

AR 4111.3 CALIFORNIA HIGH SCHOOL PROFICIENCY EXAMINATION and GENERAL EDUCATION DIPLOMA (Proposed New AR# 5010 ADMISSIONS)

NOTE: The language in red ink is legally required. Local practice can be inserted here, as long as it does not conflict with the general admissions requirements of Education Code Section 76000. The District should address:

- Designated authority and responsibility for the admissions process
- Admission procedures for students over 18 with a high school diploma
- Admission criteria and procedures for students over 18 without a high school diploma
- Admission procedures for non-resident students that include a determination of residency status (AR 5015 Residence Determination)
- Publication of admissions policies and procedures

The Chief Instructional Officer shall be responsible for evaluating the validity of a student's high school completion if the college or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

❖ From current SMC AR 4111.3 California High School Proficiency Examination and General Education Diploma

California High School Proficiency Examination and General Education Diploma

Students will be allowed to enter Santa Monica College at age 16 if they have passed the California High School Proficiency Examination (CHSPE) or the General Education Diploma (GED) and present either the "Student Score Report", CHSPE Certificate, or GED Diploma when applying for admission.

NOTE: The information in blue ink below is sample language from other districts and is included for consideration.

Sample 1 from another District

Eligibility for Admission

All prospective students who attend the college for the first time shall complete an application for admission. Applications can be downloaded from the District's website in English or Spanish.

Students who previously attended, but who have missed a regular semester (fall or spring), shall complete a new application for admission.

Some instructional programs require a supplemental application in addition to the general college application.

All students shall be encouraged to file official transcripts of all high school and college work prior to the beginning of the term.

Admission of Accredited High School Graduates or the Equivalent

- a. Graduates of accredited high schools are eligible for admission and enrollment in any course for which they are qualified.
- b. Students who possess the equivalent of a regionally accredited high school diploma are eligible for admission. Such equivalents include the following:
 - i. The Certificate of Proficiency
 - ii. The California High School Equivalency Certificate (GED)
 - iii. Students under 18 years of age shall submit a copy of their high school diploma, completion of GED, or Certificate of Proficiency and parental consent at the time of application. If the student submits a high school diploma issued through a home school program, the student must submit a current private school affidavit filed with the State Superintendent of Public Instruction. The Chief Student Services Officer or designee shall establish procedures for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Admission Transfer Students from Another College

Applicants from other regionally accredited colleges or universities are eligible for admission.

Admission of Graduates from NonAccredited High Schools or Colleges

Graduates of a nonaccredited high school who is 18 years of age or older, or a transfer from a nonaccredited collegiate institution, may be admitted if it appears that they can profit from instruction at the college level.

Admission of Nongraduates of High School

Nongraduates of high school who are 18 years of age or over may be admitted if it appears that they can profit from instruction offered at the college level.

Admission of Non-Resident Students

Residency status is determined at the time of application based on rules and regulations specified. Students who are determined to be non-residents for tuition purposes at the time of application are eligible for admission. Nonresident students who apply shall pay out-of-state tuition fees until California residency has been established. Nonresident students with visitor's visas are not authorized to apply for in-state tuition. (See BP/AP 5015 Residence Determination and BP/AP 5020 Nonresident Tuition)

Application Process

Applications are accepted:

- Online.
- In the Admissions and Records Offices.

The admissions requirements are published in the catalog, schedule of classes, and on the District's website. Also see AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students, AP 5012 International Students, and AP 5015 Residence Determination

Sample 2 from another District

Eligibility for Admission

All prospective students who attend the District for the first time shall complete an application for admission.

Students under 18 years of age shall submit completion of GED or Certificate of Proficiency and parental consent at the time of application.

Students who previously attended but who have missed a regular semester (fall or spring) shall complete a new application for admission.

Non-resident students who apply shall pay out-of-state tuition fees until California residency has been established. Non-resident students with visitor's visas are not authorized to apply.

Application Process

Applications are accepted:

- Online.
- In the Admissions and Records Offices.
- For each new term beginning on the date published in the academic calendar.
- Throughout the registration period for each given term.

Applications can be downloaded from the college websites.

Applications are available in Spanish.

