
The Education Code and California Code of Regulations, Title 5, identify fees applicable to students. There are four categories of fees: mandatory, authorized, optional and prohibited.

1. MANDATORY FEES

Express legislative authority is required to charge any student fee which is mandatory.

A. Enrollment Fees

An Enrollment Fee shall be charged to all students (Ed Code 76300)

B. Nonresident Tuition

The District is required to charge a Nonresident Tuition Fee if it chooses to admit nonresidents. The District is authorized (but not required) to exempt all nonresidents who take six or fewer units, or demonstrate economic hardship. Not more than 10 percent of nonresident foreign students may be exempted for economic hardship. (Ed Code 76140)

Economic hardship shall be defined as: A student must demonstrate unforeseen severe economic hardship. This may include loss of financial assistance or sponsorship, substantial fluctuations in the value of currency or exchange rate, unexpected changes in the financial condition of a student's source of support, or other substantial and unexpected expenses. This shall include the financial circumstances of a person who is a recipient of benefits under the Temporary Assistance to Needy Families Program, the Supplemental Income/State Supplementary Program, or a general assistance program.

C. Field Trips to Other States or Foreign Countries

No District funds may be used to cover the expenses of students participating in field trips to other states, the District of Columbia or foreign countries. (CCR Title 5 Section 55450)

D. Capital Outlay Fee

The District is authorized to charge non-residents 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 of the district in the preceding fiscal year. This fee shall not exceed 50 percent of the nonresident tuition fee established pursuant to Ed Code 76140. 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.

2. AUTHORIZED FEES

A student may be required to pay authorized fees if a statute specifically authorizes a District to require it. Authorized fees include the following:

A. Non-District Physical Education Fees

The District is authorized to impose a fee on participating students for the additional expenses incurred when physical education courses are required to use non-district facilities such as bowling alleys and golf courses. (Ed Code 76395)

B. Community Service Classes

The District is authorized to charge students taking community service classes a fee not to exceed the cost of maintaining community service classes. Community Service classes are intended to be self-supporting and the District is prohibited from using apportionment money to establish and maintain such classes. (Ed Code 78300)

C. Fees to Audit Courses

The District is authorized to charge students who audit courses a fee. Students are prohibited from changing their enrollment to credit status.

Attendance of auditors is not included for state apportionment purposes. Only those students who have exhausted the repeat possibilities of a given course will be allowed to register as auditors. (Ed Code 76370)

D. Health Fee

The District is authorized to require students to pay a Health Fee. (Ed Code 76355)

Exemptions:

1. Students in approved apprenticeship programs; and,
2. Students who depend exclusively upon prayer for healing in accordance with a bona fide religious sect, denomination, or organization.

Other Exemptions (Board-approved):

1. Students enrolled under District-approved agency contracts and/or agreements;
2. Students enrolled in overseas programs approved by the District; and,
3. Students who are in an incarcerated status.

E. Parking Fee

The District is authorized to require students (and employees) to pay a fee of up to the maximum permitted by law. Replacement permits shall be at this same rate. (Ed Code 76360)

F. Student Records

The District is authorized to make a reasonable charge in an amount not to exceed the actual cost of furnishing copies of any student record; provided, that no charge can be made for furnishing up to two transcripts of students records or up to two verifications of various records of students. No charge may be made for the cost to search for or retrieve any student record (Ed Code 76223)

G. Dormitory Fee

The District is authorized to construct and maintain dormitories and to fix the rates that will be charged to students for living in the dormitories. (Ed Code 81670)

H. Child Care

The District is authorized to charge student parents a fee for child care services for their children. The District cannot charge a child a fee to attend child development classes; nor can a District charge a student a fee to enroll in child development classes.

I. Non-Resident Foreign Application Fee

The District is authorized to charge non-residents who are both citizens and residents of a foreign country a fee up to the maximum permitted by law for the actual cost of processing an application and other documentation required by the Federal Government. No processing fee shall be charged to an applicant who would be eligible for an exemption for non-resident tuition pursuant to Ed Code 76140 or who can demonstrate economic hardship (Ed Code 76142), or who is a victim of persecution or discrimination in the country in which the student is a citizen and resident.

3. OPTIONAL FEES

Fees or charges which are optional to students may, under certain circumstances, be charged under the authority of the "Permissive Code" as set forth in Ed Code 76365.

A. Instructional Materials

1. Generally speaking, there is really no such thing as an "instructional materials fee;" instead the student is choosing to purchase certain required course material from the District. "Instructional and Other Materials" means tangible personal property that is owned or primarily controlled by the student.
2. "Required Instructional and Other Materials" are materials which the student must procure or possess as a condition of registration, enrollment, or entry into a class; or any material which is necessary to achieve the required objectives of the course.
3. A material may not be solely or exclusively available from the District unless it is provided to the student at the District's actual cost, and there are health and safety reasons for the District being the provider, or if the District is providing the materials for less than it is available elsewhere. It is important to remember that the above applies to materials which are required as a condition of registration, enrollment, etc. If a material is helpful to students, but is not required, it may be sold to students under the authority of the permissive code. The material need not be tangible personal property; it need not be of continuing value outside the classroom setting; and it can be made available exclusively from the District. However, it must be sold at actual cost.
4. Departments or Instructors must be able to prove that the fees collected for instructional materials are used to purchase materials that the students receive. The fees cannot be used for any other purpose. (CCR Title 5, Sec. 59400 - 59408)
5. Materials Fees requested must be approved by the Board of Trustees.
6. Athletic Insurance and Health Sciences Malpractice Insurance can be paid from District funds, by participating students or by their parents.

4. PROHIBITED FEES

The following fees may not be charged under current law:

- A. Late Application Fees. A late application fee cannot be charged under the authority of the Permissive Code;
- B. Add/Drop Fee. The Add/Drop Fee cannot be charged under the authority of the Permissive Code;
- C. