
San Bernardino Community College District
Board Policy
Chapter 5 – Student Services

BP 5030 FEES

(Replaces current SBCCD BP 5030 and BP 5033)

NOTE: The language in red ink is legally required.

❖ From current SBCCD BP 5030 titled Fees

The Board of Trustees authorizes the following fees. All fees must comply with Education Code and Title 5 regulations. The Chancellor is responsible for establishing regulations procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The regulations procedures shall also assure those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the college catalogs or class schedules (Schedule of Classes.)

- ~~Associated Students Discount Sticker~~
- ~~Breakage/Lost Property~~
- ~~Catalog~~
- ~~Credit by Examination~~
- ~~Enrollment~~
- ~~Health~~
- ~~Instructional Materials~~
- ~~Insufficient Funds Check~~
- ~~International Students Application Processing~~
- ~~Key Deposit/Return~~
- ~~Learning Center Services~~
- ~~Library Fines~~
- ~~Nonresident Tuition~~
- ~~Parking~~
- ~~Parking Violations~~
- ~~Physical Education in Non-District Facilities~~
- ~~Refund Processing~~
- ~~Replacement – Diploma/Certificate~~
- ~~Replacement – Registration Fee Statement~~

- 44 ● ~~Schedule of Classes~~
- 45 ● ~~Student Center~~
- 46 ● ~~Student Health and Accident Insurance~~
- 47 ● ~~Student Representation~~
- 48 ● ~~Subpoenas~~
- 49 ● ~~Supplemental Health Services~~
- 50 ● ~~Testing~~
- 51 ● ~~Transcripts/Verification of Enrollment~~
- 52 ● ~~Other Fees as allowable by Law~~

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54 **Enrollment Fee (Education Code Section 76300)**

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56 Each student shall be charged a fee for enrolling in credit courses as required by law.

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58 ***NOTE: If auditing is permitted (see BP/AP 4070 titled Auditing and Auditing Fees), this***

59 ***policy is legally required.***

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61 **Auditing Fees (Education Code Section 76370)**

62 Persons auditing a course shall be charged a fee of [***not more than \$15.00***] per unit

63 per semester. The fee amount shall be adjusted proportionally based upon the term

64 length. Students enrolled in classes to receive credit for 10 or more semester credit

65 units shall not be charged this fee to audit three or fewer units per semester.

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67 ***NOTE: If the District charges any of the following optional fees, the following policy***

68 ***language would apply.***

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70 **Health Fee (Education Code Section 76355)**

71 The District shall charge each full time student a fee of \$ [] for health supervision

72 and services.

73

74 ***Optional:*** Part-time students shall be charged [*Set amount or identify proportion*].

75

76 ***NOTE: Alternative language, to avoid specific amounts.***

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78 The Chancellor shall present to the board for approval a fee to be charged to each full

79 time student for student health services. ***Optional:*** Part time students shall be charged

80 [*identify proportion*].

81

82 **Parking Fee (Education Code Section 76360)**

83 Students [*and employees*] shall be required to pay a fee, in an amount not to exceed

84 \$ [] per semester and \$ [] per intersession for parking services.

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86 To encourage ridesharing, a student may certify in writing at the time of payment of the

87 fee that he/she regularly has two or more passengers commuting with him/her.

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89 ***NOTE: Alternative language to avoid specific amounts.***

90
91 The Chancellor shall present for board approval fees for parking for students [and
92 employees].

93
94 **Instructional Materials** (Education Code Section 76365; Title 5 Sections 59400 et
95 seq.)

96 Students may be required to provide required instructional and other materials for a
97 credit or non-credit course, provided such materials are of continuing value to the
98 student outside the classroom and provided that such materials are not solely or
99 exclusively available from the District. (See BP/AP 5031 titled Instructional Materials
100 Fees)

101
102 **Physical Education Facilities** (Education Code Section 76395)

103 Where the District incurs additional expenses because a physical education course is
104 required to use non-district facilities, students enrolled in the course shall be charged a
105 fee for participating in the course. Such fee shall not exceed the student's calculated
106 share of the additional expenses incurred by the District.

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108 ***NOTE: If a student representation fee has been established the following shall apply:***

109
110 **Student Representation Fee** (Education Code Section 76060.5)

111 Students will be charged a \$1 fee per semester to be used to provide support for
112 student governmental affairs representation. A student may refuse to pay the fee for
113 religious, political, financial or moral reasons and shall submit such refusal in writing.

