exemption.

5 (B) Has a parent or guardian who has been deported or was
6 permitted to depart voluntarily under the federal Immigration and
7 Nationality Act in accordance with Section 1229c of Title 8 of the
8 United States Code. The student shall provide documents from the
9 United States Citizenship and Immigration Services evidencing
10 the deportation or voluntary departure of the student's parent or
11 guardian.

12 (C) Moved abroad as a result of the deportation or voluntary
13 departure specified in subparagraph (B).

14 (D) Lived in California immediately before moving abroad. The
15 student shall provide information and evidence that demonstrates
16 the student previously lived in California.

17 (E) Attended a public or private secondary school, as described
18 in Sections 52 and 53, in the state for three or more years. The
19 student shall provide documents that demonstrate the student's
20 secondary school attendance.

21 (F) Upon enrollment, the student will be in the student's first
22 academic year as a matriculated student in California public higher
23 education, as that term is defined in subdivision (a) of Section
24 66010, will be living in California, and will file an affidavit with
25 the institution stating that the student intends to establish residency
26 in California as soon as possible.

27 (6) (A) A student who attends Lake Tahoe Community College
28 and who has residence, pursuant to subparagraph (B), in one of
29 the following communities in Nevada:

30 (i) Incline Village.

31 (ii) Kingsbury.

32 (iii) Round Hill.

33 (iv) Skyland.

34 (v) Stateline.

35 (vi) Zephyr Cove.

36 (B) Residence shall be determined pursuant to Article 5
37 (commencing with Section 68060) of Chapter 1 of Part 41 of
38 Division 5. A person shall have residence in one of the
39 communities listed in subparagraph (A) if the person has lived in

1 the community for more than one year immediately before seeking
2 the fee exemption pursuant to this paragraph.

3 (C) The governing board of the Lake Tahoe Community College
4 District shall adopt rules and regulations for determining a student's
5 residence classification and for establishing procedures for an
6 appeal and review of the residence classification. No more than
7 200 students shall be exempted from payment of a nonresident
8 tuition fee under this paragraph in any academic year.

9 (7) (A) A nonresident student who enrolls in a credit English
10 as a second language (ESL) course at a California Community
11 College and who is any of the following:

12 (i) A recent immigrant, as defined in Section 1101(a)(15) of
13 Title 8 of the United States Code.

14 (ii) A recent refugee, as defined in Section 1101(a)(42) of Title
15 8 of the United States Code.

16 (iii) A person who has been granted asylum by the United States,
17 as defined in Section 1158 of Title 8 of the United States Code.

18 (B) This exemption shall apply only to individuals who, upon
19 entering the United States, settled in California and who have
20 resided in California for less than one year.

21 (C) This exemption shall apply only to the tuition fee for credit
22 ESL courses.

23 (8) (A) A student who meets all of the following criteria:

24 (i) Is a nonresident, low-income student who is a resident of
25 Mexico.

26 (ii) Registers for lower division courses at Cuyamaca College,
27 Grossmont College, Imperial Valley College, MiraCosta College,
28 Palomar College, San Diego City College, San Diego Mesa
29 College, San Diego Miramar College, or Southwestern College.

30 (iii) Has residence within 45 miles of the California-Mexico
31 border for at least one year immediately before seeking the fee
32 exemption pursuant to this paragraph.

33 (B) (i) The governing boards of the community colleges
34 described in clause (ii) of subparagraph (A) that choose to use the
35 exemption pursuant to this paragraph shall adopt one uniform
36 policy that accomplishes all of the following:

37 (I) Determines a student's residence classification.

38 (II) Establishes procedures for an appeal and review of the
39 residence classification.

40 (III) Determines whether a student is low income.

(ii) As a condition of its students receiving an exemption pursuant to this paragraph, the governing boards of the community colleges described in clause (ii) of subparagraph (A) that choose to use the exemption pursuant to this paragraph shall collaborate with each other to ensure the adoption of the uniform policy pursuant to clause (i).

(C) No more than 150 full-time equivalent students (FTES) at each community college described in clause (ii) of subparagraph (A) shall be exempted from payment of a nonresident tuition fee under this paragraph in any academic year.

