
San Bernardino Community College District
Administrative Procedure
Chapter 5 – Student Services

AP 5030 FEES

(Replaces current SBCCD AP 5030 and AP 5033)

NOTE: This procedure is **legally required**. Local practice can be inserted here, but 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 CCC Chancellor's Office regularly publishes an updated student fee handbook (accessible at http://www.cccco.edu/divisions/legal/studentfeehandbook_files/studentfeehandbook.htm) that analyzes which fees are required and which are permitted, as well as those which are prohibited.

Required fees include:

- Enrollment (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- 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 nonimmigrant aliens under 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;
 - completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 - in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her

44 immigration status, or will file an application as soon as he/she is
45 eligible to do so.

46
47 **Fees authorized by law include:**

- 48 • Non-District physical education facilities (Education Code Section 76395)
- 49 • Noncredit courses (Education Code Section 76385)
- 50 • Community service courses (Education Code Section 78300)
- 51 • Auditing of courses (Education Code Section 76370)
- 52 • Instructional materials (Education Code Sections 73365, 81457, and 81458; Title
53 5 Sections 59400 and 59408)
- 54 • Athletic insurance (Education Code Section 70902(b)(9))
- 55 • Cross-Enrollment with the California State University (CSU) or University of
56 California (UC) (Education Code Section 66753)
- 57 • Health (Education Code Section 76355)
- 58 • Parking (Education Code Section 76360)
- 59 • Transportation (Education Code Sections 76361 and 82305.6)
- 60 • Student representation (Education Code Section 76060.5; Title 5 Sections 54801
61 and 54805)
- 62 • Student Center (Education Code Section 76375; Title 5 Section 58510)
- 63 • Copies of student records (Education Code Section 76223)
- 64 • Dormitory (Education Code Section 81670)
- 65 • Child care (Education Code Sections 79121 et seq. and 66060)
- 66 • Nonresident capital outlay (Education Code Section 76141)
- 67 • Nonresident application processing (Education Code Section 76142)
- 68 • Credit by Examination (Education Code Section 76300; Title 5 Section 55050)
- 69 • Use of facilities financed by revenue bonds (Education Code Section
70 81901(b)(3))
- 71 • Refund processing (Title 5 Section 58508)
- 72 • Telephone registration (Education Code Section 70902(a))
- 73 • Physical fitness test (Education Code Section 70902(b)(9))
- 74 • Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- 75 • Credit Card Use (Education Code Section 70902(b)(9))
- 76 • International Student Medical Insurance (Education Code Section 70902(b)(9))

77
78 **Prohibited fees include:**

- 79 • Late application (CCCCO Student Fee Handbook)
- 80 • Add/drop (CCCCO Student Fee Handbook)
- 81 • Mandatory student activities (CCCCO Student Fee Handbook)
- 82 • Student Identification Cards (CCCCO Student Fee Handbook)
- 83 • Student Body Organization (CCCCO Student Fee Handbook)
- 84 • Nonresident application (CCCCO Student Fee Handbook)
- 85 • Field trip (Title 5 Sections 55450 and 55451)
- 86 • For dependents of certain veterans (Education Code Section 66025.3)

- 87 • For dependents of certain victims of the September 11, 2001, terrorist attacks
- 88 (CCCCO Student Fee Handbook)
- 89 • For certain recipients of the Medal of Honor and certain children of the recipients
- 90 of the Medal of Honor (Education Code Section 66025.3)
- 91 • Required or funded services (CCCCO Student Fee Handbook)
- 92 • Refundable deposits (CCCCO Student Fee Handbook)
- 93 • Distance education (other than the statutorily authorized enrollment fee)
- 94 (CCCCO Student Fee Handbook)
- 95 • Mandatory mailings (CCCCO Student Fee Handbook)
- 96 • Rental of practice rooms (CCCCO Student Fee Handbook)
- 97 • Apprenticeship courses (Education Code Section 76350)
- 98 • Technology fee (CCCCO Student Fee Handbook)
- 99 • Late payment fee (Title 5 Sections 58502 and 59410)
- 100 • Nursing/healing arts student liability insurance (Title 5 Section 55234)
- 101 • Cleaning (CCCCO Student Fee Handbook)
- 102 • Breakage (CCCCO Student Fee Handbook)
- 103 • Test proctoring (CCCCO Student Fee Handbook)

Collection and Refund of Fees

NOTE: Local practice may be inserted here, 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

❖ From current SBCCD AP 5030 titled Fees

- A. Associated Students Discount Sticker
 - \$7.50 - CHC
 - \$7.50 - SBVC
 - \$4.00 - Replacement for lost card
- B. Breakage/Lost Property Fee
 - Replacement cost of item(s) broken or lost
- C. Campus Center Fee

- 132 \$1.00/unit (not to exceed \$10 per fiscal year)
133
- 134 D. Capital Outlay Fee for Students on a Visa
135 \$41.00/unit
136
- 137 E. Catalog
138 \$6.00 - purchased on campus
139
- 140 F. Credit by Examination
141 \$20.00 plus class unit fee
142
- 143 G. Document Fee Handling
144 \$40.00 per hour for personnel time to find, retrieve, copy and re-file requested
145 documents;
146 minimum charge of 1 hour
147 \$0.15 per side copy cost
148 Fees must be paid prior to document release
149
- 150 H. Enrollment Fee
151 \$46.00/unit – California Resident
152 \$162.00/unit – Non-California Resident
153
- 154 I. Insufficient Funds Check
155 \$15.00
156
- 157 J. International Student Application
158 \$25.00 (nonrefundable)
159
- 160 K. Key Deposit/Replacement
161 \$15.00 plus cost of rekeying if needed (metal/electronic key)
162
- 163 L. Learning Center Reproduction Fees, SBVC
164 \$0.20 - Laser printout: text, black and white printer
165 \$0.50 - Laser printout: graphics, black and white printer (over ½ page)
166 \$1.00 - Laser printout: graphics and/or text, color
167 \$2.00 - Scan text or graphics to disk, per scan
168
- 169 M. Library Fines – SBVC/CHC
170 \$0.10 - Books: per day for 50 days; after 50 days, bill \$5 fine plus the
171 replacement value \$0.25 - Reserve Books/Multimedia: per hour to a maximum of
172 the replacement value of the reserve materials; after 14 days, bill \$5 fine plus the
173 replacement value
174 \$0.50 - Videos: per day for 50 days; after 50 days, bill \$5 fine plus the
175 replacement value
176 \$0.10 - Per page for laser printout of Internet, CD ROM, Periodicals
177 \$2.00 - replacement for lost library card