114
115 **Student Transportation Costs** (Education Code Section 76361)

116 Students [and employees] shall be charged a fee for the purpose of recovering
117 transportation costs incurred by the District for services provided by common carriers to
118 students [and employees]. The fee shall be \$ _____ per student [or employee].
119 These fees will only paid by students [and employees] who use the transportation
120 services, unless a vote of the students in accordance with the Education Code
121 establishes otherwise.

122
123 **Transcript Fees** (Education Code Section 76223)

124 The District shall charge a reasonable amount for furnishing copies of any student
125 record to a student or former student. The Chancellor is authorized to establish the fee,
126 which shall not to exceed the actual cost of furnishing copies of any student record. No
127 charge shall be made for furnishing up to two transcripts of students' records, or for two
128 verifications of various records. There shall be no charge for searching for or retrieving
129 any student record.

130
131 **International Students Application Processing Fee** (Education Code Section 76142)

132 The District shall charge students who are both citizens and residents of a foreign
133 country a fee to process his/her application for admission. This processing fee and
134 regulations for determining economic hardship may be established by the Chancellor.
135 The fee shall not exceed the lesser of 1) the actual cost of processing an application

136 and other documentation required by the U.S. government; or 2) one hundred dollars
137 (\$100), which shall be deducted from the tuition fee at the time of enrollment.
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139 **❖ From current SBCCD BP 5033 titled Refunds**

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142 **Fee Refunds**

143 The Board of Trustees authorizes refunds to be made according to administrative
144 regulations procedures established by the Chancellor. All refunds must comply with
145 Education Code and Title 5 regulations, and the refund schedule shall be published in
146 the college catalogs and class schedules.

147
148 **References:** Education Code Sections 76300, et seq., 76370, 76355, 76360, 76365,
149 76395, 76060.5, 76361, 76223, and 76142;
150 Title 5, Sections 59400, et seq.

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153 **NOTE:** The **red ink** signifies language that is **legally required** and recommended by the Policy and
154 Procedure Service and its legal counsel (Liebert Cassidy Whitmore). This policy reflects
155 updates/revisions from the Policy and Procedure Service in April 2014. The language in **black ink** is
156 from current SBCCD BP 5030 titled Fees adopted on 6/10/04 and current SBCCD BP 5033 titled Refunds
157 adopted on 4/8/04. The language in **blue ink** is included for consideration.
158

Adopted: 6/10/04 (for BP 5030) and **4/8/04**
(for BP 5033)
Revised:

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Legal Citations for BP 5030

EDUCATION CODE SECTIONS 76300 et seq.

Enrollment Fee:

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 twenty-six dollars (\$26) per unit per semester, effective with the fall term of the 2004-05 academic 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, 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 remedial 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, at the time of enrollment, is a recipient of benefits under the Temporary Assistance to Needy Families program, the Supplemental Security Income/State Supplementary Program, or a general assistance program or has demonstrated 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.

211 (2) The governing board of a community college district also shall
212 waive the fee requirements of this section for any student who
213 demonstrates eligibility according to income standards established by
214 regulations of the board of governors.

215 (3) Paragraphs (1) and (2) may be applied to a student enrolled in
216 the 2005-06 academic year if the student is exempted from nonresident
217 tuition under paragraph (3) of subdivision (a) of Section 76140.

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

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

232 (j) The fee requirements of this section shall be waived for any
233 student in an undergraduate program, including a student who has
234 previously graduated from another undergraduate or graduate program,
235 who is the dependent of any individual killed in the September 11,
236 2001, terrorist attacks on the World Trade Center and the Pentagon or
237 the crash of United Airlines Flight 93 in southwestern Pennsylvania,
238 if that dependent meets the financial need requirements set forth in
239 Section 69432.7 for the Cal Grant A Program and either of the
240 following applies:

241 (1) The dependent was a resident of California on September 11,
242 2001.

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

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

249 (1) (1) "Dependent," for purposes of subdivision (j), is a person
250 who, because of his or her relationship to an individual killed as a
251 result of injuries sustained during the terrorist attacks of September
252 11, 2001, qualifies for compensation under the federal September 11th
253 Victim Compensation Fund of 2001 (Title IV (commencing with Section
254 401) of Public Law 107-42).