(D) On or before January 1, 2028, the governing boards of the community colleges described in clause (ii) of subparagraph (A) that choose to use the exemption pursuant to this paragraph shall jointly submit a report to the Legislature in compliance with Section 9795 of the Government Code that includes, but is not limited to, the demographics, attendance rate, and class completion rate of students receiving an exemption pursuant to this paragraph.

(9) (A) A student who meets all of the following criteria:

(i) Is a nonresident, low-income student who was a resident of a region impacted by war or other regional conflict.

(ii) Registers for lower division courses at ~~community college~~. *Glendale Community College or two other community colleges selected by the chancellor, one in the Central Valley/Mother Lode Region and one in the North/Far North Region.*

(iii) Has indicated that they have sought residency in California in an effort to find relief from identified conflicts in their nation of origin.

(B) The chancellor shall develop guidelines for the implementation of subparagraph (A). The guidelines shall include standards for appropriate documentation of student eligibility, to the extent feasible.

(C) The governing boards of the community colleges *described in clause (ii) of subparagraph (A)* that choose to use the exemption pursuant to this paragraph shall adopt one uniform policy that accomplishes all of the following:

(i) Determines a student's residence classification.

(ii) Establishes procedures for an appeal and review of the residence classification.

(iii) Determines whether a student is low income.

1 (D) No more than 150 FTES at each community college shall
2 be exempted from payment of a nonresident tuition fee under this
3 paragraph in any academic year.

4 (E) On or before January 1, 2029, the governing boards of the
5 community colleges *described in clause (ii) of subparagraph (A)*
6 that choose to use the exemption pursuant to this paragraph shall
7 jointly submit a report to the Legislature in compliance with
8 Section 9795 of the Government Code that includes, but is not
9 limited to, the demographics, attendance rate, and class completion
10 rate of students receiving an exemption pursuant to this paragraph.

11 (F) For purposes of this paragraph, “region impacted by war or
12 other regional conflict” means a region that is identified and
13 assigned a travel advisory level by the Bureau of Consular Affairs
14 in the United States Department of State due to armed conflict or
15 military action in that region.

16 (b) A community college district may contract with a state, a
17 county contiguous to California, the federal government, or a
18 foreign country, or an agency thereof, for payment of all or a part
19 of a nonresident student’s tuition fee.

20 (c) Nonresident students shall not be reported as FTES for state
21 apportionment purposes, except as provided by subdivision (j) or
22 another statute, in which case a nonresident tuition fee shall not
23 be charged.

24 (d) The nonresident tuition fee shall be set by the governing
25 board of each community college district not later than March 1
26 of each year for the succeeding fiscal year. The governing board
27 of each community college district shall provide nonresident
28 students with notice of nonresident tuition fee changes during the
29 spring term before the fall term in which the change will take
30 effect. Nonresident tuition fee increases shall be gradual, moderate,
31 and predictable. The fee may be paid in installments, as determined
32 by the governing board of the district.

33 (e) (1) The fee established by the governing board of a
34 community college district pursuant to subdivision (d) shall
35 represent for nonresident students enrolled in 30 semester units or
36 45 quarter units of credit per fiscal year one or more of the
37 following:

38 (A) The amount that was expended by the community college
39 district for the expense of education as defined by the California
40 Community Colleges Budget and Accounting Manual in the

preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the community college district in the preceding fiscal year. However, if for the community college district's preceding fiscal year FTES of all students attending in the community college district in noncredit courses is equal to, or greater than, 10 percent of the community college district's total FTES attending in the community college district, the community college district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the community college district.

(B) The expense of education in the preceding fiscal year of all community college districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all community college districts during the preceding fiscal year. However, if the amount calculated under this paragraph for the succeeding fiscal year is less than the amount established for the current fiscal year or for any of the past four fiscal years, the community college district may set the nonresident tuition fee at the greater of the current or any of the past four-year amounts.

(C) An amount not to exceed the fee established by the governing board of any contiguous community college district.

(D) An amount not to exceed the amount that was expended by the community college district for the expense of education, but in no case less than the statewide average as set forth in subparagraph (B).

(E) An amount no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states that are comparable to California in cost of living. The determination of comparable states shall be based on a composite cost-of-living index as determined by the United States Department of Labor or a cooperating government agency.

(2) The additional revenue generated by the increased nonresident tuition permitted under the amendments made to this subdivision during the 2009–10 Regular Session shall be used to

1 expand and enhance services to resident students. The admission
2 of nonresident students shall not come at the expense of resident
3 enrollment.