178
179 N. Parking Permit Fees (students, faculty, and staff)
180 \$75.00 - annual permit
181 \$30.00 - one semester (\$20 BOGG student)
182 \$15.00 - summer session
183 \$2.00 - daily
184
185 O. Parking Violation Fees
186 \$ 50.00 - illegal parking
187 \$ 50.00 - decal violation
188 \$275.00 - handicap violation
189
190 P. Refund Processing Charge
191 A fee of \$10.00 will be charged for each refund transaction, not to exceed \$10.00
192 per student per semester as defined in the Fee Refund Policy.
193
194 Q. Replacement – Diploma/Certificate
195 \$10.00
196
197 R. Schedule of Classes
198 \$3.00 - mailed in U.S. only
199
200 S. Student Health and Accident Insurance
201 \$19.00 - per semester (includes \$1.50 accident insurance)
202 \$16.00 - summer session (includes \$1.50 accident insurance)
203 \$1.50 - accident insurance only
204
205 T. Student Representation
206 \$1.00
207
208 U. Supplemental Health Services Fee
209 \$10.00 - TB skin test (one-step test)
210 \$10.00 - TB skin test (two-step test)
211 At cost - All Vaccines
212 \$25.00 - Physical Exams
213 \$50.00 - DMV Physical Exams
214 At cost - Prescription medications
215 At cost - In-house Lab Tests
216 At cost - Lab Test sent to external lab
217 At cost - Optional Medical Procedures
218 At cost - Optional Medical Supplies
219 \$ 8.00 - Vision screening (Titmus vision tester)
220 \$ 2.00 per item - Duplication of medical records
221 \$10.00 - Hearing Screening (Audiometer)
222 At cost - Birth Control Pills
223

224 V. Testing Fees
225 \$200.00 - Paramedic National Registry Testing
226 \$ 25.00 - Retest per skill
227 \$ 5.00 - CPR card
228 Repeat course from Career Tech Department
229 0.5 units - \$12.00
230 1.0 units - \$23.00
231 2.0 units - \$46.00
232 3.0 units - \$70.00

233
234 W. Transcripts/Verification
235 No cost - First two transcripts
236 \$10.00 - Additional transcripts
237 \$8.00 - 24-hour requests for transcripts
238 \$20.00 - Immediate requests for transcripts
239 \$5.00 plus cost - Online transcripts

240
241 X. Transportation Fee
242 Students registering for Spring or Fall semester to pay:
243 \$7.50 for 6 or more credits
244 \$7.00 for less than 6 credits

245
246
247 ❖ **From current SBCCD AP 5033 titled Refunds**

248
249 **Fee Refunds**

250
251 A. Designated Fees

252
253 This regulation covers the following fees:

- 254
255 1. Enrollment fee
256 2. Nonresident tuition
257 3. Parking fee
258 4. Health fee
259 5. Accident Insurance fee
260 6. Student Services Card fee
261 7. Student Center fee
262 8. Student Representation Fee
263 9. Capital Outlay Fee
264 10. Student Transportation Fee

265
266 B. Conditions

267
268 If a refund is requested for parking or student services card fees, the parking decal or
269 the student services card must be attached to the refund request.

270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314

C. Military Service Exception

If a student who is a member of an active or reserve military service receives orders compelling a withdrawal from courses, the District shall, upon petition and a copy of received orders of the affected student, refund the entire enrollment fee unless academic credit is awarded.

D. Refund Schedule

This refund schedule applies to all fees listed in Paragraph A, above.

1. Fees collected in error

Fees collected in error will be refunded in their entirety.

2. Class cancelled by the college

If a class is cancelled by the college, enrollment and/or non-resident tuition fees will be refunded in their entirety. If that cancellation results in a student's withdrawal from the college, refunds of the appropriate fees listed in Paragraph "A" will apply.

3. Withdrawal from the College

a. Enrollment Fee/Nonresident Tuition

If a student withdraws during the first two weeks of a full-term class or during the first 10% of a short-term class, enrollment fees or nonresident tuition fees will be refunded.

b. Parking Fee, Health Fee, Accident Insurance Fee, Student Services Card Fee, Student Center Fee, Student Representation Fee, Capital Outlay Fee, Student Transportation Fee.

In order to be eligible for a refund, a student must withdraw prior to the first day of the term for a full-term class or prior to the first day of instruction for a short-term class.

4. Unit Reduction

If a change of program within the first two weeks of a full-term class or during the first 10% of a short-term class results in a reduction in the number of units taken, the enrollment fee or non-resident fee will be refunded at the per unit cost of the reduction.

315 5. A student who withdraws from a class or the college after the second week of
316 instruction for a full-term class or the first 10% of a short-term class is not eligible
317 for any refund.

318
319 E. Refund Processing Fee

320
321 A charge of \$10 will be collected for each refund transaction not to exceed \$10 per
322 student per semester, except for cancelled classes or over-payment.

