



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

45-Day Notice published May 9, 2023

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 considering all comments, objections, or recommendations received regarding the proposed action during the public comment period.

PUBLIC HEARING

A public hearing will be held during the next regularly scheduled Board of Governors meeting on May 22, 2023. The May 22, 2023 Board of Governors meeting will be held in a hybrid format. Members of the public may participate in-person or via Zoom videoconferencing.

The meeting is scheduled from **9:00 a.m. to 5:00 p.m.**

Physical Location

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

Board of Governors Live Webinar and Zoom Information

Please use the Zoom link below and password to join the meeting:

[Join Zoom Meeting - Board of Governors](https://cccconfer.zoom.us/j/381430034?pwd=TjF4TTJVSE03OUxvdHFrUDhOWnpDZz09) (cccconfer.zoom.us/j/381430034?pwd=TjF4TTJVSE03OUxvdHFrUDhOWnpDZz09)

Or join the meeting by phone: (669) 900 6833

Meeting ID: 381 430 034

Password: 234632

International numbers available [online](https://cccconfer.zoom.us/j/911111111111) (<https://cccconfer.zoom.us/j/911111111111>)

Captions are provided during the webinar.

Public Comment Submission Process

Public Comment: Members of the public wishing to comment on an agenda item or another topic within the jurisdiction of the Board of Governors will be given the opportunity to comment via Zoom or in-person at the location listed above. For any questions, please contact the board liaison at ccastro@cccoco.edu. All comments will be limited to two minutes and the following policies:

1. In-person with a written request to address the Board shall be made on the form provided by staff at the meeting. Persons wishing to address the Board on a subject not on the agenda shall address the Board during the time listed for public forum.
2. Virtual attendees may use the Raise Hand feature on the Zoom platform to address the Board. A Chancellor's Office employee will announce your name and grant you the ability to speak. You are requested to identify yourself and present your public comment at that time. Persons wishing to address the Board on a subject not on the agenda shall address the Board during the time listed for public forum.
 - The Board of Governors reserves the right to limit the total amount of time allocated for public comment on particular issues and for each individual speaker. (Gov. Code 11125.7.)
 - For members of the public utilizing a translator or other translating technology, the Chancellor's Office shall provide twice the allotted time to ensure that non-English speakers receive the same opportunity to directly address the Board. (Gov. Code 11125.7.)

WRITTEN COMMENT PERIOD

Any interested person may also 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 June 23, 2023. 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 available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

INFORMATIVE DIGEST

Assembly Bill 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 requires a student to verify their eligibility for the exemption and specify which schools or colleges they have attended. This information requested in this AB 540 questionnaire is almost identical to the information required by the California Dream Act Application (CADAA) 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 unnecessary duplication of effort.

The proposed regulations would authorize community college districts to accept verification of the AB 540 affidavit from the California Student Aid Commission (CSAC), submitted as part of the students' submission of the CADAA, on behalf of the student. Unless a student does not apply for CADAA, this would centralize the process by which AB 540 is verified. This alleviates a significant burden on students and will increase the number of students who would apply for, and receive, a Cal Grant. This change supports the *Vision for Success* and Roadmap for the Future by simplifying and streamlining access to financial aid through intersegmental collaboration, increasing the likelihood of timely student completion. The Chancellor's Office collaborated with CSAC on this effort and CSAC is fully in support.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The proposed regulatory action streamlines the process for submitting the AB 540 affidavit. Instead of receiving affidavits directly from students, community college 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*.

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 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 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 May 22, 2023, 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.