

## AR 5030 FEES

### Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- Student representation (Education Code Section 76060.5; Title 5 Section 54805)
- Baccalaureate degree pilot program fees (Title 5 Section 58520)
- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):
  - o All nonresident students enrolling for 6 or fewer units; or
  - o A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
  - o All students, other than ~~nonimmigrants under 8 U.S. Code Section 1101(a)(15), who meet the following requirements~~ persons excluded from the term “immigrant” for purposes of the federal Immigration and Nationality Act (8 U.S. Code Section 1101(a)(15)), who meet the following requirements:
    - 1. high school attendance in California for three or more years;
    - 2. graduation from a California high school or attainment of the equivalent thereof;
    - 3. registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
    - 4. ~~completion of a questionnaire form prescribed by the State Chancellor’s Office~~ filing a California Nonresident Tuition Exemption Request form with the District or in the case of students applying for state-based financial aid, by filing a California Dream Act Application (CADAA) with the California Student Aid Commission verifying eligibility for this nonresident tuition exemption; and
    - 5. in the case of undocumented persons ~~a student without lawful immigration status~~, the filing of an affidavit that the student has filed an application to legalize their immigration status, or will file an application as soon as the student is eligible to do so.
  - o A nonresident student who enrolls in a credit English as a Second Language (ESL) course at the district and who is any of the following:
    - 1. A recent immigrant, as defined in 8 U.S. Code Section 1101(a)(15);
    - 2. A recent refugee, as defined in 8 U.S. Code Section 1101(a)(42); or
    - 3. A person who has been granted asylum by the United States, as defined in 8 U.S. Code Section 1158.

This exemption applies only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year. This exemption applies only to the tuition fee for credit ESL courses.

**Fees authorized by law include:**

- Non-District physical education facilities (Education Code Section 76395)
- Noncredit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408)
- Athletic insurance (Education Code Section 70902(b)(9))
- Cross-Enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Health (Education Code Section 76355). Some students are exempt from paying this fee.
- Parking (Education Code Section 76360). Some students get discounted rates.
- Transportation (Education Code Sections 76361 and 82305.6)
- ~~Student representation (Education Code Section 76060.5; Title 5 Sections 54801 and 54805)~~
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Dormitory (Education Code Section 81670)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Nonresident capital outlay (Education Code Section 76141)
- Nonresident application processing (Education Code Section 76142)
- Credit by Examination for Prior Learning (Education Code Section 76300; Title 5 Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

**Prohibited fees include:**

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- ~~Mandatory~~ Student Identification Cards (CCCCO Student Fee Handbook)
- ~~Mandatory~~ Student Body Organization (CCCCO Student Fee Handbook)

- Nonresident application for ~~domestic students~~ (CCCCO Student Fee Handbook)
- ~~Mandatory Field trip (Title 5 Sections 55450 and 55451)~~
- Fees for dependents of certain veterans (Education Code Section 66025.3)
- Fees for dependents of certain victims of the September 11, 2001 terrorist attacks (CCCCO Student Fee Handbook)
- Fees for certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- Fees for surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime through writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)
  - Required or funded services (CCCCO Student Fee Handbook)
  - Refundable deposits (CCCCO Student Fee Handbook)
  - Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
  - Mandatory mailings (CCCCO Student Fee Handbook)
  - Rental of practice rooms (CCCCO Student Fee Handbook)
  - Apprenticeship courses (Education Code Section 76350)
  - ~~Mandatory~~ Technology fee (CCCCO Student Fee Handbook)
  - Late payment fee (Title 5 Sections 58502 and 59410)
  - Nursing/healing arts student liability insurance (Title 5 Section 55234)
  - Cleaning (CCCCO Student Fee Handbook)
  - Breakage (CCCCO Student Fee Handbook)
  - Test proctoring (CCCCO Student Fee Handbook)

### **Waiver of Fees**

The District may waive enrollment fees which were not collected in a previous session if the enrollment fees were not collected as a result of the District's error in awarding a California College Promise Grant ~~Board of Governors~~ (Fee Waiver) to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

### **Collection**

Each student is responsible for paying all fees for a term or session. Failure to pay all enrollment fees by the deadline may result in the student being dropped from all classes.

- The District shall collect fees raised by an act of the legislature and made effective on or after the date a student has enrolled in an upcoming or current term. From template:
- Fees to be collected when enacted by the Legislature following registration by the student

- The District shall provide notice to students of availability of exemptions from certain mandatory, authorized and ~~permissive~~ fees.

The college catalog and schedule of classes contain the most current information regarding fees. These documents are updated regularly.

### **Failure to Pay Financial Obligations**

The district may withhold ~~grades, transcripts, and diplomas~~<sup>2</sup> and ~~may withhold~~ enrollment privileges or any combination thereof from any student or former student who was notified of their failure to pay the proper financial obligation due to the District. Any item or items withheld shall be released when the student satisfactorily meets the financial obligation (authorized in Education Code Section 72237.)

### **Refund of Student Fees**

A refund of fees will be given to eligible students, providing at least one of the following eligibility requirements is met:

- A. The student's class has been canceled by the District.
- B. The fee was collected in error.
- C. The fees are refundable because of changes in law or regulation authorizing and establishing enrollment fees.
- D. The student has officially withdrawn from a class or classes by the refund deadline which is the first two weeks of instruction for a primary term-length course or by the ten-percent date for a short-term course. It is the student's responsibility to drop classes by the refund deadline or incur the fees per Title 5 Section 58508. In template: Fees refundable because of the student's reduction in units or withdrawal from an education program
- E. The student is a member of an active or reserve military service and has received orders compelling a withdrawal from course(s) at any time during the term.

### **Refundable Fees**

The Admissions and Records website, college catalog and schedule of classes contain the most current information regarding refunds. These documents are updated regularly.

If the student has officially withdrawn from a class or classes by the refund deadline which is the first two weeks of instruction for a primary term-length course or by the ten-percent date for a short-term course, the following fees are refundable minus any applicable processing fee not to exceed \$10 per term:

- tuition and health fees. A processing fee is charged against the tuition fee refunded.
- non-resident tuition and health fees. A processing fee is charged against the tuition fee refunded.
- the ~~Associated~~<sup>2</sup> Student Resource fee

- the I.D. card fee
- Student Benefits fee
- Student Representation fee

**Exception?** Parking fees can only be refunded in full within the first three weeks of the Fall and Spring term and within the first two weeks of the Winter, Summer and short terms. Refunds for parking fees must be requested through the Bursar's Office by published deadlines and a processing fee may be assessed. The student must complete and submit a "Request for Refund" form and attach the parking permit. A refund will be processed upon verification of purchase.

They're virtual permits now based on vehicle license plate, why not give a refund?

### **Non-Refundable Fees**

Instructional materials fees are not refundable on or after the first day of the term. ?

### **Refunds as a Result of Enrollment Adjustments**

Refunds due to changes in the college's educational offerings, changes in fees per Legislature, or fees collected in error will be refunded to the student in full and the refund processing fee will be waived.

### **Processing Time**

If a student is eligible for a refund, the refund will be processed and mailed within 30 days of the transaction date per Title 5 Section 58508. Refunds to International and Veteran students may require a longer processing time.

International students may request an emergency refund to be processed within 10 days if leaving the country.

### **Parking**

To use the on-campus parking facilities, a student is required to purchase a parking decal permit. Parking for some of the satellite campuses are free but still require a printable decal permit. Student parking ~~decals~~ permits are not valid in faculty/staff parking areas. Parking fees vary depending on the term and reduced rates are available for students who qualify.

Students are eligible for a reduced parking fee each term if eligible for a California College Promise Grant (formerly BOG Fee Waiver) or who demonstrate financial need under federal standards or if at the time of enrollment, is a homeless youth as defined in subdivision (b) of Title 5 Section 66025.9.

Education Code Section 67301(b) requires the district to provide visitor parking at no charge for disabled persons or veterans and for persons providing transportation services to individuals with disabilities. Regulations in conformance with this requirement are contained in the California Code of Regulations, Title 5 Section 59306(a). The District shall post in conspicuous places notice that

parking is available to students with disabilities and those providing transportation for such students. Title 5 §54100

### **Transcript and Student Verification Fees**

The first two copies of transcript and enrollment verifications are free excluding expedited requests. Fees are posted on the Admissions and Records website.