323
324 **References:** [Education Code Sections 66025.3, 70902\(b\)\(9\), 76300, and 76300.5;](#)
325 [Title 5 Section 51012;](#)
326 [California Community College Chancellor's Office \(CCCCO\) Student](#)
327 [Fee Handbook](#)

328
329
330 **NOTE:** The **red ink** signifies language that is **legally required** and recommended by the Policy and
331 Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from
332 current SBCCD AP 5030 titled Fees approved on 4/11/13 and current SBCCD AP 5033 titled Refunds
333 approved on 4/11/13. This procedure reflects updates/revisions from the Policy and Procedure Service in
334 February 2003, August 2003, September 2005, February 2006, August 2006, February 2007, March
335 2012, and September 2012. The language in **blue ink** is included for consideration.

336 **Approved: 4/11/13**

Revised:

337
338

339 **Legal Citations for AP 5030**

340
341 **EDUCATION CODE SECTION 70902**

342
343 **EDUCATION CODE - EDC**

344 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

345 *(Title 3 enacted by Stats. 1976, Ch. 1010.)*

346 **DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]**

347 *(Division 7 enacted by Stats. 1976, Ch. 1010.)*

348 **PART 43. THE CALIFORNIA COMMUNITY COLLEGES [70900 - 70902]**

349 *(Heading of Part 43 renumbered from Part 43.5 by Stats. 1995, Ch. 758, Sec. 78.)*

350
351 **70902.**

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

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

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

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

372 (2) Establish policies for and approve courses of instruction and educational
373 programs. The educational programs shall be submitted to the board of governors
374 for approval. Courses of instruction that are not offered in approved educational
375 programs shall be submitted to the board of governors for approval. The governing

376 board shall establish policies for, and approve, individual courses that are offered in
377 approved educational programs, without referral to the board of governors.

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

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

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

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

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

397 (8) Establish rules and regulations governing student conduct.

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

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

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

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

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

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

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

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

421 (e) This section shall become operative on January 1, 2014.

422 *(Amended (as added by Stats. 2006, Ch. 817, Sec. 5) by Stats. 2011, Ch. 112, Sec. 4. Effective January 1,*
423 *2012. Section operative January 1, 2014, by its own provisions.)*

424
425

426 **EDUCATION CODE SECTIONS 76300 et seq.**

427

428 **Enrollment Fee:**

429

430 **EDUCATION CODE - EDC**

431 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

432 *(Title 3 enacted by Stats. 1976, Ch. 1010.)*

433 **DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]**

434 *(Division 7 enacted by Stats. 1976, Ch. 1010.)*

435 **PART 47. STUDENTS [76000 - 76407]**

436 *(Part 47 enacted by Stats. 1976, Ch. 1010.)*

437 **CHAPTER 2. Fees [76300 - 76395]**

438 *(Chapter 2 added by Stats. 1993, Ch. 8, Sec. 34.)*

439

440 **ARTICLE 1. Enrollment Fees and Financial Aid [76300 - 76301]**

441 *(Article 1 added by Stats. 1993, Ch. 8, Sec. 34.)*

442

443 **76300.**

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

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

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

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

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

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

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

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

466 (3) Students enrolled in credit contract education courses pursuant to Section
467 78021, if the entire cost of the course, including administrative costs, is paid by the
468 public or private agency, corporation, or association with which the district is
469 contracting and if these students are not included in the calculation of the full-time
470 equivalent students (FTES) of that district.

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

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

475 (A) Meets minimum academic and progress standards adopted by the board of
476 governors, which fulfill the requirements outlined in this paragraph and paragraphs
477 (2) to (5), inclusive. Any minimum academic and progress standards adopted
478 pursuant to this section shall be uniform across all community college districts and
479 campuses. These standards shall not include a maximum unit cap, and community
480 college districts and colleges shall not impose requirements for fee waiver eligibility
481 other than the minimum academic and progress standards adopted by the board of
482 governors and the requirements of subparagraph (B).

483 (B) Meets one of the following criteria:

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

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

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

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

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

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

502 (iii) A process for reestablishing fee waiver eligibility that provides a student with a
503 reasonable opportunity to continue or resume his or her enrollment at a community
504 college.

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

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

519 subsequent changes to these standards, pursuant to subparagraph (A) of
520 paragraph (1).

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

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

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

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

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

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

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

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

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

554 member of the California National Guard activated pursuant to Section 146 of the
555 Military and Veterans Code.

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

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

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

567 (2) The individual killed in the attacks was a resident of California on September
568 11, 2001.

569 (k) A determination of whether a person is a resident of California on September
570 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in
571 Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for
572 determining nonresident and resident tuition.

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

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

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

584 (4) A dependent of an individual killed in the terrorist attacks of September 11,
585 2001, who is determined to be eligible by the California Victim Compensation and
586 Government Claims Board, is also entitled to the waivers provided in this section
587 until January 1, 2013.

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

591 (2) From funds provided in the annual Budget Act, the board of governors shall
592 allocate to community college districts, pursuant to this subdivision, an amount
593 equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive.
594 From funds provided in the annual Budget Act, the board of governors shall allocate
595 to community college districts, pursuant to this subdivision, an amount equal to
596 ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j),
597 inclusive. It is the intent of the Legislature that funds provided pursuant to this
598 subdivision be used to support the determination of financial need and delivery of
599 student financial aid services, on the basis of the number of students for whom fees
600 are waived. It also is the intent of the Legislature that the funds provided pursuant
601 to this subdivision directly offset mandated costs claimed by community college
602 districts pursuant to Commission on State Mandates consolidated Test Claims 99-
603 TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds
604 allocated to a community college district for determination of financial need and
605 delivery of student financial aid services shall supplement, and shall not supplant,
606 the level of funds allocated for the administration of student financial aid programs
607 during the 1992–93 fiscal year.

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

609 (o) This section shall become operative on May 1, 2012, only if subdivision (b) of
610 Section 3.94 of the Budget Act of 2011 is operative.

