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AB-3137 Community colleges: California College Promise: members of the Armed Forces of the United States. (2019-2020)

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Assembly Bill No. 3137

CHAPTER 226

An act to amend Section 76396.3 of the Education Code, relating to community colleges.

[Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3137, Voepel. Community colleges: California College Promise: members of the Armed Forces of the United States.

(1) Existing law establishes the California College Promise, under the administration of the Chancellor of the California Community Colleges, to provide funding, upon appropriation by the Legislature, to each community college meeting prescribed requirements. Existing law authorizes a community college to use that funding to accomplish specified policy goals and to waive some or all of the fees for 2 academic years for certain first-time students at the college who are enrolled in 12 or more semester units or the equivalent, or less for students certified as "full time," as specified, and who complete and submit either a Free Application for Federal Student Aid (FAFSA) or a California Dream Act application.

This bill would require that a student who is a member of the Armed Forces of the United States, as defined, and is called to duty as specified, may withdraw from participation in the California College Promise and resume participation in the program upon the student's return from duty without losing eligibility for the fee waiver or any other benefit of the program. The bill would also provide that the time during which the student was obliged to withdraw because of active duty shall not count toward the limit of the period of that student's eligibility for participation in the California College Promise.

To the extent that this bill would create new duties for community colleges that participate in the California College Promise, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 76396.3 of the Education Code is amended to read:

76396.3. (a) A community college that has been certified by the chancellor as meeting the requirements established under Section 76396.2 shall receive funding pursuant to Section 76396.

(b) (1) The community college may use funding appropriated pursuant to this article to waive some or all of the fees for first-time community college students who are enrolled at the college full time, and who complete and submit either a Free Application for Federal Student Aid or a California Dream Act application, except that a student who has previously earned a degree or certificate from a postsecondary educational institution is not eligible for this fee waiver. A fee waiver that a student receives pursuant to this subdivision shall only be for two academic years, and fees shall only be waived for the summer term and each semester or quarter of an academic year in which the student maintains full-time status. A fee waiver provided pursuant to this subdivision shall not be available to a student who is charged a tuition fee pursuant to Section 76140.

(2) Notwithstanding paragraph (1), a student who is a member of the Armed Forces of the United States and is called to duty compelling the student to take a leave of absence pursuant to provisions of Title 10, Title 14, or Title 32 of the United States Code, or to state-funded active duty on order of the Governor, may withdraw from participation in the California College Promise and resume participation in the program upon the student's return from duty without losing eligibility for the fee waiver or any other benefit of the program. The time during which the student was obliged to withdraw because of active duty shall not count toward the limit of the period of that student's eligibility for participation in the California College Promise.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Academic year" means the total of the summer term that immediately precedes the first semester or quarter of the fall term, and the two consecutive semesters or three quarters that immediately follow that summer term. Each semester or quarter is approximately the same length.

(2) "Armed Forces of the United States" means the United States Air Force, Army, Coast Guard, Marine Corps, and Navy, and the reserve components of each of those forces, and the California National Guard, the California State Guard, and the California Naval Militia.

(3) (A) Except as provided in subparagraph (B), "full time" means 12 or more semester units or the equivalent.

(B) A student enrolled in fewer than 12 units may be deemed "full time" at the discretion of the institution if the student has been certified as "full time" by a staff person in the disabled student services program at the institution who is qualified to make such a designation.

(d) It is the intent of the Legislature that funding provided to support the California College Promise be used by the community college to advance the goals outlined in Section 76396.1.

(e) On or before July 1, 2024, the chancellor's office shall submit a report to the Legislature in compliance with Section 9795 of the Government Code evaluating the use of funding for the California College Promise to waive student fees. The report shall determine whether the goals outlined in Section 76396.1 are being met.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.