Reviewed/Revised: 11/2/2010; 9/20/2017

#### **References:**

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, 76300.5 and 76301;  
Title 5 Sections 51012, 58520, 58501 and 58629;  
California Community Colleges Chancellor's Office (CCCCO) Student Fee Handbook;

Approved: December 11, 2001

Revised: April 12, 2010; November 2, 2010; September 20, 2017

## **AP 5030 Fees**

#### **References:**

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, and 76300.5;  
Title 5 Sections 51012, 58520, and 58629;  
California Community Colleges Chancellor's Office (CCCCO) Student Fee Handbook;

**NOTE:** *This procedure is **legally required**. Local practice can be inserted below, but it must comply with applicable law. Community college districts may only require students to pay a fee if required or specifically authorized by statute.*

*The General Counsel's Office of the California Community Colleges Chancellor's Office regularly publishes an updated student fee handbook that analyzes which fees are required and which are permitted, as well as those which are prohibited.*

#### **Required fees include:**

- Enrollment (Education Code Sections 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- Baccalaureate degree program fees (Title 5 Section 58520)
- Nonresident tuition with these permissive exemptions (Education Code Sections 76140 and 76140.5):
  - All nonresident students enrolling for 6 or fewer units; or

- A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
- All students, other than persons excluded from the term “immigrant” for purposes of the federal Immigration and Nationality Act (8 U.S. Code Section 1101(a)(15)), who meet the following requirements:
  - high school attendance in California for three or more years;
  - graduation from a California high school or attainment of the equivalent thereof;
  - registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
  - filing a California Nonresident Tuition Exemption Request form with the District or in the case of students applying for state-based financial aid, by filing a California Dream Act Application (CADAA) with the California Student Aid Commission verifying eligibility for this nonresident tuition exemption; and
  - in the case of undocumented persons, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as he/she/they is eligible to do so.
- A nonresident student who enrolls in a credit English as a Second Language (ESL) course at the district and who is any of the following:
  - A recent immigrant, as defined in 8 U.S. Code Section 1101(a)(15);
  - A recent refugee, as defined in 8 U.S. Code Section 1101(a)(42); or
  - A person who has been granted asylum by the United States, as defined in 8 U.S. Code Section 1158.

This exemption applies only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year. This exemption applies only to the tuition fee for credit ESL courses.

- Student representation (Education Code Section 76060.5; Title 5 Section 54805) [ **Applies only if a student body association has been established at the District.** ]

#### **Fees authorized by law include:**

- Non-District physical education facilities (Education Code Section 76395)
- Noncredit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400 and 59408)
- Athletic insurance (Education Code Section 70902 subdivision (b)(9))
- Cross-Enrollment with the California State University (CSU) or University of California (UC) (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Dormitory (Education Code Section 81670)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Nonresident capital outlay (Education Code Section 76141)
- Nonresident application processing (Education Code Section 76142)

- Credit for Prior Learning (Education Code Section 76300; Title 5 Section 55050)
- Use of facilities financed by revenue bonds (Education Code Section 81901 subdivision (b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902 subdivision (a))
- Physical fitness test (Education Code Section 70902 subdivision (b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902 subdivision (b)(9))
- Credit Card Use (Education Code Section 70902 subdivision (b)(9))
- International Student Medical Insurance (Education Code Section 70902 subdivision (b)(9))

**Prohibited fees include:**

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Nonresident application (CCCCO Student Fee Handbook)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001, terrorist attacks (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- For surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime through writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Technology fee (CCCCO Student Fee Handbook)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

**Collection and Refund of Fees**

**NOTE:** *Local practice may be inserted below, which should include or address:*

- Fees to be collected when enacted by the Legislature following registration by the student
- Fees collected in error

- Fees refundable because of a reduction in the educational program of the District
- Fees refundable because of the student's reduction in units or withdrawal from an education program
- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees
- Notice to students of availability of exemptions from certain mandatory and authorized fees