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

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

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

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

270 (2) From funds provided in the annual Budget Act, the board of
271 governors shall allocate to community college districts, pursuant to
272 this subdivision, an amount equal to 2 percent of the fees waived
273 pursuant to subdivisions (g) to (j), inclusive. From funds provided in
274 the annual Budget Act, the board of governors shall allocate to
275 community college districts, pursuant to this subdivision, an amount
276 equal to ninety-one cents (\$0.91) per credit unit waived pursuant to
277 subdivisions (g) to (j), inclusive, for determination of financial
278 need and delivery of student financial aid services, on the basis of
279 the number of students for whom fees are waived. Funds allocated to a
280 community college district for determination of financial need and
281 delivery of student financial aid services shall supplement, and shall
282 not supplant, the level of funds allocated for the administration of
283 student financial aid programs during the 1992 -93 fiscal year.

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

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288 **EDUCATION CODE SECTION 76370**

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Auditing Fees:

291 **76370.** The governing board of a community college district may
292 authorize a person to audit a community college course and may charge
293 that person a fee pursuant to this section.

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

296 The governing board shall proportionately adjust the amount of the
297 fee for term lengths based upon a quarter system or other alternative
298 system approved pursuant to regulations of the board of governors, and
299 shall also proportionately adjust the amount of the fee for summer
300 sessions, intersessions, and other short-term courses.

301 In making these adjustments, the governing board may round the per
302 unit fee and the per term or per session fee to the nearest dollar.

303 (b) Students enrolled in classes to receive credit for 10 or more
304 semester credit units shall not be charged a fee to audit three or
305 fewer semester units per semester.

306 (c) No student auditing a course shall be permitted to change his
307 or her enrollment in that course to receive credit for the course.

308 (d) Priority in class enrollment shall be given to students
309 desiring to take the course for credit towards a degree or
310 certificate.

311 (e) Classroom attendance of students auditing a course shall not be
312 included in computing the apportionment due a community college
313 district.

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EDUCATION CODE SECTION 76355

Health Fee:

76355. (a) (1) The governing board of a district maintaining a community college may require community college students to pay a fee in the total amount of not more than ten dollars (\$10) for each semester, seven dollars (\$7) for summer school, seven dollars (\$7) for each intersession of at least four weeks, or seven dollars (\$7) for each quarter for health supervision and services, including direct or indirect medical and hospitalization services, or the operation of a student health center or centers, or both.

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

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

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

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

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

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

(2) Authorized expenditures shall not include, among other things, athletic trainers' salaries, athletic insurance, medical supplies for athletics, physical examinations for intercollegiate athletics, ambulance services, the salaries of health professionals for athletic events, any deductible portion of accident claims filed for athletic team members, or any other expense that is not available to all students. No student shall be denied a service supported by student health fees on account of participation in athletic programs.

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

(f) A district that begins charging a health fee may use funds for startup costs from other district funds, and may recover all or part

366 of those funds from health fees collected within the first five years
367 following the commencement of charging the fee.

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

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EDUCATION CODE SECTION 76360 & 76365

375 Parking Fee:

376 **76360.** (a) (1) The governing board of a community college district
377 may require students in attendance and employees of the district to
378 pay a fee, in an amount, not to exceed forty dollars (\$40) per
379 semester and twenty dollars (\$20) per intersession, to be established
380 by the board, for parking services. The fee shall only be required of
381 students and employees using parking services and shall not exceed the
382 actual cost of providing parking services.

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

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

393 (A) The full-time equivalent (FTES) per parking space on the campus
394 exceeds the statewide average FTES per parking space on community
395 college campuses.

396 (B) The market price per square foot of land adjacent to the campus
397 exceeds the statewide average market price per square foot of land
398 adjacent to community college campuses.

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

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

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

410 (e) All parking fees collected shall be deposited in the designated
411 fund of the district in accordance with the California Community
412 Colleges Budget and Accounting Manual, and shall be expended only for
413 parking services or for purposes of reducing the costs to students and
414 employees of the college of using public transportation to and from
415 the college.

416 (f) Fees collected for use of parking services provided for by
417 investment of student body funds under the authority of Section 76064

418 shall be deposited in a designated fund in accordance with the
419 California Community Colleges Budget and Accounting Manual for
420 repayment to the student organization.