4 (f) The governing board of each community college district also
5 shall adopt a tuition fee per unit of credit for nonresident students
6 enrolled in more or less than 15 units of credit per term by dividing
7 the fee determined in subdivision (e) by 30 for colleges operating
8 on the semester system and 45 for colleges operating on the quarter
9 system and rounding to the nearest whole dollar. The same rate
10 shall be uniformly charged to nonresident students attending any
11 terms or sessions maintained by the community college. The rate
12 charged shall be the rate established for the fiscal year in which
13 the term or session ends.

14 (g) Any loss in community college district revenue generated
15 by the nonresident tuition fee shall not be offset by additional state
16 funding.

17 (h) Any community college district that has fewer than 1,500
18 FTES and whose boundary is within 10 miles of another state that
19 either (1) has a reciprocity agreement with California governing
20 student attendance and fees, or (2) participates in the Western
21 Undergraduate Exchange, may exempt students from that state,
22 or may exempt students from those states that participate in the
23 Western Undergraduate Exchange, from the mandatory fee
24 requirement described in subdivision (a) for nonresident students.

25 (i) Any community college district that has more than 1,500,
26 but fewer than 3,001, FTES and whose boundary is within 10 miles
27 of another state that either (1) has a reciprocity agreement with
28 California governing student attendance and fees, or (2) participates
29 in the Western Undergraduate Exchange, may, in any one fiscal
30 year, exempt up to 100 FTES from that state or from states that
31 participate in the Western Undergraduate Exchange from the
32 mandatory fee requirement described in subdivision (a) for
33 nonresident students.

34 (j) The attendance of nonresident students who are exempted
35 pursuant to subdivision (h) or (i), or pursuant to paragraph (3), (4),
36 (5), (6), (8), or (9) of subdivision (a), from the mandatory fee
37 requirement described in subdivision (a) for nonresident students
38 may be reported as resident FTES for state apportionment purposes.
39 Any nonresident student reported as resident FTES for state
40 apportionment purposes who is exempt pursuant to paragraph (6)

1 of subdivision (a), or pursuant to subdivision (h) or (i), shall pay
2 a per-unit fee that is one and one-half times the amount of the fee
3 established for residents pursuant to Section 76300. That fee shall
4 be included in the FTES adjustments described in Section 76300
5 for purposes of computing apportionments.

6 (k) This section shall become inoperative on July 1, 2028, and,
7 as of January 1, 2029, is repealed, unless a later enacted statute,
8 that becomes operative on or before January 1, 2029, deletes or
9 extends the dates on which it becomes inoperative and is repealed.

10 SEC. 4. Section 76140 of the Education Code, as added by
11 Section 4 of Chapter 796 of the Statutes of 2023, is amended to
12 read:

13 76140. (a) A community college district may admit, and shall
14 charge a tuition fee to, nonresident students, except that a
15 community college district may exempt from all or parts of the
16 fee any person described in paragraph (1), (2), (3), (6), or (8) and
17 shall exempt from all of the fee any person described in paragraph
18 (4), (5), or (7):

19 (1) All nonresidents who enroll for six or fewer units.
20 Exemptions made pursuant to this paragraph shall not be made on
21 an individual basis. A nonresident student exempted pursuant to
22 paragraph (8) is not exempted pursuant to this paragraph.

23 (2) Any nonresident who is both a citizen and resident of a
24 foreign country, if the nonresident has demonstrated a financial
25 need for the exemption. Not more than 10 percent of the
26 nonresident foreign students attending any community college
27 district may be so exempted. Exemptions made pursuant to this
28 paragraph may be made on an individual basis.

29 (3) (A) A student who, as of August 29, 2005, was enrolled,
30 or admitted with an intention to enroll, in the fall term of the
31 2005–06 academic year in a regionally accredited institution of
32 higher education in Alabama, Louisiana, or Mississippi, and who
33 could not continue the student’s attendance at that institution as a
34 direct consequence of damage sustained by that institution as a
35 result of Hurricane Katrina.

36 (B) The chancellor shall develop guidelines for the
37 implementation of this paragraph. These guidelines shall include
38 standards for appropriate documentation of student eligibility to
39 the extent feasible.