611 *(Amended (as amended by Stats. 2011, 1st Ex., Ch. 15, Sec. 4) by Stats. 2012, Ch. 624, Sec. 2. Effective*
612 *January 1, 2013. Section conditionally operative as provided in subd. (o).)*

613
614

615 **EDUCATION CODE - EDC**

616 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

617 *(Title 3 enacted by Stats. 1976, Ch. 1010.)*

618
619

619 **DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]**

620 *(Division 7 enacted by Stats. 1976, Ch. 1010.)*

621
622

622 **PART 47. STUDENTS [76000 - 76407]**

623 *(Part 47 enacted by Stats. 1976, Ch. 1010.)*

624
625

625 **CHAPTER 2. Fees [76300 - 76395]**

626 *(Chapter 2 added by Stats. 1993, Ch. 8, Sec. 34.)*

627
628
629
630
631
632

633

634
635
636
637
638

639

640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662

663

ARTICLE 1. Enrollment Fees and Financial Aid [76300 - 76301]

(Article 1 added by Stats. 1993, Ch. 8, Sec. 34.)

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.

(b) This section shall become operative on January 1, 2013.

(Added by Stats. 2011, Ch. 604, Sec. 4. Effective January 1, 2012. Section operative January 1, 2013, by its own provisions.)

EDUCATION CODE - EDC

TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]

(Title 3 enacted by Stats. 1976, Ch. 1010.)

DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]

(Division 7 enacted by Stats. 1976, Ch. 1010.)

PART 47. STUDENTS [76000 - 76407]

(Part 47 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 2. Fees [76300 - 76395]

(Chapter 2 added by Stats. 1993, Ch. 8, Sec. 34.)

ARTICLE 1. Enrollment Fees and Financial Aid [76300 - 76301]

(Article 1 added by Stats. 1993, Ch. 8, Sec. 34.)

76301.

664 Notwithstanding any other law, a community college district shall waive the fees of
665 a student who is a victim of trafficking, domestic violence, and other serious crimes
666 who has been granted a status under Section 1101(a)(15)(T)(i) or (ii), or Section
667 1101(a)(15)(U)(i) or (ii), of Title 8 of the United States Code to the same extent as
668 individuals who are admitted to the United States as refugees under Section 1157
669 of Title 8 of the United States Code.

670 *(Added by Stats. 2012, Ch. 509, Sec. 3. Effective January 1, 2013.)*

671

672

673

674 **EDUCATION CODE SECTION 76370**

675

676 **Auditing Fees:**

677

678 **EDUCATION CODE - EDC**

679 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

680 *(Title 3 enacted by Stats. 1976, Ch. 1010.)*

681

DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]

682 *(Division 7 enacted by Stats. 1976, Ch. 1010.)*

683

PART 47. STUDENTS [76000 - 76407]

684 *(Part 47 enacted by Stats. 1976, Ch. 1010.)*

685

CHAPTER 2. Fees [76300 - 76395]

686

(Chapter 2 added by Stats. 1993, Ch. 8, Sec. 34.)

687

688 **ARTICLE 2. Authorized Fees [76350 - 76395]**

689 *(Article 2 added by Stats. 1993, Ch. 8, Sec. 34.)*

690

691 **76370.**

692 The governing board of a community college district may authorize a person to
693 audit a community college course and may charge that person a fee pursuant to
694 this section.

695 (a) If a fee for auditing is charged, it shall not exceed fifteen dollars (\$15) per unit
696 per semester.

697 The governing board shall proportionately adjust the amount of the fee for term lengths based
698 upon a quarter system or other alternative system approved pursuant to regulations of the
699 board of governors, and shall also proportionately adjust the amount of the fee for summer
700 **sessions**, inter**session**s, and other short-term courses. In making these adjustments, the
701 governing board may round the per unit fee and the per term or per **session** fee to
702 the nearest dollar.

- 703 (b) Students enrolled in classes to receive credit for 10 or more semester credit
704 units shall not be charged a fee to audit three or fewer semester units per
705 semester.
- 706 (c) No student auditing a course shall be permitted to change his or her enrollment
707 in that course to receive credit for the course.
- 708 (d) Priority in class enrollment shall be given to students desiring to take the course
709 for credit towards a degree or certificate.
- 710 (e) Classroom attendance of students auditing a course shall not be included in
711 computing the apportionment due a community college district.

712 *(Amended by Stats. 1995, Ch. 758, Sec. 100. Effective January 1, 1996.)*

713
714

715 **Instructional materials:**

716

717 **Education Code 76365.** The board of governors shall adopt regulations
718 regarding the authority of community college districts to require
719 students to provide various types of instructional materials. These
720 regulations shall reflect the intent of the Legislature that community
721 college districts are not required to provide all materials,
722 textbooks, equipment, and clothing necessary for each course and
723 program. These regulations shall specify the conditions under which
724 districts may require students to provide those materials that are of
725 continuing value to the student outside of the classroom setting,
726 including, but not limited to, textbooks, tools, equipment, clothing,
727 and those materials that are necessary for the student's vocational
728 training and employment. The regulations shall establish a process
729 for monitoring district compliance with these regulations.

730

731

732 **CALIFORNIA CODES EDUCATION CODE SECTION 76355**

733

734 **Health Fee:**

735

736 **EDUCATION CODE - EDC**

737 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

738

(Title 3 enacted by Stats. 1976, Ch. 1010.)

739

DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]

740

(Division 7 enacted by Stats. 1976, Ch. 1010.)

741

PART 47. STUDENTS [76000 - 76407]

742

(Part 47 enacted by Stats. 1976, Ch. 1010.)

743

CHAPTER 2. Fees [76300 - 76395]

744

(Chapter 2 added by Stats. 1993, Ch. 8, Sec. 34.)

745

746 ARTICLE 2. Authorized Fees [76350 - 76395]

747 (Article 2 added by Stats. 1993, Ch. 8, Sec. 34.)