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

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427 **Instructional materials:**

428 **Education Code 76365.** The board of governors shall adopt regulations
429 regarding the authority of community college districts to require
430 students to provide various types of instructional materials. These
431 regulations shall reflect the intent of the Legislature that community
432 college districts are not required to provide all materials,
433 textbooks, equipment, and clothing necessary for each course and
434 program. These regulations shall specify the conditions under which
435 districts may require students to provide those materials that are of
436 continuing value to the student outside of the classroom setting,
437 including, but not limited to, textbooks, tools, equipment, clothing,
438 and those materials that are necessary for the student's vocational
439 training and employment. The regulations shall establish a process
440 for monitoring district compliance with these regulations.

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443 Cal. Admin. Code tit. 5, s 59400

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

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s 59400. Required Instructional and Other Materials.

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

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

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Cal. Admin. Code tit. 5, s 59402

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TITLE 5. EDUCATION
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

467 CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
468 SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS
469

470 s 59402. Definitions.
471

472 For the purposes of this Subchapter the following definitions apply:
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474 (a) "Instructional and other materials" means any tangible personal
475 property which is owned or primarily controlled by an individual
476 student.
477

478 (b) "Required instructional and other materials" means any
479 instructional and other materials which a student must procure or
480 possess as a condition of registration, enrollment or entry into a
481 class; or any such material which is necessary to achieve those
482 required objectives of a course which are to be accomplished under the
483 supervision of an instructor during class hours.
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485 (c) "Solely or exclusively available from the district" means that the
486 material is not available except through the district, or that the
487 district requires that the material be purchased or procured from it.
488 A material shall not be considered to be solely or exclusively
489 available from the district if it is provided to the student at the
490 district's actual cost and:
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492 (1) the material is otherwise generally available, but is provided
493 solely or exclusively by the district for health and safety reasons;
494 or
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496 (2) the material is provided in lieu of other generally available but
497 more expensive material which would otherwise be required.
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499 (d) "Required instructional and other materials which are of
500 continuing value outside of the classroom setting" are materials which
501 can be taken from the classroom setting, and which are not wholly
502 consumed, used up, or rendered valueless as they are applied in
503 achieving the required objectives of a course which are to be
504 accomplished under the supervision of an instructor during class
505 hours.
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508 Cal. Admin. Code tit. 5, s 59404

509 TITLE 5. EDUCATION
510 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
511 CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
512 SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS
513

514 s 59404. District Policies and Regulations for Instructional and Other
515 Materials.
516

517 (a) The governing board of a community college district which requires
518 that students provide instructional or other materials for a course
519 shall adopt policies or regulations, consistent with the provisions of
520 this Subchapter, which specify the conditions under which such
521 materials will be required.

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

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Cal. Admin. Code tit. 5, s 59406

530 TITLE 5. EDUCATION
531 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES
532 CHAPTER 10. COMMUNITY COLLEGE ADMINISTRATION
533 SUBCHAPTER 7. INSTRUCTIONAL AND OTHER MATERIALS
534

535 s 59406. Report to Chancellor.
536

537 The governing board of a community college district which prescribes
538 required instructional and other materials for its courses shall
539 respond to periodic surveys or inquiries of the Chancellor on the
540 subject.

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543 **Physical Education Facilities:**

544 **Education Code 76395.** The governing board of a community college
545 district may impose a fee on a participating student for the
546 additional expenses incurred when physical **education** courses are
547 required to use nondistrict facilities.

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550 **Student Representation Fee:**

551 **Education Code 76060.5.** If a student body association has been
552 established at a community college as authorized by Section **76060**, the
553 governing body of the association may order that an election be held
554 for the purpose of establishing a student representation fee of one
555 dollar (\$1) per semester. The election shall be held in compliance
556 with regulations of the Board of Governors of the California Community
557 Colleges and shall be open to all regularly enrolled students of the
558 community college. The affirmative vote of two-thirds of the students
559 voting in the election shall be sufficient to establish the fee.
560 However, the election shall not be sufficient to establish the fee
561 unless the number of students who vote in the election equals or
562 exceeds the average of the number of students who voted in the
563 previous three student body association elections.

