Honorable Board of Trustees of the
San Francisco Community College District

Subject: Resolution No. 960125-B13
Adoption of Nonresident Tuition Fee Rate in Grades 13 and 14 for the Fiscal Year 1996-97

President and Members:

California Education Code Section 76140 reads as follows:

"A community college district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee:

(a) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this subdivision shall not be made on an individual basis; or

(b) Any nonresident who is both a citizen and resident of a foreign country, provided that the nonresident has demonstrated a financial need for the exemption and not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this subdivision may be made on an individual basis.

A district may contract with a state, a county contiguous to California, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

Attendance of nonresident students shall not be reported as resident FTES for state apportionment purposes, except as provided by statute in which case a nonresident tuition fee may not be charged.

The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. Such fee may be paid in installments, as determined by the governing board of the district.

The fee established by the governing board pursuant to the preceding paragraph shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year (a) the amount which was expended by the district for the current expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the total full-time equivalent
students (including nonresident students) attending in the district in the preceding fiscal year, or (b) the current expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the total full-time equivalent students (including nonresident students) attending all districts during the preceding fiscal year, or (c) an amount not to exceed the fee established by the governing board on any contiguous district. However, should the district's preceding fiscal year total FTES of all students attending in the district in noncredit courses be equal to or greater than 10 percent of the district's total FTES of all students attending in the district, the district in calculating (a) above may substitute instead the data for current expense of education in grades 13 and 14 and the total full-time equivalent students in grades 13 and 14 of all students attending in the district.

The governing board of each community college district shall also adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in the preceding paragraph by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district which borders on another state and has fewer than 500 FTES."

Pursuant to ECS 76141, districts may also charge non-resident students who are both citizens and residents of a foreign country an amount not to exceed the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students.

"Any student who can demonstrate economic hardship or who is a victim of persecution or discrimination in the country in which the student is a citizen and resident is exempt from this fee."

"For purposes of this subdivision, the governing board of each community college district that chooses to impose the charge authorized by this section shall adopt a definition of economic hardship that encompasses the financial circumstances of a
person who is a recipient of benefits under the Aid to Families with Dependent Children program, the Supplemental Income/State Supplementary Program, or a general assistance program.”

For fiscal year 1995-96, the per semester unit non-resident tuition fee rate was $121.00. The per semester non-resident tuition fee computed for 1995-96 for all districts statewide is $114.00. The per unit non-resident tuition fee for 1995-96 of districts contiguous to the SFCCD are as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>U.S. Citizen</th>
<th>Non-U.S. Citizen</th>
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</thead>
<tbody>
<tr>
<td>1996-97</td>
<td>1996-97</td>
<td></td>
</tr>
<tr>
<td>College of Marin</td>
<td>$122</td>
<td>$132</td>
</tr>
<tr>
<td>San Mateo</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>Peralta</td>
<td>$122</td>
<td>$122</td>
</tr>
</tbody>
</table>

For Fiscal Year 1995-96, the per semester unit nonresident tuition fee rate was $121.00. It has been computed that the current expense of education for the College Division (grades 13 and 14) during the Fiscal Year 1994-95 was $3,686.00 per FTES. Multiplying this by the projected increase in the United States Consumer Price Index as determined by the California Department of Finance for the two years of 1.058 and then dividing by 30 semester units, we arrive at $130.00 as the 1996-97 per semester unit non-resident tuition fee rate.

The total capital outlay expenditure of all SFCCD funds is $14,776,693 divided by the total FTES of 32,363 and then divided by 30 semester units, we arrive at $15.00, as the additional amount to be charged for non-resident students who are both citizens and residents of a foreign country.

Therefore, the 1994-95 Non-resident, Non-U.S. citizen tuition fee rate is $130.00.

The following resolution is recommended for adoption:

RESOLVED:

PART 1 - NONRESIDENT TUITION FEE

Section 1 - That in accordance with California Education Code Sections 76140 and 76141, the per semester unit non-resident U.S. citizen fee rate of $130.00 and per semester unit non-resident, non-U.S. citizen fee rate
of $145.00 be adopted for non-resident students enrolled in grades 13 and 14 for the Fiscal Year 1996-97.

Section 2 - That nonresident students who

(a) are enrolled in six units or less will not be exempt from the nonresident tuition fee; and

(b) are both citizens and residents of a foreign country will not be exempt from the nonresident tuition fee.

Section 3 - Paid nonresident tuition fees shall be refunded for coursework unit(s) officially withdrawn, dropped or reduced from a nonresident student’s study list program in accordance with the following schedule for the Fall and Spring academic semesters:

--100%  Nonresident tuition refund for coursework unit(s) withdrawn, dropped or reduced prior to or during the first two calendar weeks of instruction.

-- 50%  Nonresident tuition refund for coursework unit(s) withdrawn, dropped or reduced during the third and fourth calendar weeks of instruction.

-- 0%  Nonresident tuition refund during and after the fifth calendar week of instruction.

Tuition refund requests must be received before or by the end of the fourth calendar week of instruction of each Fall or Spring Semester for units dropped in accordance with the prorated schedule.

That the refund schedule for short-term and Summer session courses will be as follows:

--100% Nonresident tuition refund for coursework unit(s) withdrawn, dropped or reduced prior to or during the first calendar week of instruction.

-- 50%  Nonresident tuition refund for coursework unit(s) withdrawn, dropped or reduced during the second calendar week of instruction.
-- 0% Nonresident tuition refund during and after the third calendar week of instruction.

Tuition refund requests must be received before or by the end of the second calendar week of instruction for units dropped in accordance with the prorated schedule.

PART 2 - ACCOUNTING FOR FEES

Section 1 - That the nonresident tuition fees collected shall be deposited to, and checks for tuition refund be drawn against, a separate commercial bank account at No. 2 Grant Avenue of the Wells Fargo Bank.

Recommended for adoption:

Del M. Anderson
Chancellor

Originator: James Kendrix