748

749

750 **76355.**

751 (a) (1) The governing board of a district maintaining a community college may
752 require community college students to pay a fee in the total amount of not more
753 than ten dollars (\$10) for each semester, seven dollars (\$7) for summer school,
754 seven dollars (\$7) for each inter^{session} of at least four weeks, or seven dollars (\$7)
755 for each quarter for health supervision and services, including direct or indirect
756 medical and hospitalization services, or the operation of a student health center or
757 centers, or both.

758 (2) The governing board of each community college district may increase this fee
759 by the same percentage increase as the Implicit Price Deflator for State and Local
760 Government Purchase of Goods and Services. Whenever that calculation produces
761 an increase of one dollar (\$1) above the existing fee, the fee may be increased by
762 one dollar (\$1).

763 (b) If, pursuant to this section, a fee is required, the governing board of the district
764 shall decide the amount of the fee, if any, that a part-time student is required to
765 pay. The governing board may decide whether the fee shall be mandatory or
766 optional.

767 (c) The governing board of a district maintaining a community college shall adopt
768 rules and regulations that exempt the following students from any fee required
769 pursuant to subdivision (a):

770 (1) Students who depend exclusively upon prayer for healing in accordance with the
771 teachings of a bona fide religious sect, denomination, or organization.

772 (2) Students who are attending a community college under an approved
773 apprenticeship training program.

774 (d) (1) All fees collected pursuant to this section shall be deposited in the fund of
775 the district designated by the California Community Colleges Budget and Accounting
776 Manual. These fees shall be expended only to provide health services as specified in
777 regulations adopted by the board of governors.

778 (2) Authorized expenditures shall not include, among other things, athletic trainers'
779 salaries, athletic insurance, medical supplies for athletics, physical examinations for
780 intercollegiate athletics, ambulance services, the salaries of health professionals for

781 athletic events, any deductible portion of accident claims filed for athletic team
782 members, or any other expense that is not available to all students. No student
783 shall be denied a service supported by student health fees on account of
784 participation in athletic programs.

785 (e) Any community college district that provided health services in the 1986–87
786 fiscal year shall maintain health services, at the level provided during the 1986–87
787 fiscal year, and each fiscal year thereafter. If the cost to maintain that level of
788 service exceeds the limits specified in subdivision (a), the excess cost shall be
789 borne by the district.

790 (f) A district that begins charging a health fee may use funds for startup costs from
791 other district funds, and may recover all or part of those funds from health fees
792 collected within the first five years following the commencement of charging the
793 fee.

794 (g) The board of governors shall adopt regulations that generally describe the types
795 of health services included in the health service program.

796 *(Amended by Stats. 2005, Ch. 320, Sec. 2. Effective January 1, 2006.)*
797
798

799 **CALIFORNIA CODES EDUCATION CODE SECTION 76360 & 76365**
800

801 **Parking Fee:**

802 **76360.** (a) (1) The governing board of a community college district
803 may require students in attendance and employees of the district to
804 pay a fee, in an amount, not to exceed forty dollars (\$40) per
805 semester and twenty dollars (\$20) per intersession, to be established
806 by the board, for parking services. The fee shall only be required of
807 students and employees using parking services and shall not exceed the
808 actual cost of providing parking services.

809 (2) To encourage ridesharing and carpooling, for a student who
810 certifies, in accordance with procedures established by the board,
811 that he or she regularly has two or more passengers commuting to the
812 community college with him or her in the vehicle parked at the
813 community college, the fee shall not exceed thirty dollars (\$30) per
814 semester and ten dollars (\$10) per intersession.

815 (b) (1) The governing board may require payment of a parking fee at
816 a campus in excess of the limits set forth in subdivision (a) for the
817 purpose of funding the construction of on-campus parking facilities if
818 both of the following conditions exist at the campus:

819 (A) The full-time equivalent (FTES) per parking space on the campus
820 exceeds the statewide average FTES per parking space on community
821 college campuses.

822 (B) The market price per square foot of land adjacent to the campus
823 exceeds the statewide average market price per square foot of land
824 adjacent to community college campuses.

825 (2) If the governing board requires payment of a parking fee in
826 excess of the limits set forth in subdivision (a), the fee may not
827 exceed the actual cost of constructing a parking structure.

828 (c) Students who receive financial assistance pursuant to any
829 programs described in subdivision (g) of Section 76300 shall be exempt
830 from parking fees imposed pursuant to this section that exceed twenty
831 dollars (\$20) per semester.

832 (d) The governing board of a community college district may also
833 require the payment of a fee, to be established by the governing
834 board, for the use of parking services by persons other than students
835 and employees.

836 (e) All parking fees collected shall be deposited in the designated
837 fund of the district in accordance with the California Community
838 Colleges Budget and Accounting Manual, and shall be expended only for
839 parking services or for purposes of reducing the costs to students and
840 employees of the college of using public transportation to and from
841 the college.

842 (f) Fees collected for use of parking services provided for by
843 investment of student body funds under the authority of Section 76064
844 shall be deposited in a designated fund in accordance with the
845 California Community Colleges Budget and Accounting Manual for
846 repayment to the student organization.

847 (g) "Parking services," as used in this section, means the
848 purchase, construction, and operation and maintenance of parking
849 facilities for vehicles and motor vehicles as defined by Sections 415
850 and 670 of the Vehicle **Code**.

851

852

853 **Physical Education Facilities:**

854

855 **EDUCATION CODE - EDC**

856 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

857 (*Title 3 enacted by Stats. 1976, Ch. 1010.*)

858 **DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]**

859 (*Division 7 enacted by Stats. 1976, Ch. 1010.*)

860 **PART 47. STUDENTS [76000 - 76407]**

861 (*Part 47 enacted by Stats. 1976, Ch. 1010.*)

862 **CHAPTER 2. Fees [76300 - 76395]**

863 (*Chapter 2 added by Stats. 1993, Ch. 8, Sec. 34.*)

864

865 **ARTICLE 2. Authorized Fees [76350 - 76395]**

866 (*Article 2 added by Stats. 1993, Ch. 8, Sec. 34.*)

867

868 **76395.**

869 The governing board of a community college district may impose a fee on a
870 participating student for the additional expenses incurred when physical education
871 courses are required to use nondistrict facilities.