564 The student representation fee authorized by this section shall be
565 collected by the officials of the community college, together with all
566 other fees, at the time of registration or before registration and

567 shall be deposited in a separate fiduciary fund established per the
568 California Community Colleges Budget and Accounting Manual for student
569 representation fees. The money collected pursuant to this section
570 shall be expended to provide for the support of governmental affairs
571 representatives who may be stating their positions and viewpoints
572 before city, county, and district governments, and before offices and
573 agencies of the state government. The chief fiscal officer of the
574 community college shall have custody of the money collected pursuant
575 to this section and the money shall be disbursed for the purposes
576 described above upon the order of the governing body of the student
577 body association. The district may retain a portion of the fees
578 collected and deposited pursuant to this section that is equal to the
579 actual cost of administering these fees up to, but not more than, 7
580 percent.

581 The student representation fee authorized by this section may be
582 terminated by a majority vote of the students voting in an election
583 held for that purpose. The election shall be called and held in
584 compliance with regulations of the Board of Governors of the
585 California Community Colleges and shall be open to all regularly
586 enrolled students of the community college.

587 A student may, for religious, political, financial, or moral
588 reasons, refuse to pay the student representation fee established
589 under this section. The refusal shall be submitted in writing to the
590 college officials at the time the student pays other fees collected by
591 the college officials. The refusal shall be submitted on the same
592 form that is used for collection of fees as provided by the college,
593 which, as determined by the college, shall be as nearly as practical
594 in the same form as a model form prescribed by regulations of the
595 Board of Governors of the California Community Colleges.

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598 **Student Transportation Costs:**

599 **Education Code 76361.** (a) The governing board of a community college
600 district may require students in attendance and employees at a campus
601 of the district to pay a fee for purposes of partially or fully
602 recovering transportation costs incurred by the district or of
603 reducing fares for services provided by common carriers or municipally
604 owned transit systems to these students and employees.

605 (b) Fees authorized by subdivision (a) for transportation services
606 may be required to be paid only by students and employees using the
607 services, or, in the alternative, by either of the following groups of
608 people:

609 (1) Upon the favorable vote of a majority of the students and a
610 majority of the employees of a campus of the district, who voted at an
611 election on the question of whether or not the governing board should
612 require all students and employees at the campus to pay a fee for
613 transportation services for a period of time to be determined by the
614 governing board of the district, the fees may be required to be paid
615 by all students and all employees of the campus of the community
616 college district.

617 (2) Upon the favorable vote of a majority of the students at a
618 campus of the district, who voted at an election on the question of

619 whether or not the governing board should require all students to pay
620 a fee for transportation services for a period of time to be
621 determined by the governing board of the district, the fees may be
622 required to be paid by all students at the campus of the community
623 college district. However, the employees shall not be entitled to use
624 the services.

625 (c) If, pursuant to this section, a fee is required of students for
626 transportation services, any fee required of a part-time student shall
627 be a pro rata lesser amount than the fee charged to full-time
628 students, depending on the number of units for which the part-time
629 student is enrolled. In addition, a governing board maintaining
630 transportation services shall adopt rules and regulations governing
631 the exemption of low-income students from required fees, and may adopt
632 rules and regulations that provide for the exemption of others.

633 (d) The total fees to be established periodically by the governing
634 board pursuant to this section shall not exceed the amount necessary
635 to reimburse the district for transportation costs incurred by the
636 district in providing the transportation service. The sum of the fee
637 authorized pursuant to this section for transportation services and
638 the fee authorized pursuant to Section 76360 for parking services
639 shall not exceed sixty dollars (\$60) per semester or thirty dollars
640 (\$30) per intersession, or the proportionate equivalent for part-time
641 enrollment.

642 (e) The governing board of a community college district also may
643 require the payment of a fee, to be fixed by the governing board, for
644 the use of transportation services by persons other than students and
645 employees.

646 (f) This section does not apply to, and no fee shall be charged
647 for, on-campus shuttles or other transportation services operated on a
648 campus or between the campus and parking facilities owned by the
649 district.

650
651

652 **Transcript Fees:**

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

659
660

661 **International Students Application Processing Fee:**

662 **Education Code 76142.** (a) A community college district may charge
663 nonresident applicants who are both citizens and residents of a
664 foreign country a processing fee not to exceed the lesser of: (1) the
665 actual cost of processing an application and other documentation
666 required by the federal government, or (2) one hundred dollars (\$100),
667 which may be deducted from the tuition fee at the time of enrollment.