The Chief Instructional Officer shall be responsible for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Sample 3 from another District

Admissions Eligibility

The authority to oversee the admissions of eligible students is delegated to the Director of Admissions and Records under the direction of the Chief Student Services Officer. Students eligible for admission to the District must be 18 years of age or older and possess a high school diploma, GED, certificate of proficiency, or the equivalent. In addition, any apprentice, as defined in Labor Code Section 3077 or any other person who is over 18 years of age who, in the judgment of the Director of Admissions and Records, is capable of profiting from the instruction offered at the College may be admitted.

Students who are 18 without a high school diploma must meet the District's ability to benefit criteria through a passing score on the numerical, reading, and writing exam. A passing score depends on which exam is taken.

Each person applying for admission or enrollment in a California Community College is classified as a 'resident' or a 'non-resident' for purposes of admission and/or tuition.

Resident – a 'resident' is a person who is eligible to establish California residency for tuition purposes or who has resided within California for at least one year and who established a legal residence in California prior to the residency determination date.

Non-Resident – a 'non-resident' student is one who has not resided in the State for more than one year prior to the residency determination date and who has not established legal residence or who is not eligible to establish California residency for tuition purposes.

Admission of Non-Resident Students

The District accepts applications from students holding or attempting to obtain the F-1 Student Visa.

The following items are required from international applicants:

- Application for Admission
- International (F-1 Student Visa) Student application
- Application processing fee of \$50.00 (U.S.)
- Confidential Financial support documents
- A passing score on the TOEFL examination. (450 paper based, 133 computer based and 45 Intranet based)
- Transcripts from high school and/or college
- TB (Tuberculosis) test

The following items are required for current F-1 Visa Students transferring into the District:

- Copy of I-20
- Copy of I-94
- Transfer Form

The TOEFL, admissions application, and all supporting materials must be received on or before the published application deadlines for the intended semester. Students will be required to take the Assessment of Written English (AWE) when they arrive at the District. Admissions procedures will be clearly delineated in the college catalog, the schedule of classes, and the college web site.

The college catalog contains the most recent information regarding admissions. This document is updated annually for currency and correctness.

Sample 4 from another District

The College President or designee shall establish procedures for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Admissions Eligibility

The authority to oversee the admission of eligible students is delegated to the Dean of Admissions, Records and Services under the direction of the Chief Student Services Officer.

Students eligible for regular admission to the College must be 18 years of age or older and possess a high school diploma, GED, certificate of proficiency or equivalent.

In addition, any apprentice, as defined in Labor Code Section 3077, or any other person who is over 18 years of age who, in the judgment of the Dean of Admissions, Records, and Services, is capable of profiting from the instruction offered at the college may be admitted.

Students who are 18 years of age without a high school diploma must meet the College's ability to benefit criteria, which may be satisfied by a passing score on the numerical, reading, and/or writing exam.

Residency

Each person applying for admission or enrollment in a California Community College is classified as a "resident" or "nonresident" for purposes of admission and/or tuition calculation.

Resident – a "resident" is a person who is eligible to establish California residency for tuition purposes or who has resided within California for at least one year and who established a legal residence in California prior to the residency determination date.

Nonresident – a "nonresident" student is one who has not resided in the state for more than one year prior to the residency determination date and who has not established legal residence or who is not eligible to establish California residency for tuition purposes.

Admission of International Students

The District accepts applications from students holding or attempting to obtain the F-1 Student Visa.

The following items are required from international applicants:

- Completed International Student application and fee;
- High school transcripts, showing graduation, from an institution equivalent to an accredited U.S. high school.
- For applicants whose native tongue is not English, the minimal score on the Test of English as a Foreign Language (TOEFL) or an equivalent score on the Placement Test or other standardized proficiency test before being admitted.
- Negative tuberculosis (TB) test results.

- Notarized statement of support from a financial sponsor accompanied by a certified letter from the sponsor's bank, verifying in U.S. dollars sufficient funds to meet all the student's educational and financial needs.
- Valid Passport, appropriate F-1 visa and I-94 form.
- Purchase, including by the student and all dependents, of international student medical insurance.

International student admissions procedures will be provided in the college catalogs, schedules of classes, and college websites.

The college catalogs, which are updated annually, contain the most recent information regarding admissions.

(NOTE: Also see sample language from other Districts included in the notebook)

Also see BP 5010 Admissions, BP/AR 5011 Admission and Concurrent Enrollment of High School and Other Young Students, BP/AR 5012 International Students, AR 5013 Students in the Military, and BP/AR 5020 Nonresident Tuition.