1 (C) This paragraph shall apply only to the 2005–06 academic
2 year.

3 (4) A special part-time student, other than a person excluded
4 from the term “immigrant,” for purposes of the federal Immigration
5 and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph
6 (15) of subsection (a) of Section 1101 of Title 8 of the United
7 States Code, admitted pursuant to Section 76001, 76003, or 76004.

8 (5) A nonresident student who is a United States citizen who
9 resides in a foreign country, if that nonresident meets all of the
10 following requirements:

11 (A) Demonstrates a financial need for the exemption.

12 (B) Has a parent or guardian who has been deported or was
13 permitted to depart voluntarily under the federal Immigration and
14 Nationality Act in accordance with Section 1229c of Title 8 of the
15 United States Code. The student shall provide documents from the
16 United States Citizenship and Immigration Services evidencing
17 the deportation or voluntary departure of the student’s parent or
18 guardian.

19 (C) Moved abroad as a result of the deportation or voluntary
20 departure specified in subparagraph (B).

21 (D) Lived in California immediately before moving abroad. The
22 student shall provide information and evidence that demonstrates
23 the student previously lived in California.

24 (E) Attended a public or private secondary school, as described
25 in Sections 52 and 53, in the state for three or more years. The
26 student shall provide documents that demonstrate the student’s
27 secondary school attendance.

28 (F) Upon enrollment, the student will be in the student’s first
29 academic year as a matriculated student in California public higher
30 education, as that term is defined in subdivision (a) of Section
31 66010, will be living in California, and will file an affidavit with
32 the institution stating that the student intends to establish residency
33 in California as soon as possible.

34 (6) (A) A student who attends Lake Tahoe Community College
35 and who has residence, pursuant to subparagraph (B), in one of
36 the following communities in Nevada:

37 (i) Incline Village.

38 (ii) Kingsbury.

39 (iii) Round Hill.

40 (iv) Skyland.

1 (v) Stateline.

2 (vi) Zephyr Cove.

3 (B) Residence shall be determined pursuant to Article 5
4 (commencing with Section 68060) of Chapter 1 of Part 41 of
5 Division 5. A person shall have residence in one of the
6 communities listed in subparagraph (A) if the person has lived in
7 the community for more than one year immediately before seeking
8 the fee exemption pursuant to this paragraph.

9 (C) The governing board of the Lake Tahoe Community College
10 District shall adopt rules and regulations for determining a student's
11 residence classification and for establishing procedures for an
12 appeal and review of the residence classification. No more than
13 200 students shall be exempted from payment of a nonresident
14 tuition fee under this paragraph in any academic year.

15 (7) (A) A nonresident student who enrolls in a credit English
16 as a second language (ESL) course at a California Community
17 College and who is any of the following:

18 (i) A recent immigrant, as defined in Section 1101(a)(15) of
19 Title 8 of the United States Code.

20 (ii) A recent refugee, as defined in Section 1101(a)(42) of Title
21 8 of the United States Code.

22 (iii) A person who has been granted asylum by the United States,
23 as defined in Section 1158 of Title 8 of the United States Code.

24 (B) This exemption shall apply only to individuals who, upon
25 entering the United States, settled in California and who have
26 resided in California for less than one year.

27 (C) This exemption shall apply only to the tuition fee for credit
28 ESL courses.

29 (8) (A) A student who meets all of the following criteria:

30 (i) Is a nonresident, low-income student who was a resident of
31 a region impacted by war or other regional conflict.

32 (ii) Registers for lower division courses at ~~a community college.~~
33 *Glendale Community College or two other community colleges*
34 *selected by the chancellor, one in the Central Valley/Mother Lode*
35 *Region and one in the North/Far North Region.*

36 (iii) Has indicated that they have sought residency in California
37 in an effort to find relief from identified conflicts in their nation
38 of origin.

39 (B) The chancellor shall develop guidelines for the
40 implementation of subparagraph (A). The guidelines shall include

1 standards for appropriate documentation of student eligibility, to
2 the extent feasible.

3 (C) The governing boards of the community colleges *described*
4 *in clause (ii) of subparagraph (A)* that choose to use the exemption
5 pursuant to this paragraph shall adopt one uniform policy that
6 accomplishes all of the following:

7 (i) Determines a student's residence classification.

