

**15-DAY NOTICE OF MODIFICATIONS TO PROPOSED REGULATORY ACTION
REGARDING
NONRESIDENT TUITION EXEMPTION**

15-Day Notice published May 1, 2024

The Board of Governors of the California Community Colleges hereby provides notice of changes to the above-referenced proposed regulatory action that was the subject of a public hearing on March 25, 2024. Section 206, subdivision (c), of the Procedures and Standing Orders of the Board of Governors requires the Board to re-notice a proposed regulatory action where the proposed regulations have been previously considered, are being modified, and the modifications are substantial and sufficiently related to the text of the previously-proposed regulations.

CHANGES TO THE TEXT

Following the 45-day comment period that ended on April 27, 2024, and the March 25, 2024, Board meeting, changes were made to this regulatory action in proposed sections 54045 and 54045.5. The California Community Colleges Chancellor's Office will present the regulatory action to the Board of Governors at its May 20, 2024, meeting. The changes are submitted for an additional 15-day comment period effective today, May 1, 2024.

The changes to the proposed regulatory action are denoted by double underline for additions to the text and ~~double-strikeout~~ for deletions from the text.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes to the proposed regulatory action subject to this 15-day notice. The Chancellor's Office will respond to comments received that are related to the revisions made to title 5, California Code of Regulations, sections 54045 and 54045.5 after the close of the 45-day comment period. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 636
Sacramento, CA 95811-6549
Email: regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on May 16, 2024. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO THE PROPOSED REGULATORY ACTION

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text.

INFORMATIVE DIGEST

Current regulations require a student who is seeking a nonresident tuition exemption under AB 540 to complete a questionnaire regarding their eligibility for the exemption. Regulations also allow for an institution to request additional documentation from the student to verify eligibility. This questionnaire, known as the California Nonresident Tuition Exemption Request, requires a student to verify their eligibility for the exemption and specify which schools or colleges they have attended. The information requested in this questionnaire is almost identical to the information required by the California Dream Act Application (CADAA) that students must file with the California Student Aid Commission (CSAC) to verify eligibility for the Cal Grant. Requiring students who are completing a CADAA to submit a separate questionnaire at each campus they attend causes duplication. This duplication of effort is an unnecessary barrier for students and may result in students forgoing an application for a nonresident tuition exemption and contribute to students dropping out of college. In response to this problem, the Legislature passed, and the Governor signed Assembly Bill (AB) 1540, which addresses this unnecessary duplication of effort by requiring institutions of higher education, including community college districts, to accept an affidavit provided to the institution by CSAC as part of a student's financial aid application and prohibits the institution from requiring the student to file a separate affidavit.

The proposed regulatory action would implement the above requirements of AB 1540. Unless a student does not apply for CADAA, this would centralize the process by which AB 540 is verified.

The Chancellor's Office received a number of comments during the 45-day public comment period after the first reading of the proposed regulatory changes. As a result of some of those comments, as well as a review of the proposed regulatory language with CSAC, the Chancellor's Office is making changes to the proposed regulatory language in both sections 54045 and 54045.5.

Section 54045

In subdivision (c), we are adding language specifying that a person who is not a citizen or national of the United States as described in subdivision (b) "shall be known as an undocumented person." This addition makes clear that "undocumented person" will be used as a shorthand for the longer form thus permitting its use in that manner in subsequent sections.

Section 54045.5

In subdivision (b), we added language making clear that the requirement to file an affidavit affirming that an individual has filed an application to legalize their immigration status or will do so as soon as they are eligible to do so applies only to applicants for the nonresident tuition exemption who are "undocumented persons." In adding this clarifying language, we made use of the shorthand "undocumented persons" defined in Section 54045, subdivision (c), mentioned above.

In subdivision (d), we revised the language to make clear that that the CSAC would not make determinations regarding a student's eligibility for the nonresident tuition exemption. Based on public comments and our own review of the proposed regulatory language, it appeared that the language implied that CSAC would make that determination whereas the language in AB 1540 did not so require. We have revised the regulatory language in consultation with the CSAC and believe it now more accurately conveys the intent of AB 1540 and conveys that CSAC will simply provide the information submitted by students to community college districts who remain responsible for making eligibility determinations.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4, of title 2, of the Government Code: *None*

Other non-discretionary cost or savings imposed on community college districts: *None*

Cost or savings in federal funding to state agencies: *None*

The proposed amendments to title 5 would result in no fiscal impact to local or state governments, nor will it have any fiscal impact on any federal funding.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to:

Linda Vazquez, Vice Chancellor
California Community Colleges
Chancellor's Office
Regcomments@cccco.edu

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the proposed regulatory action subject to this 15-day notice are attached as noted above. Information upon which the proposal is based may be obtained online at:

[Office of General Counsel - Pending Regulatory Action](#)

Those who receive the Board of Governors Agenda package for the May 20, 2024, meeting can find a further description of the proposal and the full text of the regulations. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.