872 *(Added by Stats. 1993, Ch. 8, Sec. 34. Effective April 15, 1993.)*

873

874

875 **Student Representation Fee:**

876

877 **Education Code 76060.5.** If a student body association has been
878 established at a community college as authorized by Section **76060**, the
879 governing body of the association may order that an election be held
880 for the purpose of establishing a student representation fee of one
881 dollar (\$1) per semester. The election shall be held in compliance
882 with regulations of the Board of Governors of the California Community
883 Colleges and shall be open to all regularly enrolled students of the
884 community college. The affirmative vote of two-thirds of the students
885 voting in the election shall be sufficient to establish the fee.
886 However, the election shall not be sufficient to establish the fee
887 unless the number of students who vote in the election equals or
888 exceeds the average of the number of students who voted in the
889 previous three student body association elections.

890 The student representation fee authorized by this section shall be
891 collected by the officials of the community college, together with all
892 other fees, at the time of registration or before registration and
893 shall be deposited in a separate fiduciary fund established per the
894 California Community Colleges Budget and Accounting Manual for student
895 representation fees. The money collected pursuant to this section
896 shall be expended to provide for the support of governmental affairs
897 representatives who may be stating their positions and viewpoints
898 before city, county, and district governments, and before offices and
899 agencies of the state government. The chief fiscal officer of the
900 community college shall have custody of the money collected pursuant
901 to this section and the money shall be disbursed for the purposes
902 described above upon the order of the governing body of the student
903 body association. The district may retain a portion of the fees
904 collected and deposited pursuant to this section that is equal to the
905 actual cost of administering these fees up to, but not more than, 7
906 percent.

907 The student representation fee authorized by this section may be
908 terminated by a majority vote of the students voting in an election
909 held for that purpose. The election shall be called and held in
910 compliance with regulations of the Board of Governors of the
911 California Community Colleges and shall be open to all regularly
912 enrolled students of the community college.

913 A student may, for religious, political, financial, or moral
914 reasons, refuse to pay the student representation fee established
915 under this section. The refusal shall be submitted in writing to the
916 college officials at the time the student pays other fees collected by
917 the college officials. The refusal shall be submitted on the same
918 form that is used for collection of fees as provided by the college,

919 which, as determined by the college, shall be as nearly as practical
920 in the same form as a model form prescribed by regulations of the
921 Board of Governors of the California Community Colleges.

922

923

924 **Student Transportation Costs:**

925

926 **76361.**

927 (a) The governing board of a community college district may require students in
928 attendance and employees at a campus of the district to pay a fee for purposes of
929 partially or fully recovering transportation costs incurred by the district or of
930 reducing fares for services provided by common carriers or municipally owned
931 transit systems to these students and employees.

932 (b) Fees authorized by subdivision (a) for transportation services may be required
933 to be paid only by students and employees using the services, or, in the alternative,
934 by any of the following groups of people:

935 (1) Upon the favorable vote of a majority of the students and a majority of the
936 employees of a campus of the district, who voted at an election on the question of
937 whether or not the governing board should require all students and employees at
938 the campus to pay a fee for transportation services for a period of time to be
939 determined by the governing board of the district, the fees may be required to be
940 paid by all students, other than those students who are exempt from the fees
941 pursuant to subdivision (c), and all employees of the campus of the community
942 college district.

943 (2) Upon the favorable vote of a majority of the students at a campus of the
944 district, who voted at an election on the question of whether or not the governing
945 board should require all students to pay a fee for transportation services for a
946 period of time to be determined by the governing board of the district, the fees may
947 be required to be paid by all students, other than those students who are exempt
948 from the fees pursuant to subdivision (c), at the campus of the community college
949 district. However, the employees shall not be entitled to use the services.

950 (3) Upon the favorable vote of a majority of the students at a campus of the district
951 taking a specified number of course credits for a specified duration, to be
952 determined by the governing board, who voted at an election on the question of
953 whether or not the governing board should require all students taking that
954 prescribed number of course credits to pay a fee for transportation services for a
955 period of time to be determined by the governing board of the district, the fees may
956 be required to be paid by those students taking the prescribed number of course

957 credits, except those students who are exempt from the fees pursuant to
958 subdivision (c), at the campus of the community college district. However, the
959 employees shall not be entitled to use the services.

960 (c) If a fee is required of students for transportation services pursuant to paragraph
961 (1) or (2) of subdivision (b), the fee required of a part-time student shall be a pro
962 rata lesser amount than the fee charged to full-time students, depending on the
963 number of units for which the part-time student is enrolled. Notwithstanding any
964 other law, the governing board of a community college district that provides for
965 transportation services may adopt rules and regulations to exempt low-income
966 students from this fee, or to require low-income students to pay all or part of this
967 fee.

968 (d) Notwithstanding any other law:

969 (1) The governing board of a community college district to which this section
970 applies shall not enter into, or extend, a contract for transportation services
971 provided by a common carrier or a municipally owned transit system, funded by the
972 proceeds of a fee authorized under this section, unless and until a majority of the
973 students of that district who vote in an election, held no more than 10 years prior
974 to the date of the expiration of the contract proposed to be entered into or no more
975 than 10 years prior to the date to which it is proposed that an existing contract be
976 extended, have approved the payment of the fee for this purpose.

977 (2) An election held pursuant to this section shall be held in accordance with
978 regulations adopted by the board of governors to ensure that the election is publicly
979 noticed and that all students, including full-time, part-time, evening, and weekend
980 students, have an opportunity to vote in the election.

