

Date of Hearing: April 19, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 2364 (Holden) – As Amended April 7, 2016

SUBJECT: Public postsecondary education: community colleges: exemption from nonresident tuition.

SUMMARY: Requires California Community Colleges (CCC) districts to exempt a special part-time student, other than a nonimmigrant alien, as defined, from paying all or parts of the fee if that student is admitted pursuant to one of additionally specified concurrent or dual enrollment programs.

EXISTING LAW:

- 1) Authorizes the governing board of a school district, upon recommendation of the principal of a student's school of attendance, and with parental consent, to authorize a student who would benefit from advanced scholastic or vocational work to attend a community college as a special part-time or full-time student. Additionally, current law prohibited a principal from recommending, for community college summer session attendance, more than 5 percent of the total number of students in the same grade level and exempted from the 5 percent cap a student recommended by his or her principal for enrollment in a college-level summer session course if the course in which the pupil was enrolled met specified criteria. These exemptions were repealed on January 1, 2014 (Education Code (EC) Section 48800, et seq.).
- 2) Prohibits a pupil enrolled in a public school from being required to pay a pupil fee for participation in an educational activity; and, specifies that all of the following requirements apply to the prohibition:
 - a) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge;
 - b) A fee waiver policy shall not make a pupil fee permissible;
 - c) School districts and schools shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain via payment of a fee or purchase of additional supplies that the school district does not provide; and,
 - d) A school district or school shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school (EC Section 49011).
- 3) Specifies that a student exempt from nonresident tuition may be reported by a community college district as a Full-Time Equivalent Student (FTES) for apportionment purposes; and,

exempts, as specified, California nonresidents from paying nonresident tuition at the University of California (UC), California State University (CSU), and the CCCs if they meet all of the following:

- a) Attended a California high school for three or more years;
 - b) Graduated from a California high school or attained an equivalent degree;
 - c) Registered or attended an accredited California higher education institution not before fall of the 2001-02 academic year; and,
 - d) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so (EC Sections 68130 and 68130.5).
- 4) Requires the CCC Chancellor's Office to report to the Department of Finance and Legislature annually on the amount of FTES claimed by each CCC district for high school pupils enrolled in non-credit, non-degree applicable, and degree applicable courses; and provides that, for purposes of receiving state apportionments, CCC districts may only include high school students within the CCC district's report on FTES if the students are enrolled in courses that are open to the general public, as specified. Additionally, current law requires the governing board of a CCC district to assign a low enrollment priority to special part-time or full-time students in order to ensure that these students do not displace regularly admitted community college students (EC Sections 76001 and 76002).
- 5) Authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district for the purpose of offering or expanding dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness; and authorizes the governing board of a community college district participating in a CCAP partnership agreement to exempt special part-time students, as specified, from various fee requirements, as specified (EC Section 76004).
- 6) Authorizes a community college district to admit and charge a tuition fee to nonresident students, except that a community college district may exempt from all or parts of the fee any person, as specified (EC 76140).

FISCAL EFFECT: Unknown

COMMENTS: *Concurrent and dual enrollment background.* According to *New Directions for Community Colleges*, no. 169, Spring 2015, the practice of offering college courses to high school students stems from local practice in many states and was initiated between community college districts and local school districts, but the practice proceeded without clear state policy guidelines, regulations, or direction; resulting in variation in local practice. Some states, such as Minnesota, as far back as the 1980s, were early adopters of state dual credit policies, whereby

their state policies provided a framework for offering college courses to high school students and the students receiving both college and high school credit for some of their courses.

College and Career Access Pathways partnership (CCAP). Community college districts may claim FTES and state apportionment for courses given through CCAP provided that specified requirements are met. The CCAP must make reference to the following student fee prohibitions and exemptions:

- 1) High school pupils enrolled in courses offered through a CCAP agreement shall not be assessed or charged a fee prohibited by EC Section 49011, including a fee charged to a pupil, or a pupil's parent or guardian, as a condition for course registration or for textbooks, supplies, materials, and equipment needed to participate in the course; and,
- 2) High school pupils enrolled in courses offered through a CCAP agreement and that are properly classified as having "special part-time student" status, shall be exempt from the following community college fee requirements:
 - a) Student representation fee;
 - b) Nonresident tuition fee;
 - c) Transcript fees;
 - d) Course enrollment fees;
 - e) Apprenticeship course fees; and,
 - f) Child development center fees.

This measure seeks to correct a conflict in existing law whereby a community college district does not have express authority to claim state apportionment for nonresident high school students participating in a CCAP partnership.

Purpose of this measure. According to the author, this measure ensures that undocumented students are able to access concurrent enrollment programs by granting them resident tuition eligibility and that community colleges are able to claim apportionment for said students.

Two tracks? While this measure does not seek to bring clarity as to the existing two tracks for community college districts offering dual or concurrent enrollment for high school pupils, *moving forward, the author may wish to consider eliminating the non-CCAP track in statute.*

Apportionment. Nothing in current law prohibits community college districts from choosing to admit special part-time or full-time high school students and waiving any associated tuition and fees for their enrollment. However, should community college districts be allowed to claim apportionment dollars for high school students when they have been tasked with enrollment growth, presumably of adults?

This measure may have the unintended consequence of creating an incentive for community college districts to earn more apportionment dollars by enrolling more high school students, instead of the adults it has been tasked to serve.

Moving forward, the Committee and author may wish to determine if it is appropriate to incentivize ways for community college districts to earn more apportionment dollars, without factoring in the mission of the colleges.

Related legislation. AB 2681 (O'Donnell), which will be heard in this Committee today, would, among others, establish an incentive for districts to enter into CCAP partnerships by providing grants that may be used to offset the costs of associated activities.

AB 2758 (Gipson), which is awaiting a hearing in this Committee, is very similar in nature to this measure.

AB 288 (Holden), Chapter 618, Statutes of 2015, created, among others, the CCAP.

REGISTERED SUPPORT / OPPOSITION:

Support

California Community Colleges Board of Governors
California Coalition of Early and Middle Colleges
California Immigrant Policy Center
Community College League of California
Compton Unified School District (sponsor)
Foothill De Anza Community College District
Los Rios Community College District
Mexican American Legal Defense and Education Fund
Napa County Office of Education
Peralta Community College District
Riverside County Superintendent of Schools
San Diego Community College District
San Francisco Community College District
Yuba Community College District

Opposition

None on file.

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