### **Waiver of Fees**

The District may waive enrollment fees which were not collected in a previous session where the enrollment fees were not collected as a result of the District's error in awarding a California College Promise Grant (formerly known as Board of Governors Fee Waiver) to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

**Revised 2/03, 8/03, 9/05, 2/06, 8/06, 2/07, 3/12, 9/12, 4/15, 10/15, 4/18, 3/19, 4/20, 10/20, 4/21, 4/23, 4/24, 10/24**

### **§ 51012. Student Fees.**

The governing board of a community college district may only establish such mandatory student fees as it is expressly authorized to establish by law.

### **§ 58629. Ineligible Student: District Error.**

(a) The community college district may waive enrollment fees which were not collected in a previous session where:

(1) the enrollment fees were not collected as a result of the district's error in awarding a California College Promise Grant to an ineligible student and not through the fault of the student, and

(2) to collect the enrollment fees would cause the student undue hardship.

(b) Enrollment fees waived pursuant to this section are to be included in the FTES adjustments described in Education Code section 76300(c) for purposes of computing apportionments.

(c) The Board of Governors shall not reduce the apportionment of a district pursuant to Education Code section 76300(d) for enrollment fees that are waived by a district provided all the requirements for the waiver have been met.

### **66025.3.**

(a) Notwithstanding Section 76300, a campus of the University of California, the California State University, or the California Community Colleges shall not charge any mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to any of the following:

(1) A dependent eligible to receive assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the Military and Veterans Code.

(2) (A) Any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the state poverty level as defined in subdivision (d).

(B) Notwithstanding Section 893 of the Military and Veterans Code, the Department of Veterans Affairs may determine the eligibility for fee waivers for a child described in subparagraph (A).

(3) A dependent, or a surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty, and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. For the purposes of this paragraph, "active service of the state" refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(4) (A) An undergraduate student who is a recipient of a Medal of Honor, commonly known as a Congressional Medal of Honor, or an undergraduate student who is a child of a recipient of a Medal of Honor and who is no more than 27 years old, if both of the following requirements are met:

(i) The undergraduate student's annual income, including the value of any support received from a parent, does not exceed the state poverty level as defined in subdivision (d).

(ii) The recipient of the Medal of Honor who is or was the parent of the undergraduate student is, or at the time of the recipient's death was, a California resident as determined pursuant to Chapter 1 (commencing with Section 68000) of Part 41.

(B) The Department of Veterans Affairs shall determine the eligibility of any applicant for a fee waiver under this paragraph.

(b) (1) Notwithstanding Section 76300, a campus of the University of California or the California State University shall not charge any mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to a current or former foster youth, if the current or former foster youth meets all of the following conditions:

(A) Is 25 years of age or younger.

(B) Has been in foster care for at least 12 consecutive months after reaching 10 years of age.

(C) Meets any of the following:

(i) Is under a current foster care placement order by the juvenile court.

(ii) Was under a foster care placement order by the juvenile court upon reaching 18 years of age.

(iii) Was adopted, or entered guardianship, from foster care.

(D) Completes and submits the Free Application for Federal Student Aid (FAFSA).

(E) Maintains a minimum grade point average and meets other conditions necessary for the student to be in good standing at the public postsecondary educational institution that the current or former foster youth attends, as determined by the appropriate public postsecondary segment.

(F) Meets the financial need requirements established for Cal Grant A awards under Chapter 1.7 (commencing with Section 69430) of Part 42.

(2) A student shall not have the student's mandatory systemwide tuition or fees waived pursuant to this subdivision in excess of the equivalent of attendance in a four-year undergraduate program.

(3) The amount of a student's tuition or fee waiver pursuant to this subdivision shall be reduced by any state or federal financial aid, including scholarships or grants, received by the student for the academic year or semester, or the equivalent, in which the student receives the tuition or fee waiver pursuant to this subdivision.

(c) A person who is eligible for a waiver of tuition or fees under this section may receive a waiver for each academic year during which the person applies for that waiver, but an eligible person may not receive a waiver of tuition or fees for a prior academic year.