8 (ii) Establishes procedures for an appeal and review of the
9 residence classification.

10 (iii) Determines whether a student is low income.

11 (D) No more than 150 full-time equivalent students (FTES) at
12 each community college shall be exempted from payment of a
13 nonresident tuition fee under this paragraph in any academic year.

14 (E) On or before January 1, 2029, the governing boards of the
15 community colleges *described in clause (ii) of subparagraph (A)*
16 that choose to use the exemption pursuant to this paragraph shall
17 jointly submit a report to the Legislature in compliance with
18 Section 9795 of the Government Code that includes, but is not
19 limited to, the demographics, attendance rate, and class completion
20 rate of students receiving an exemption pursuant to this paragraph.

21 (F) For purposes of this paragraph, "region impacted by war or
22 other regional conflict" means a region that is identified and
23 assigned a travel advisory level by the Bureau of Consular Affairs
24 in the United States Department of State due to armed conflict or
25 military action in that region.

26 (b) A community college district may contract with a state, a
27 county contiguous to California, the federal government, or a
28 foreign country, or an agency thereof, for payment of all or a part
29 of a nonresident student's tuition fee.

30 (c) Nonresident students shall not be reported as FTES for state
31 apportionment purposes, except as provided by subdivision (j) or
32 another statute, in which case a nonresident tuition fee shall not
33 be charged.

34 (d) The nonresident tuition fee shall be set by the governing
35 board of each community college district not later than March 1
36 of each year for the succeeding fiscal year. The governing board
37 of each community college district shall provide nonresident
38 students with notice of nonresident tuition fee changes during the
39 spring term before the fall term in which the change will take
40 effect. Nonresident tuition fee increases shall be gradual, moderate,

1 and predictable. The fee may be paid in installments, as determined
2 by the governing board of the district.

3 (e) (1) The fee established by the governing board of a
4 community college district pursuant to subdivision (d) shall
5 represent for nonresident students enrolled in 30 semester units or
6 45 quarter units of credit per fiscal year one or more of the
7 following:

8 (A) The amount that was expended by the community college
9 district for the expense of education as defined by the California
10 Community Colleges Budget and Accounting Manual in the
11 preceding fiscal year increased by the projected percent increase
12 in the United States Consumer Price Index as determined by the
13 Department of Finance for the current fiscal year and succeeding
14 fiscal year and divided by the FTES (including nonresident
15 students) attending in the community college district in the
16 preceding fiscal year. However, if for the community college
17 district's preceding fiscal year FTES of all students attending in
18 the community college district in noncredit courses is equal to, or
19 greater than, 10 percent of the community college district's total
20 FTES attending in the community college district, the community
21 college district may substitute the data for expense of education
22 in grades 13 and 14 and FTES in grades 13 and 14 attending in
23 the community college district.

24 (B) The expense of education in the preceding fiscal year of all
25 community college districts increased by the projected percent
26 increase in the United States Consumer Price Index as determined
27 by the Department of Finance for the fiscal year and succeeding
28 fiscal year and divided by the FTES (including nonresident
29 students) attending all community college districts during the
30 preceding fiscal year. However, if the amount calculated under
31 this paragraph for the succeeding fiscal year is less than the amount
32 established for the current fiscal year or for any of the past four
33 fiscal years, the community college district may set the nonresident
34 tuition fee at the greater of the current or any of the past four-year
35 amounts.

36 (C) An amount not to exceed the fee established by the
37 governing board of any contiguous community college district.

38 (D) An amount not to exceed the amount that was expended by
39 the community college district for the expense of education, but

1 in no case less than the statewide average as set forth in
2 subparagraph (B).

3 (E) An amount no greater than the average of the nonresident
4 tuition fees of public community colleges of no less than 12 states
5 that are comparable to California in cost of living. The
6 determination of comparable states shall be based on a composite
7 cost-of-living index as determined by the United States Department
8 of Labor or a cooperating government agency.

9 (2) The additional revenue generated by the increased
10 nonresident tuition permitted under the amendments made to this
11 subdivision during the 2009–10 Regular Session shall be used to
12 expand and enhance services to resident students. The admission
13 of nonresident students shall not come at the expense of resident
14 enrollment.

