



**NOTICE OF PROPOSED RULEMAKING
CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING
NONRESIDENT TUITION EXEMPTION**

45-Day Notice published March 13, 2024

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the California Community Colleges Board of Governors (Board) Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing, and consideration of all comments, objections, or recommendations received regarding the proposed regulatory action during the public comment period, which closes on April 27, 2024.

BOARD OF GOVERNORS PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on March 25, 2024.

In-Person Participation

California Community Colleges, Chancellor's Office Building
Sixth Floor, Board of Governors Chambers
1102 Q Street
Sacramento, CA 95811

Parking options can be found on our website.

All Board of Governors (Board) meetings are held in locations that are open to the public and wheelchair accessible. Other disability-related accommodations, such as alternate media materials, sign language interpreters, or real-time transcription, may be provided to persons with disabilities upon request. Persons requesting such accommodations should notify the Board Liaison at ccastro@cccco.edu, (916) 323-5889, no less than five business days prior to the meeting.

Public Comments at the Board Meeting

Members of the public seeking to comment on the proposed regulatory action at the Board meeting should refer to the Board's agenda for information on how public comment on Board items will be received. The [Board's agendas](https://www.cccco.edu/About-Us/Board-of-Governors/Meeting-schedule-minutes-and-agendas) are available here: <https://www.cccco.edu/About-Us/Board-of-Governors/Meeting-schedule-minutes-and-agendas>.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
regcomments@cccco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on April 27, 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 PROPOSED TITLE 5 AMENDMENTS

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. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be subject to a second 15-day notice period prior to its adoption at a subsequent Board meeting.

INFORMATIVE DIGEST

AB 540 (Firebaugh, 2001) opened the doors to higher education for thousands of undocumented students by allowing them to qualify for in-state tuition. In the case of a student without lawful immigration status, in addition to submitting information to verify their enrollment status, AB 540 requires students to file an affidavit with an institution of higher education stating that the student has filed an application to legalize their immigration status or will file an application as soon as the student is eligible to do so. AB 540 authorizes the Board of Governors to prescribe rules and regulations necessary to facilitate implementation.

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 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. This change in approach will alleviate a significant burden on students and should increase the number of students who apply for, and receive, a Cal Grant. This change supports Goal 2, Equity in Access, of *Vision 2030*, broadening opportunities for Californians to access higher education by simplifying and streamlining access to financial aid through intersegmental collaboration, increasing the likelihood of timely student completion.

A version of this regulatory action was previously proposed in May 2023; however, the subsequent adoption of AB 1540 (Fong, 2023), codifying into statute the subject matter of that regulatory proposal, required a review and reexamination of the proposal to ensure it is consistent with the Legislative intent and true to the practical realities of the system. Given the significant passage of time since the Board first considered the previous version of this regulation, the Chancellor's Office is reintroducing this regulatory package as a first reading.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The proposed regulatory action requires community college districts to accept an affidavit submitted by a student as part of their California Dream Act Application as sufficient proof of the student's eligibility for the Nonresident Tuition Exemption under AB 540. Instead of receiving these affidavits directly from students, districts would receive that verification from the California Student Aid Commission. Accordingly, the estimated cost or savings attributable to the proposed regulatory action are anticipated to be as follows:

Mandate on local agencies or community college districts: *None, because a district's duties with respect to the acceptance of an AB 540 affidavit from a particular student will not change.*

Cost or savings to state agencies: *Unknown at this time. Possible increased costs to the California Student Aid Commission to implement a process for reporting student eligibility to community college districts.*

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 title 2 of the Government Code: *None. These regulations do not change a district's pre-existing obligation to accept an affidavit verifying a student's AB 540 eligibility.*

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 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 the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the language of the proposed regulatory action, and all of the 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 March 25, 2024, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.