References:

Education Code Sections 46100 et seq., 48800, 48800.5, 76000 et seq., 76140 and 78030-78034; 34 Code of Federal Regulations Section 668.16(p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)

NOTE: The **red ink** signifies language that is **legally required** by the Policy & Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This regulation reflects updates/revisions from the Policy & Procedure Service in July 2011 and April 2015. The language in **black ink** is from current SMC AR 4111.3 California High School Proficiency Examination and General Education Diploma approved on April 29, 2003. The language in **blue ink** is included for consideration. The language in **yellow highlighting** (above in this regulation) is included to draw the reviewers' attention, and this language will be removed upon final approval.

Approved/Revised: April 29, 2003

(Replaces SMC AR 4111.3)

34 CFR § 668.16(p) Standards of administrative capability (financial aid).

To begin and to continue to participate in any Title IV, HEA program, an institution shall demonstrate to the Secretary that the institution is capable of adequately administering that program under each of the standards established in this section. The Secretary considers an institution to have that administrative capability if the institution—

- (2) Divides the functions of authorizing payments and disbursing or delivering funds so that no office has responsibility for both functions with respect to any particular student aided under the programs. For example, the functions of authorizing payments and disbursing or delivering funds must be divided so that for any particular student aided under the programs, the two functions are carried out by at least two organizationally independent individuals who are not members of the same family, as defined in §668.15, or who do not together exercise substantial control, as defined in §668.15, over the institution;

(p) Develops and follows procedures to evaluate the validity of a student's high school completion if the institution or the Secretary has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

48800.

(a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools, and also to help ensure a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere. The governing board of a school district may authorize those pupils, upon recommendation of the principal of the pupil's school of attendance, and with parental consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.

(b) If the governing board of a school district denies a request for a special part-time or full-time enrollment at a community college for any session or term for a pupil who is identified as highly gifted, the governing board shall issue its written recommendation and the reasons for the denial within 60 days. The written recommendation and denial shall be issued at the next regularly scheduled board meeting that falls at least 30 days after the request has been submitted.

(c) A pupil shall receive credit for community college courses that he or she completes at the level determined appropriate by the governing boards of the school district and community college district.

(d) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all of the following criteria:

(A) Demonstrates adequate preparation in the discipline to be studied.

(B) Exhausts all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.

(2) For any particular grade level, a principal shall not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately before the time of recommendation.

(3) A high school pupil recommended by his or her principal for enrollment in a course shall not be included in the 5-percent limitation of pupils allowed to be recommended pursuant to paragraph (2) if the course in which the pupil is enrolled is part of a College and Career Access Pathways (CCAP) program established pursuant to Section 76004 in which a majority of the pupils served are unduplicated pupils, as defined in Section 42238.02, the course meets one of the criteria listed in subparagraphs (A) to (C), inclusive, and the high school principal who recommends the pupil for enrollment provides the Chancellor of the California Community Colleges, upon the request of that office, with the data required for purposes of paragraph (4).

(A) The course is a lower division, college-level course for credit that is designated as part of the Intersegmental General Education Transfer Curriculum or applies toward the general education breadth requirements of the California State University.

(B) The course is a college-level, occupational course for credit assigned a priority code of "A," "B," or "C," pursuant to the Student Accountability Model, as defined by the Chancellor of the California Community Colleges and reported in the management information system, and the course is part of a sequence of vocational or career technical education courses leading to a degree or certificate in the subject area covered by the sequence.

(C) The course is necessary to assist a pupil who has not passed the California High School Exit Examination (CAHSEE), does not offer college credit in English language arts or mathematics, and the pupil meets both of the following requirements:

(i) The pupil is in his or her senior year of high school.

(ii) The pupil has completed all other graduation requirements before the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.

(4) On or before March 1 of each year, the Chancellor of the California Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses and who receive a passing grade. The information in this report may be submitted with the report required by subdivision (c) of Section 76002.

(5) The Board of Governors of the California Community Colleges shall not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.

(6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, compliance with this subdivision shall not be waived.

48800.5.

(a) A parent or guardian of a pupil, regardless of the pupil's age or class level, may petition the governing board of the school district in which the pupil is enrolled to authorize the attendance of the pupil at a community college as a special full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available. If the governing board denies the petition, the pupil's parent or guardian may file an appeal with the county board of education, which shall render a final decision on the petition in writing within 30 days.