(d) As used in this section, the "state poverty level" means annual household income that is less than the amount calculated for a single person with no dependents pursuant to Section 18501 of the Revenue and Tax Code.

(e) The waiver of tuition or fees under this section shall apply only to a person who is determined to be a resident of California pursuant to Chapter 1 (commencing with Section 68000) of Part 41.

(f) Subdivision (a) shall not apply to a dependent of a veteran within the meaning of paragraph (4) of subdivision (a) of Section 890 of the Military and Veterans Code.

(g) The provisions of this section shall not apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make a provision applicable.

#### **68120.**

(a) Notwithstanding any other law, no mandatory systemwide fees or tuition or mandatory campus-based fees of any kind shall be required or collected by the Regents of the University of California, the Board of Directors of the college named in Section 92200, the Trustees of the California State

University, the Board of Governors of the California Community Colleges, or any campus of the University of California, the California State University, or the California Community Colleges from any surviving spouse or surviving child of a deceased person who met all of the following requirements:

- (1) The deceased person was a resident of this state.
  - (2) The deceased person was employed by a public agency or was a contractor, or an employee of a contractor, performing services for a public agency, or was a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in this state.
  - (3) The deceased person's principal duties consisted of active law enforcement service or active fire suppression and prevention. This section does not apply to a person whose principal duties were clerical, even if the person was subject to occasional call or was occasionally called upon to perform duties within the scope of active law enforcement or active fire suppression and prevention.
  - (4) The deceased person was killed in the performance of active law enforcement or active fire suppression and prevention duties, died as a result of an accident or an injury caused by external violence or physical force incurred in the performance of the person's active law enforcement or active fire suppression and prevention duties, or died as a result of an industrial injury or illness arising out of and in the course of active law enforcement or fire suppression and prevention duties.
- (b) Notwithstanding subdivision (a), a person who qualifies for the waiver of mandatory systemwide fees and tuition and mandatory campus-based fees under this section as a surviving child of a contractor, or of an employee of a contractor, who performed services for a public agency shall, in addition to the requirements set forth in subdivision (a), meet both of the following requirements:
- (1) Enrollment as an undergraduate student at a campus of the University of California or the California State University or as a student at a community college campus.
  - (2) Documentation that the student's annual income, including the value of any support received from a parent, does not exceed the maximum household income and asset level for an applicant for a Cal Grant B award, as set forth in Section 69432.7.
- (c) As used in this section:
- (1) "Contractor" or "employee of a contractor" does not include a security guard or security officer, as defined in Section 7582.1 of the Business and Professions Code.
  - (2) "Public agency" means the state or any city, county, city and county, district, or other local authority or public body of or within the state.
  - (3) "Spouse" has the same meaning as defined in Section 22171.
  - (4) "Surviving child" means either of the following:
    - (A) A surviving natural or adopted child of the deceased person.

(B) A surviving stepchild who meets both of the following requirements:

(i) The stepchild was living or domiciled with the deceased person at the time of the deceased person's death.

(ii) The stepchild was claimed on the tax form most recently filed by the deceased person before that person's death, or the stepchild received 50 percent or more of the stepchild's support from that deceased person in the tax year immediately preceding the death of the deceased person, or both.

**70902.**

(a) (1) Every community college district shall be under the control of a board of trustees, which is referred to herein as the "governing board." The governing board of each community college district shall establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the governing board may initiate and carry on any program, activity, or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which community college districts are established.

(2) The governing board of each community college district shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district.

(b) In furtherance of subdivision (a), the governing board of each community college district shall do all of the following:

(1) Establish policies for, and approve, current and long-range academic and facilities plans and programs and promote orderly growth and development of the community colleges within the district. In so doing, the governing board shall, as required by law, establish policies for, develop, and approve, comprehensive plans. The governing board shall submit the comprehensive plans to the board of governors for review and approval.

(2) Establish policies for and approve courses of instruction and educational programs. The educational programs shall be submitted to the board of governors for approval. Courses of instruction that are not offered in approved educational programs shall be submitted to the board of governors for approval. The governing board shall establish policies for, and approve, individual courses that are offered in approved educational programs, without referral to the board of governors.