15 (f) The governing board of each community college district also
16 shall adopt a tuition fee per unit of credit for nonresident students
17 enrolled in more or less than 15 units of credit per term by dividing
18 the fee determined in subdivision (e) by 30 for colleges operating
19 on the semester system and 45 for colleges operating on the quarter
20 system and rounding to the nearest whole dollar. The same rate
21 shall be uniformly charged to nonresident students attending any
22 terms or sessions maintained by the community college. The rate
23 charged shall be the rate established for the fiscal year in which
24 the term or session ends.

25 (g) Any loss in community college district revenue generated
26 by the nonresident tuition fee shall not be offset by additional state
27 funding.

28 (h) Any community college district that has fewer than 1,500
29 FTES and whose boundary is within 10 miles of another state that
30 either (1) has a reciprocity agreement with California governing
31 student attendance and fees, or (2) participates in the Western
32 Undergraduate Exchange, may exempt students from that state,
33 or may exempt students from those states that participate in the
34 Western Undergraduate Exchange, from the mandatory fee
35 requirement described in subdivision (a) for nonresident students.

36 (i) Any community college district that has more than 1,500,
37 but fewer than 3,001, FTES and whose boundary is within 10 miles
38 of another state that either (1) has a reciprocity agreement with
39 California governing student attendance and fees, or (2) participates
40 in the Western Undergraduate Exchange, may, in any one fiscal

year, exempt up to 100 FTES from that state or from states that participate in the Western Undergraduate Exchange from the mandatory fee requirement described in subdivision (a) for nonresident students.

(j) The attendance of nonresident students who are exempted pursuant to subdivision (h) or (i), or pursuant to paragraph (3), (4), (5), (6), or (8) of subdivision (a), from the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as resident FTES for state apportionment purposes who is exempt pursuant to paragraph (6) of subdivision (a), or pursuant to subdivision (h) or (i), shall pay a per-unit fee that is one and one-half times the amount of the fee established for residents pursuant to Section 76300. That fee shall be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.

(k) This section shall become operative on July 1, 2028.

(l) *This section shall remain in effect only until January 1, 2029, and as of that date is repealed.*

SEC. 5. Section 76140 is added to the Education Code, to read:

76140. (a) A community college district may admit, and shall charge a tuition fee to, nonresident students, except that a community college district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (6), and shall exempt from all of the fee any person described in paragraph (4), (5), or (7):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005–06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue the student’s attendance at that institution as a direct

1 consequence of damage sustained by that institution as a result of
2 Hurricane Katrina.

3 (B) The chancellor shall develop guidelines for the
4 implementation of this paragraph. These guidelines shall include
5 standards for appropriate documentation of student eligibility to
6 the extent feasible.

7 (C) This paragraph shall apply only to the 2005–06 academic
8 year.

9 (4) A special part-time student, other than a person excluded
10 from the term “immigrant,” for purposes of the federal
11 Immigration and Nationality Act (8 U.S.C. Sec. 1101), pursuant
12 to paragraph (15) of subsection (a) of Section 1101 of Title 8 of
13 the United States Code, admitted pursuant to Section 76001, 76003,
14 or 76004.

15 (5) A nonresident student who is a United States citizen who
16 resides in a foreign country, if that nonresident meets all of the
17 following requirements:

18 (A) Demonstrates a financial need for the exemption.

19 (B) Has a parent or guardian who has been deported or was
20 permitted to depart voluntarily under the federal Immigration and
21 Nationality Act in accordance with Section 1229c of Title 8 of the
22 United States Code. The student shall provide documents from the
23 United States Citizenship and Immigration Services evidencing
24 the deportation or voluntary departure of the student’s parent or
25 guardian.

26 (C) Moved abroad as a result of the deportation or voluntary
27 departure specified in subparagraph (B).

28 (D) Lived in California immediately before moving abroad. The
29 student shall provide information and evidence that demonstrates
30 the student previously lived in California.

31 (E) Attended a public or private secondary school, as described
32 in Sections 52 and 53, in the state for three or more years. The
33 student shall provide documents that demonstrate the student’s
34 secondary school attendance.

35 (F) Upon enrollment, the student will be in the student’s first
36 academic year as a matriculated student in California public
37 higher education, as that term is defined in subdivision (a) of
38 Section 66010, will be living in California, and will file an affidavit
39 with the institution stating that the student intends to establish
40 residency in California as soon as possible.