668 (b) No processing fee shall be charged to an applicant who would be
669 eligible for an exemption from nonresident tuition pursuant to Section
670 76140 or who can demonstrate economic hardship. For purposes of this

671 section, the governing board of each community college district that
672 chooses to impose the fee authorized by this section shall adopt a
673 definition of economic hardship that includes the financial
674 circumstances of a person who is a victim of persecution or
675 discrimination in the foreign country in which the applicant is a
676 citizen and resident, or who is a recipient of benefits under the
677 Temporary Assistance for Needy Families program described in Parts A
678 and F of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et
679 seq.), the Supplemental Income/State Supplementary Program, or a
680 general assistance program.

681

682

683 **California Civil Code Section 1719**

684

685 1719. (a) (1) Notwithstanding any penal sanctions that may apply,
686 any person who passes a check on insufficient funds shall be liable
687 to the payee for the amount of the check and a service charge payable
688 to the payee for an amount not to exceed twenty-five dollars (\$25)
689 for the first check passed on insufficient funds and an amount not to
690 exceed thirty-five dollars (\$35) for each subsequent check to that
691 payee passed on insufficient funds.

692 (2) Notwithstanding any penal sanctions that may apply, any person
693 who passes a check on insufficient funds shall be liable to the
694 payee for damages equal to treble the amount of the check if a
695 written demand for payment is mailed by certified mail to the person
696 who had passed a check on insufficient funds and the written demand
697 informs this person of (A) the provisions of this section, (B) the
698 amount of the check, and (C) the amount of the service charge payable
699 to the payee. The person who had passed a check on insufficient
700 funds shall have 30 days from the date the written demand was mailed
701 to pay the amount of the check, the amount of the service charge
702 payable to the payee, and the costs to mail the written demand for
703 payment. If this person fails to pay in full the amount of the check,
704 the service charge payable to the payee, and the costs to mail the
705 written demand within this period, this person shall then be liable
706 instead for the amount of the check, minus any partial payments made
707 toward the amount of the check or the service charge within 30 days
708 of the written demand, and damages equal to treble that amount, which
709 shall not be less than one hundred dollars (\$100) nor more than one
710 thousand five hundred dollars (\$1,500). When a person becomes liable
711 for treble damages for a check that is the subject of a written
712 demand, that person shall no longer be liable for any service charge
713 for that check and any costs to mail the written demand.

714 (3) Notwithstanding paragraphs (1) and (2), a person shall not be
715 liable for the service charge, costs to mail the written demand, or
716 treble damages if he or she stops payment in order to resolve a good
717 faith dispute with the payee. The payee is entitled to the service
718 charge, costs to mail the written demand, or treble damages only upon
719 proving by clear and convincing evidence that there was no good
720 faith dispute, as defined in subdivision (b).

721 (4) Notwithstanding paragraph (1), a person shall not be liable

722 under that paragraph for the service charge if, at any time, he or
723 she presents the payee with written confirmation by his or her
724 financial institution that the check was returned to the payee by the
725 financial institution due to an error on the part of the financial
726 institution.

727 (5) Notwithstanding paragraph (1), a person shall not be liable
728 under that paragraph for the service charge if the person presents
729 the payee with written confirmation that his or her account had
730 insufficient funds as a result of a delay in the regularly scheduled
731 transfer of, or the posting of, a direct deposit of a social security
732 or government benefit assistance payment.

733 (6) As used in this subdivision, to "pass a check on insufficient
734 funds" means to make, utter, draw, or deliver any check, draft, or
735 order for the payment of money upon any bank, depository, person,
736 firm, or corporation that refuses to honor the check, draft, or order
737 for any of the following reasons:

738 (A) Lack of funds or credit in the account to pay the check.

739 (B) The person who wrote the check does not have an account with
740 the drawee.

741 (C) The person who wrote the check instructed the drawee to stop
742 payment on the check.

743 (b) For purposes of this section, in the case of a stop payment,
744 the existence of a "good faith dispute" shall be determined by the
745 trier of fact. A "good faith dispute" is one in which the court finds
746 that the drawer had a reasonable belief of his or her legal
747 entitlement to withhold payment. Grounds for the entitlement include,
748 but are not limited to, the following: services were not rendered,
749 goods were not delivered, goods or services purchased are faulty, not
750 as promised, or otherwise unsatisfactory, or there was an
751 overcharge.