(b) A pupil who attends a community college as a special full-time student pursuant to this section is exempt from compulsory school attendance under Chapter 2 (commencing with Section 46100) of Part 26.

(c) A parent or guardian of a pupil who is not enrolled in a public school may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special part-time or full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available.

(d) Any pupil authorized to attend a community college as a special full-time student shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

(e) For purposes of allowances and apportionments from the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of special full-time students at the community college.

76000.

The governing board of a community college district shall admit to the community college any California resident, and may admit any nonresident, possessing a high school diploma or the equivalent thereof. The governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board, is capable of profiting from the instruction offered. The governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board, is capable of profiting from the instruction offered. If the governing board determines to admit other persons, those persons shall be admitted as provisional students and thereafter shall be required to comply with the rules and regulations prescribed by the board of governors pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. This paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Section 78401 or to any persons attending on a part-time basis only.

76001.

(a) The governing board of a community college district may admit to any community college under its jurisdiction as a special part-time or full-time student in any session or term any student who is eligible to attend community college pursuant to Section 48800 or 48800.5.

(b) If the governing board denies a request for a special part-time or full-time enrollment at a community college for a pupil who is identified as highly gifted, the board shall record its findings and the reasons for denial of the request in writing within 60 days. The written recommendation and denial shall be issued at the next regularly scheduled board meeting that falls at least 30 days after the request has been submitted.

(c) The attendance of a pupil at a community college as a special part-time or full-time student pursuant to this section is authorized attendance, for which the community college shall be credited or reimbursed pursuant to Sections 48802 and 76002. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

(d) For purposes of this section, a special part-time student may enroll in up to, and including, 11 units per semester, or the equivalent thereof, at the community college.

(e) (1) Except as provided in paragraph (2), the governing board of a community college district shall assign a low enrollment priority to special part-time or full-time students described in subdivision (a) in order to ensure that these students do not displace regularly admitted students.

(2) This subdivision does not apply to a student attending a middle college high school as described in Section 11300, if the student is seeking to enroll in a community college course that is required for the student's middle college high school program.

76002.

(a) For the purposes of receiving state apportionments, a community college district may include high school pupils who attend a community college within the district pursuant to Sections 48800 and 76001 in the district's report of full-time equivalent students (FTES) only if those pupils are enrolled in community college classes that meet all of the following criteria:

(b) The governing board of a community college district may restrict the admission or enrollment of a special part-time or full-time student during any session based on any of the following criteria:

(1) Age.

(2) Completion of a specified grade level.

(3) Demonstrated eligibility for instruction using assessment methods and procedures established pursuant to Chapter 2 (commencing with Section 78210) of Part 48 and regulations adopted by the Board of Governors of the California Community Colleges.

(c) (1) The Chancellor of the California Community Colleges shall prepare and submit to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter, a report on the amount of FTES claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of the following class categories:

(A) Noncredit.

(B) Nondegree-applicable.

(C) Degree-applicable, excluding physical education.

(D) Degree-applicable physical education.

(2) The report prepared pursuant to paragraph (1) may include information required to be reported pursuant to paragraph (4) of subdivision (d) of Section 48800.

(d) The Board of Governors of the California Community Colleges shall adopt rules and regulations to implement this section.

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) or (5):

(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 his or her 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 nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, admitted pursuant to Section 76001, 76003, or 76004.

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

(A) Demonstrates a financial need for the exemption.

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

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

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

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

(F) Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, as that term is defined in subdivision (a) of Section 66010, will be living in California, and will file an affidavit with the institution stating that he or she intends to establish residency in California as soon as possible.

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

(i) Incline Village.

(ii) Kingsbury.

(iii) Round Hill.

(iv) Skyland.

(v) Stateline.

(vi) Zephyr Cove.

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

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

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

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

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

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

(A) The amount that was expended by the district for the expense of education as defined by the California 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 district in the preceding fiscal year. However, if for the district's preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district's total FTES attending in the district, the district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(B) The expense of education in the preceding fiscal year of all 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 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 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 district.

(D) An amount not to exceed the amount that was expended by the 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 expand and enhance services to resident students. In no event shall the admission of nonresident students come at the expense of resident enrollment.

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

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

(h) Any district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(i) Any district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state 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), or (6) 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 three times the amount of the fee established for residents pursuant to Section 76300. That fee is to be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.

(k) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2023, deletes or extends the dates on which it becomes inoperative and is repealed.

78030.