1 (6) (A) A student who attends Lake Tahoe Community College
2 and who has residence, pursuant to subparagraph (B), in one of
3 the following communities in Nevada:

- 4 (i) Incline Village.
- 5 (ii) Kingsbury.
- 6 (iii) Round Hill.
- 7 (iv) Skyland.
- 8 (v) Stateline.
- 9 (vi) Zephyr Cove.

10 (B) Residence shall be determined pursuant to Article 5
11 (commencing with Section 68060) of Chapter 1 of Part 41 of
12 Division 5. A person shall have residence in one of the communities
13 listed in subparagraph (A) if the person has lived in the community
14 for more than one year immediately before seeking the fee
15 exemption pursuant to this paragraph.

16 (C) The governing board of the Lake Tahoe Community College
17 District shall adopt rules and regulations for determining a
18 student's residence classification and for establishing procedures
19 for an appeal and review of the residence classification. No more
20 than 200 students shall be exempted from payment of a nonresident
21 tuition fee under this paragraph in any academic year.

22 (7) (A) A nonresident student who enrolls in a credit English
23 as a second language (ESL) course at a California Community
24 College and who is any of the following:

25 (i) A recent immigrant, as defined in Section 1101(a)(15) of
26 Title 8 of the United States Code.

27 (ii) A recent refugee, as defined in Section 1101(a)(42) of Title
28 8 of the United States Code.

29 (iii) A person who has been granted asylum by the United States,
30 as defined in Section 1158 of Title 8 of the United States Code.

31 (B) This exemption shall apply only to individuals who, upon
32 entering the United States, settled in California and who have
33 resided in California for less than one year.

34 (C) This exemption shall apply only to the tuition fee for credit
35 ESL courses.

36 (b) A community college district may contract with a state, a
37 county contiguous to California, the federal government, or a
38 foreign country, or an agency thereof, for payment of all or a part
39 of a nonresident student's tuition fee.

1 (c) Nonresident students shall not be reported as full-time
2 equivalent students (FTES) for state apportionment purposes,
3 except as provided by subdivision (j) or another statute, in which
4 case a nonresident tuition fee shall not be charged.

5 (d) The nonresident tuition fee shall be set by the governing
6 board of each community college district not later than March 1
7 of each year for the succeeding fiscal year. The governing board
8 of each community college district shall provide nonresident
9 students with notice of nonresident tuition fee changes during the
10 spring term before the fall term in which the change will take effect.
11 Nonresident tuition fee increases shall be gradual, moderate, and
12 predictable. The fee may be paid in installments, as determined
13 by the governing board of the district.

14 (e) (1) The fee established by the governing board of a
15 community college district pursuant to subdivision (d) shall
16 represent for nonresident students enrolled in 30 semester units
17 or 45 quarter units of credit per fiscal year one or more of the
18 following:

19 (A) The amount that was expended by the community college
20 district for the expense of education as defined by the California
21 Community Colleges Budget and Accounting Manual in the
22 preceding fiscal year increased by the projected percent increase
23 in the United States Consumer Price Index as determined by the
24 Department of Finance for the current fiscal year and succeeding
25 fiscal year and divided by the FTES (including nonresident
26 students) attending in the community college district in the
27 preceding fiscal year. However, if for the community college
28 district's preceding fiscal year FTES of all students attending in
29 the community college district in noncredit courses is equal to, or
30 greater than, 10 percent of the community college district's total
31 FTES attending in the community college district, the community
32 college district may substitute the data for expense of education
33 in grades 13 and 14 and FTES in grades 13 and 14 attending in
34 the community college district.

35 (B) The expense of education in the preceding fiscal year of all
36 community college districts increased by the projected percent
37 increase in the United States Consumer Price Index as determined
38 by the Department of Finance for the fiscal year and succeeding
39 fiscal year and divided by the FTES (including nonresident
40 students) attending all community college districts during the

1 preceding fiscal year. However, if the amount calculated under
2 this paragraph for the succeeding fiscal year is less than the
3 amount established for the current fiscal year or for any of the
4 past four fiscal years, the community college district may set the
5 nonresident tuition fee at the greater of the current or any of the
6 past four-year amounts.

7 (C) An amount not to exceed the fee established by the governing
8 board of any contiguous community college district.