981 (3) If the governing board of a community college district decides to seek to
982 terminate or alter the arrangements under which the district receives transportation
983 services from a common carrier or municipally owned transit system, the governing
984 board shall provide at least 12 months' notice of that intention to the provider of
985 transportation services.

986 (e)(1) The total fees to be established periodically by the governing board
987 pursuant to this section shall not exceed the amount necessary to reimburse the
988 district for transportation costs incurred by the district in providing the
989 transportation service. The sum of the fee authorized pursuant to this section for
990 transportation services and the fee authorized pursuant to Section 76360 for
991 parking services shall not exceed seventy dollars (\$70) per semester or thirty-five
992 dollars (\$35) per intersession, or the proportionate equivalent for part-time
993 enrollment.

994 (2) The governing board of each community college district may increase the fee
995 limits imposed by this subdivision by the same percentage increase as the Implicit
996 Price Deflator for State and Local Government Purchases of Goods and Services
997 published by the United States Department of Commerce. The fees may be
998 increased annually up to the next whole dollar increment above the existing fee
999 limit that calculation produces.

1000 (f) The governing board of a community college district also may require the
1001 payment of a fee, to be fixed by the governing board, for the use of transportation
1002 services by persons other than students and employees.

1003 (g) This section does not apply to, and a fee shall not be charged for, on-campus
1004 shuttles or other transportation services operated on a campus or between the
1005 campus and parking facilities owned by the district.

1006 *(Amended by Stats. 2011, Ch. 245, Sec. 2. Effective January 1, 2012.)*

1007

1008

1009

1010 **Transcript Fees:**

1011

1012 **Education Code 76223.** Any community college may make a reasonable
1013 charge in an amount not to exceed the actual cost of furnishing copies
1014 of any student record; provided, however, that no charge shall be made
1015 for furnishing (1) up to two transcripts of students' records or (2)
1016 up to two verifications of various records of students. No charge may
1017 be made to search for or to retrieve any student record.

1018

1019

1020 **International Students Application Processing Fee:**

1021 **EDUCATION CODE - EDC**

1022 **TITLE 3. POSTSECONDARY EDUCATION [66000 - 101060]**

1023 *(Title 3 enacted by Stats. 1976, Ch. 1010.)*

1024 **DIVISION 7. COMMUNITY COLLEGES [70900 - 88651]**

1025 *(Division 7 enacted by Stats. 1976, Ch. 1010.)*

1026 **PART 47. STUDENTS [76000 - 76407]**

1027 *(Part 47 enacted by Stats. 1976, Ch. 1010.)*

1028 **CHAPTER 1. General Provisions [76000 - 76143]**

1029 *(Chapter 1 enacted by Stats. 1976, Ch. 1010.)*

1030

1031 **ARTICLE 9. Nonresident Tuition [76140 - 76143]**

1032 *(Article 9 enacted by Stats. 1976, Ch. 1010.)*

1033

1034 [76142.](#)

1035

1036 (a) A community college district may charge nonresident applicants who are both
1037 citizens and residents of a foreign country a processing fee not to exceed the lesser
1038 of: (1) the actual cost of processing an application and other documentation
1039 required by the federal government, or (2) one hundred dollars (\$100), which may
1040 be deducted from the tuition fee at the time of enrollment.

1041 (b) No processing fee shall be charged to an applicant who would be eligible for an
1042 exemption from nonresident tuition pursuant to Section 76140 or who can
1043 demonstrate economic hardship. For purposes of this section, the governing board
1044 of each community college district that chooses to impose the fee authorized by this
1045 section shall adopt a definition of economic hardship that includes the financial
1046 circumstances of a person who is a victim of persecution or discrimination in the
1047 foreign country in which the applicant is a citizen and resident, or who is a recipient
1048 of benefits under the Temporary Assistance for Needy Families program described
1049 in Parts A and F of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.),
1050 the Supplemental Income/State Supplementary Program, or a general assistance
1051 program.

1052 *(Amended by Stats. 2005, Ch. 654, Sec. 11. Effective October 7, 2005.)*

1053
1054
1055

Cal. Admin. Code tit. 5, s 59400

1056
1057
1058
1059
1060

TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS

1061
1062

s 59400. Required Instructional and Other Materials.

1063
1064
1065
1066
1067
1068
1069

(a) The governing board of a district may, consistent with the provisions of this Subchapter, require students to provide instructional and other materials required for a credit or noncredit course, provided that such materials are of continuing value to a student outside of the classroom setting, and provided that such materials are not solely or exclusively available from the district.

1070
1071
1072
1073
1074

(b) Except as specifically authorized or required in the Education Code, the governing board of a community college district shall not require a student to pay a fee for any instructional and other materials required for a credit or noncredit course.

1075
1076

Cal. Admin. Code tit. 5, s 59402

1077

TITLE 5. EDUCATION

1078 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
1079 CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
1080 SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS
1081

1082 s 59402. Definitions.

1083
1084 For the purposes of this Subchapter the following definitions apply:
1085

1086 (a) "Instructional and other materials" means any tangible personal
1087 property which is owned or primarily controlled by an individual
1088 student.

1089
1090 (b) "Required instructional and other materials" means any
1091 instructional and other materials which a student must procure or
1092 possess as a condition of registration, enrollment or entry into a
1093 class; or any such material which is necessary to achieve those
1094 required objectives of a course which are to be accomplished under the
1095 supervision of an instructor during class hours.

1096
1097 (c) "Solely or exclusively available from the district" means that the
1098 material is not available except through the district, or that the
1099 district requires that the material be purchased or procured from it.
1100 A material shall not be considered to be solely or exclusively
1101 available from the district if it is provided to the student at the
1102 district's actual cost and:

1103
1104 (1) the material is otherwise generally available, but is provided
1105 solely or exclusively by the district for health and safety reasons;
1106 or

1107
1108 (2) the material is provided in lieu of other generally available but
1109 more expensive material which would otherwise be required.