(3) Establish academic standards, probation and dismissal and readmission policies, and graduation requirements not inconsistent with the minimum standards adopted by the board of governors.

(4) Employ and assign all personnel not inconsistent with the minimum standards adopted by the board of governors and establish employment practices, salaries, and benefits for all employees not inconsistent with the laws of this state.

(5) To the extent authorized by law, determine and control the district's operational and capital outlay budgets. The district governing board shall determine the need for elections for override tax levies and bond measures and request that those elections be called.

(6) Manage and control district property. The governing board may contract for the procurement of goods and services as authorized by law.

(7) Establish procedures that are consistent with minimum standards established by the board of governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance, and to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(8) Establish rules and regulations governing student conduct.

(9) Establish student fees as it is required to establish by law, and, in its discretion, fees as it is authorized to establish by law.

(10) In its discretion, receive and administer gifts, grants, and scholarships.

(11) Provide auxiliary services as deemed necessary to achieve the purposes of the community college.

(12) Within the framework provided by law, determine the district's academic calendar, including the holidays it will observe.

(13) Hold and convey property for the use and benefit of the district. The governing board may acquire by eminent domain any property necessary to carry out the powers or functions of the district.

(14) Participate in the consultation process established by the board of governors for the development and review of policy proposals.

(c) In carrying out the powers and duties specified in subdivision (b) or other provisions of statute, the governing board of each community college district shall have full authority to adopt rules and regulations, not inconsistent with the regulations of the board of governors and the laws of this state, that are necessary and proper to executing these prescribed functions.

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate. However, the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

**76300.**

(a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be forty-six dollars (\$46) per unit per semester, effective with the summer term of the 2012 calendar year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.4 or 84750.5, as applicable, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in pretransfer classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these students are not included in the calculation of the full-time equivalent students (FTES) of that district.

(f) The governing board of a community college district **may** exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

(g) (1) The fee requirements of this section shall be waived for any student who meets all of the following requirements:

(A) Meets minimum academic and progress standards adopted by the board of governors that fulfill the requirements outlined in this paragraph and paragraphs (2) to (5), inclusive. Any minimum academic and progress standards adopted pursuant to this section shall be uniform across all community college districts and campuses. These standards shall not include a maximum unit cap, and community college districts and colleges shall not impose requirements for fee waiver eligibility

other than the minimum academic and progress standards adopted by the board of governors and the requirements of subparagraph (B).

(B) Meets one of the following criteria:

(i) At the time of enrollment, is a recipient of benefits under the Temporary Assistance for Needy Families program, the Supplemental Security Income/State Supplementary Payment Program, or a general assistance program.

(ii) Demonstrates eligibility according to income standards established by regulations of the board of governors.

(iii) Demonstrates financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(iv) At the time of enrollment, is a **homeless youth or a former homeless youth** as defined in subdivision (b) of Section 66025.9.

(2) (A) The board of governors, in consultation with students, faculty, and other key stakeholders, shall consider all of the following in the development and adoption of minimum academic and progress standards pursuant to subparagraph (A) of paragraph (1):

(i) **Minimum uniform academic and progress standards that do not unfairly disadvantage financially needy students in pursuing their education.**

(ii) Criteria for reviewing extenuating circumstances and granting appeals that, at a minimum, take into account and do not penalize a student for circumstances outside the student's control, such as reductions in student support services or changes to the economic situation of the student.

(iii) **A process for reestablishing fee waiver eligibility that provides a student with a reasonable opportunity to continue or resume the student's enrollment at a community college.**

(B) To ensure that students are not unfairly impacted by the requirements of subparagraph (A) of paragraph (1), the board of governors shall establish a reasonable implementation period that commences no sooner **than one year** from adoption of the minimum academic and progress standards, or any subsequent changes to these standards, pursuant to subparagraph (A) of paragraph (1) and that is phased in to provide students adequate notification of this requirement and information about available support resources.