9 (D) An amount not to exceed the amount that was expended by
10 the community college district for the expense of education, but
11 in no case less than the statewide average as set forth in
12 subparagraph (B).

13 (E) An amount no greater than the average of the nonresident
14 tuition fees of public community colleges of no less than 12 states
15 that are comparable to California in cost of living. The
16 determination of comparable states shall be based on a composite
17 cost-of-living index as determined by the United States Department
18 of Labor or a cooperating government agency.

19 (2) The additional revenue generated by the increased
20 nonresident tuition permitted under the amendments made to this
21 subdivision during the 2009–10 Regular Session shall be used to
22 expand and enhance services to resident students. The admission
23 of nonresident students shall not come at the expense of resident
24 enrollment.

25 (f) The governing board of each community college district also
26 shall adopt a tuition fee per unit of credit for nonresident students
27 enrolled in more or less than 15 units of credit per term by dividing
28 the fee determined in subdivision (e) by 30 for colleges operating
29 on the semester system and 45 for colleges operating on the quarter
30 system and rounding to the nearest whole dollar. The same rate
31 shall be uniformly charged to nonresident students attending any
32 terms or sessions maintained by the community college. The rate
33 charged shall be the rate established for the fiscal year in which
34 the term or session ends.

35 (g) Any loss in community college district revenue generated
36 by the nonresident tuition fee shall not be offset by additional state
37 funding.

38 (h) Any community college district that has fewer than 1,500
39 FTES and whose boundary is within 10 miles of another state that
40 either (1) has a reciprocity agreement with California governing

1 student attendance and fees, or (2) participates in the Western
2 Undergraduate Exchange, may exempt students from that state,
3 or may exempt students from those states that participate in the
4 Western Undergraduate Exchange, from the mandatory fee
5 requirement described in subdivision (a) for nonresident students.

6 (i) Any community college district that has more than 1,500,
7 but fewer than 3,001, FTES and whose boundary is within 10 miles
8 of another state that either (1) has a reciprocity agreement with
9 California governing student attendance and fees, or (2)
10 participates in the Western Undergraduate Exchange, may, in any
11 one fiscal year, exempt up to 100 FTES from that state or from
12 states that participate in the Western Undergraduate Exchange
13 from the mandatory fee requirement described in subdivision (a)
14 for nonresident students.

15 (j) The attendance of nonresident students who are exempted
16 pursuant to subdivision (h) or (i), or pursuant to paragraph (3),
17 (4), (5), or (6) of subdivision (a), from the mandatory fee
18 requirement described in subdivision (a) for nonresident students
19 may be reported as resident FTES for state apportionment
20 purposes. Any nonresident student reported as resident FTES for
21 state apportionment purposes who is exempt pursuant to paragraph
22 (6) of subdivision (a), or pursuant to subdivision (h) or (i), shall
23 pay a per-unit fee that is one and one-half times the amount of the
24 fee established for residents pursuant to Section 76300. That fee
25 shall be included in the FTES adjustments described in Section
26 76300 for purposes of computing apportionments.

27 (k) This section shall become operative on January 1, 2029.

28 ~~SEC. 5.~~

29 SEC. 6. (a) As described in Section 6 of Chapter 796 of the
30 Statutes of 2023, Sections 3 and 4 of *this act* shall not become
31 operative unless the Board of Governors of the California
32 Community Colleges enters into an attendance agreement, on
33 behalf of a community college that chooses to use the exemption
34 pursuant to paragraph (8) of subdivision (a) of Section 76140 of
35 the Education Code, as amended by Section 3 of Chapter 796 of
36 the Statutes of 2023, with a nationally or internationally accredited
37 university located in the State of Baja California, Mexico, that
38 provides reciprocal rights to California residents attending a
39 university in the State of Baja California that reasonably conforms
40 to the benefits conferred upon residents of Mexico pursuant to

1 paragraph (8) of subdivision (a) of Section 76140 of the Education
2 Code, as amended by Section 3 of Chapter 796 of the Statutes of
3 2023.

4 (b) As used in this section, “community college” means a
5 community college described in clause (ii) of subparagraph (A)
6 of paragraph (8) of subdivision (a) of Section 76140 of the
7 Education Code, as amended by Section 3 of Chapter 796 of the
8 Statutes of 2023.

O