(a) The Legislature finds and declares as follows:

(1) Many community college students desire to attend, and do attend, community colleges outside their district of residence.

(2) Prior to the passage of Proposition 13, interdistrict attendance restrictions were necessary to provide for payments from the district of residence to a district of attendance whenever significant numbers of students were involved.

(3) The fact that community colleges are now substantially reliant upon the state for financial resources rather than upon local residents compels a reexamination of the concern over subsidization of the attendance of nondistrict residents.

(4) Community college district boundaries are often irregular in configuration and require many students to attend community colleges in less convenient locations when interdistrict attendance restrictions are imposed.

(5) Transportation is the most significant cost facing community college students with regard to college attendance.

(6) It is not in the best interests of the people of the State of California that attendance at a community college be restricted to a person's district of residence.

(b) It is the intent of the Legislature in enacting this article to provide for the unrestricted enrollment and attendance of students at community colleges, thereby providing each resident of the state an equal opportunity to attend the community college of his or her choice.

78031.

(a) Subject to Article 1 (commencing with Section 76000) of Chapter 1 of Part 47, a district resident, as defined for purposes of Part 41 (commencing with Section 68000), shall be admitted to a community college in another district without regard to district boundaries, unless the Board of Governors of the California Community Colleges finds that compelling, extenuating circumstances exist under which the application of this policy would be substantially detrimental to the opportunity of students to obtain a quality education.

(b) No district shall restrict the admission of its residents into a community college of another district, nor shall it restrict the admission of residents of another district into its community college or colleges, except as authorized under Section 78032.

78032.

(a) The Board of Governors of the California Community Colleges may, pursuant to a finding that one or more of the following concerns in any community college district requires the restriction of interdistrict attendance, impose one or more restrictions upon interdistrict attendance with regard to that district as it deems necessary:

(1) Protection of the financial health of the district, and of educational program integrity, including, but not limited to, maintenance of the appropriate quality and scope of student educational opportunity.

(2) The need to avoid overcrowding, in light of the available space in the district.

(3) The priority that resident students not be displaced by students who do not reside in the district.

(b) No restriction adopted under subdivision (a) shall apply for a period of longer than two years, absent additional action of the board of governors to continue that restriction.

(c) (1) No community college district shall recruit any student who is a resident of any other community college district, except where an agreement exists between those districts authorizing each district to recruit within the boundaries of the other district.

(2) If, pursuant to an agreement as described in paragraph (1), a community college district recruits within the boundaries of another community college district, it shall recruit from all high schools within that other district, and may not favor any high schools over other high schools within that other district.

(3) For purposes of this section:

(A) "Recruiting" means either or both of the following actions by a community college district, where the apparent purpose is to encourage student attendance in that district:

(i) The mailing by a community college district, to any address not within its boundaries, of class schedules or other written information, except to current or former students of the district or at the addressee's request.

(ii) The personal visit by a representative of the community college district to any high school, except in response to an invitation from the school district of which the high school is a part.

(B) "Recruiting" does not include any information provided by a community college district through radio, television, or any newspaper or other publication that is not published or otherwise issued by the district, and for which distribution is not limited to residents of the district.

(d) The board of governors shall authorize the Chancellor of the California Community Colleges to retain in any fiscal year an amount of up to 5 percent of the appropriation calculated under Chapter 5 (commencing with Section 84700) of Part 50 as a penalty applicable to any community college district that violates this article, including, but not necessarily limited to, any restriction imposed by the board of governors under this section. Any funds retained pursuant to this subdivision shall revert to the General Fund.

78033.

Nothing in this act shall abrogate any contract existing between any school districts on the effective date of this chapter. Any contractual provision in any contract in effect on the effective date of this chapter shall prevail over any conflicting provision in this chapter until the termination date of the contract, or upon termination by mutual agreement of the parties, whichever occurs first.

78034.

(a) In addition to classification as a resident pursuant to Section 68040, each community college student shall be classified as either a district resident or a nondistrict resident.

(b) For purposes of classification as a district resident or nondistrict resident, the following definitions shall be applicable:

(1) "District" means a community college district maintaining one or more community colleges.

(2) "District resident" means a resident who has residence within a district in the state.

(3) "Nondistrict resident" means a resident who does not have residence within a district in the state, or means a student who: (A) within a 39-month period immediately preceding the residence determination date, was graduated from a high school which is situated in territory not within a district, and (B) whose parent or parents reside in this territory.