(3) It is the intent of the Legislature that minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) be implemented only as campuses develop and implement the student support services and interventions necessary to ensure no disproportionate impact to students based on ethnicity, gender, disability, or socioeconomic status. The board of governors shall consider the ability of community college districts to meet the requirements of this paragraph before

adopting minimum academic and progress standards, or any subsequent changes to these standards, pursuant to subparagraph (A) of paragraph (1).

(4) It is the intent of the Legislature to ensure that a student shall not lose fee waiver eligibility without a community college campus first demonstrating a reasonable effort to provide a student with adequate notification and assistance in maintaining the student's fee waiver eligibility. The board of governors shall adopt regulations to implement this paragraph that ensure all of the following:

(A) Students are provided information about the available student support services to assist them in maintaining fee waiver eligibility.

(B) Community college district policies and course catalogs reflect the minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) and that appropriate notice is provided to students before the policies are put into effect.

(C) A student does not lose fee waiver eligibility unless the student has not met minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) for a period of no less than two consecutive academic terms.

(5) The board of governors shall provide notification of a proposed action to adopt regulations pursuant to this subdivision to the appropriate policy and fiscal committees of the Legislature in accordance with the requirements of paragraph (1) of subdivision (a) of Section 70901.5. This notification shall include, but not be limited to, all of the following:

(A) The proposed minimum academic and progress standards and information detailing how the requirements of paragraphs (1) to (4), inclusive, have been or will be satisfied.

(B) How many students may lose fee waiver eligibility by ethnicity, gender, disability, and, to the extent relevant data is available, by socioeconomic status.

(C) The criteria for reviewing extenuating circumstances, granting appeals, and reestablishing fee waiver eligibility pursuant to paragraph (2).

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. "Active service of the state," for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120 or 68120.3.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for determining nonresident and resident tuition.

(l) (1) "Dependent," for purposes of subdivision (j), is a person who, because of the person's relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains 30 years of age.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment

Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992–93 fiscal year.

(n) (1) A community college district may use available emergency relief funds provided by the federal government to waive the fee requirements established pursuant to this section for a student who has not paid the fee due to the impacts of the COVID-19 pandemic.

(2) A community college district may use the authorization established pursuant to this subdivision only to waive the fees of students that are unpaid due to the impacts of the COVID-19 pandemic. A participating community college district shall first waive the unpaid fees of low-income students and students from underrepresented communities.

(o) The board of governors shall adopt regulations implementing this section.

*(Amended by Stats. 2022, Ch. 465, Sec. 5. (AB 2973) Effective January 1, 2023.)*

#### **76300.5.**

(a) A district shall waive the fees of a student who is exempt from paying nonresident tuition under Section 68130.5, and who otherwise qualifies for a waiver under Section 76300, under regulations and procedures adopted by the board of governors. The Legislature finds and declares that this section is a state law within the meaning of Section 1621(d) of Title 8 of the United States Code.

#### **76301.**

Notwithstanding any other law, a community college district shall waive the fees of a student who is a victim of trafficking, domestic violence, and other serious crimes who has been granted a status under Section 1101(a)(15)(T)(i) or (ii), or Section 1101(a)(15)(U)(i) or (ii), of Title 8 of the United States Code to the same extent as individuals who are admitted to the United States as refugees under Section 1157 of Title 8 of the United States Code.

#### **§ 58501. Enrollment Fee.**

(a) Semester: The enrollment fee charged of students enrolled in a regular semester shall be a per credit unit rate prescribed by the Legislature.

(b) Quarter: The enrollment fee charged of students enrolled in a regular quarter session shall be two-thirds of the per credit unit rate for a regular semester.

(c) Fractional Units: The enrollment fee charged for courses with fractional unit value shall be computed by multiplying the fraction times the applicable semester or quarter unit rate and rounding off to the nearest dollar.

(d) Baccalaureate Program Fees: The fees charged for students enrolled in upper division coursework in a baccalaureate degree program shall be a per credit unit rate prescribed by the Legislature. Students enrolled in a baccalaureate degree program pay the baccalaureate degree program fee in addition to the enrollment fee.

(e) Enrollment and all related fees shall be published in the college catalogs and on college websites.