1110
1111 (d) "Required instructional and other materials which are of
1112 continuing value outside of the classroom setting" are materials which
1113 can be taken from the classroom setting, and which are not wholly
1114 consumed, used up, or rendered valueless as they are applied in
1115 achieving the required objectives of a course which are to be
1116 accomplished under the supervision of an instructor during class
1117 hours.

1118
1119
1120 Cal. Admin. Code tit. 5, s 59404

1121 TITLE 5. EDUCATION
1122 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
1123 CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
1124 SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS
1125

1126 s 59404. District Policies and Regulations for Instructional and Other
1127 Materials.

1128
1129 (a) The governing board of a community college district which requires
1130 that students provide instructional or other materials for a course
1131 shall adopt policies or regulations, consistent with the provisions of
1132 this Subchapter, which specify the conditions under which such
1133 materials will be required.

1134
1135 (b) The policies or regulations specified in Subsection (a) shall be
1136 adopted no later than January 1, 1986, forwarded to the Chancellor's
1137 Office upon adoption, and thereafter published in each college catalog
1138 developed after the date of adoption.

1139
1140

1141 Cal. Admin. Code tit. 5, s 59406

1142 TITLE 5. EDUCATION
1143 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
1144 CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
1145 SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS
1146

1147 s 59406. Report to Chancellor.

1148
1149 The governing board of a community college district which prescribes
1150 required instructional and other materials for its courses shall
1151 respond to periodic surveys or inquiries of the Chancellor on the
1152 subject.

1153
1154
1155

1156 **Chancellor's Office Legal Opinion: O 04-14: May a district drop a student from a course**
1157 **after instruction has begun where the student fails to pay the enrollment fees for the**
1158 **course?**

1159
1160 September 8, 2004

1161
1162
1163 TO: Linda Michalowski
1164 Vice Chancellor for Student Services

1165
1166 FROM: Steve Bruckman
1167 Interim General Counsel

1168
1169 SUBJECT: Dropping a Student for Nonpayment of Enrollment Fees
1170 Legal Opinion O 04-14

1171
1172 ISSUE

1173
1174 You have asked whether a district may drop a student from a course after instruction has begun
1175 where the student fails to pay the enrollment fees for the course.

1176
1177 CONCLUSION

1178
1179 A community college district that permits students to defer payment of enrollment fees may not
1180 drop a student from a course once instruction has begun because the student fails to make the
1181 deferred payments. A student who registers in advance may be dropped from a course if he or
1182 she does not pay the required enrollment fees prior to the beginning of instruction.

1183
1184 ANALYSIS

1185
1186 Section 58502 of title 5 of the California Code of Regulations requires the enrollment fee to be
1187 charged at the time of enrollment. However, in Legal Opinion 93-03, we noted that section
1188 58502 also permits deferral of the collection of the fee under conditions established by the
1189 governing board. Therefore, assuming the governing board has authorized such a process,
1190 students may pay their enrollment fees at some point after enrollment. In Opinion 93-03, we
1191 went on to point out that:

1192
1193 "Under the authority of Section 59410 of Title 5, a district is authorized to withhold
1194 grades, transcripts, diplomas, and registration privileges from any student who fails to
1195 pay a proper financial obligation to the district. Under this provision a district could
1196 prohibit a student from registering in a subsequent semester, quarter, or academic year
1197 if he or she failed to make the necessary installment payments of the enrollment fee."

1198
1199 Thus, section 59410 lists the remedies available to a district in the event that a student fails to pay a debt
1200 he or she owes to the district. It is a fundamental rule of statutory construction that, where a finite list is
1201 set forth, items not on the list are excluded. (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215,
1202 1230, 32 Cal.Rptr.2d 19, 876 P.2d 505.) Accordingly, if the Board of Governors had intended that
1203 students could be dropped from a course for failing to pay fees, such a remedy would logically be set
1204 forth in section 59410 and its absence indicates an intentional omission.¹

1205
1206 This conclusion is reinforced by title 5, section 55202 which, among other things, authorizes
1207 dropping a student from a course if it is discovered after the course begins that he or she fails to
1208 meet a prerequisite for the course. Subsection (g) of section 55202 specifically states:

1209
1210 "(g) The determination of whether a student meets a prerequisite shall be made prior to
1211 his or her enrollment in the course requiring the prerequisite, provided, however, that
1212 enrollment may be permitted pending verification that the student has met the
1213 prerequisite or corequisite. If the verification shows that the student has failed to meet
1214 the prerequisite, the student may be involuntarily dropped from the course if the
1215 applicable enrollment fees are promptly refunded. Otherwise a student may only be
1216 involuntarily removed from a course due to excessive absences or as a result of
1217 disciplinary action taken pursuant to law or to the student code of conduct."

1218
1219 For the above reasons, we conclude that a district may defer payment of enrollment fees, but if
1220 it does so, it may not involuntarily drop a student from a course once instruction has begun for
1221 failure to make the deferred payments. However, if a student registers in advance for a course,
1222 we believe a college could drop the student from the course if the enrollment fees are not paid

¹ The fact that a district may also utilize the Chancellor's Office Tax Offset Program, authorized under Government Code sections 12419.5 and 12419.7, to collect debts owed to the district does not alter this conclusion. That the Legislature has seen fit to give districts one additional method for collection of debts does not imply that districts may use any means, including involuntarily dropping students from a course, to accomplish this end.

1223 by the time instruction begins. The commencement of instruction is the critical moment in time
1224 because at that point the student accepts a benefit from the college and has incurred a debt in
1225 the form of the unpaid enrollment fees. The college must then look to section 59410 for
1226 methods by which it may encourage the student to pay this obligation.

1227

1228 SB:RB:VAR:sj

1229

1230

1231 cc: Robert Turnage

1232

1233 O 04-14