752 (c) In the case of a stop payment, the notice to the drawer
753 required by this section shall be in substantially the following
754 form:

755

756 NOTICE

757 To: _____

758 (name of drawer)

759 _____ is the payee of a check

760 (name of payee)

761 you wrote

762 for \$ _____. The check was not paid

763 (amount)

764 because

765 you stopped payment, and the payee demands
766 payment. You may have a good faith dispute as to
767 whether you owe the full amount. If you do not
768 have a good faith dispute with the payee and fail
769 to pay the payee the full amount of the check in
770 cash, a service charge of an amount not to exceed
771 twenty-five dollars (\$25) for the first check
772 passed on insufficient funds and an amount
773 not to exceed thirty-five dollars (\$35) for each

774 subsequent check passed on insufficient funds,
775 and the costs to mail this notice within 30 days
776 after this notice was mailed, you could be sued
777 and held responsible to pay at least both of the
778 following:

779 (1) The amount of the check.

780 (2) Damages of at least one hundred dollars
781 (\$100) or, if higher, three times the amount of
782 the check up to one thousand five hundred dollars
783 (\$1,500).

784 If the court determines that you do have a good
785 faith dispute with the payee, you will not have
786 to pay the service charge, treble damages, or
787 mailing cost. If you stopped payment because you
788 have a good faith dispute with the payee, you
789 should try to work out your dispute with the
790 payee. You can contact the payee at:

791 _____
792 (name of payee)

793 _____
794 (street address)

795 _____
796 (telephone number)

797 You may wish to contact a lawyer to discuss your
798 legal rights and responsibilities.

799 _____
800 (name of sender of notice)

801
802 (d) In the case of a stop payment, a court may not award damages
803 or costs under this section unless the court receives into evidence a
804 copy of the written demand that, in that case, shall have been sent
805 to the drawer and a signed certified mail receipt showing delivery,
806 or attempted delivery if refused, of the written demand to the drawer's
807 last known address.

808 (e) A cause of action under this section may be brought in small
809 claims court by the original payee, if it does not exceed the
810 jurisdiction of that court, or in any other appropriate court. The
811 payee shall, in order to recover damages because the drawer
812 instructed the drawee to stop payment, show to the satisfaction of
813 the trier of fact that there was a reasonable effort on the part of
814 the payee to reconcile and resolve the dispute prior to pursuing the
815 dispute through the courts.

816 (f) A cause of action under this section may be brought by a
817 holder of the check or an assignee of the payee. A proceeding under
818 this section is a limited civil case. However, if the assignee is
819 acting on behalf of the payee, for a flat fee or a percentage fee,
820 the assignee may not charge the payee a greater flat fee or
821 percentage fee for that portion of the amount collected that
822 represents treble damages than is charged the payee for collecting
823 the face amount of the check, draft, or order. This subdivision shall
824 not apply to an action brought in small claims court.

825 (g) Notwithstanding subdivision (a), if the payee is the court,

826 the written demand for payment described in subdivision (a) may be
827 mailed to the drawer by the court clerk. Notwithstanding subdivision
828 (d), in the case of a stop payment where the demand is mailed by the
829 court clerk, a court may not award damages or costs pursuant to
830 subdivision (d), unless the court receives into evidence a copy of
831 the written demand, and a certificate of mailing by the court clerk
832 in the form provided for in subdivision (4) of Section 1013a of the
833 Code of Civil Procedure for service in civil actions. For purposes of
834 this subdivision, in courts where a single court clerk serves more
835 than one court, the clerk shall be deemed the court clerk of each
836 court.

837 (h) The requirements of this section in regard to remedies are
838 mandatory upon a court.

839 (i) The assignee of the payee or a holder of the check may demand,
840 recover, or enforce the service charge, damages, and costs specified
841 in this section to the same extent as the original payee.

842 (j) (1) A drawer is liable for damages and costs only if all of
843 the requirements of this section have been satisfied.

844 (2) The drawer shall in no event be liable more than once under
845 this section on each check for a service charge, damages, or costs.

846 (k) Nothing in this section is intended to condition, curtail, or
847 otherwise prejudice the rights, claims, remedies, and defenses under
848 Division 3 (commencing with Section 3101) of the Commercial Code of a
849 drawer, payee, assignee, or holder, including a holder in due course
850 as defined in Section 3302 of the Commercial Code, in connection
851 with the enforcement of this section.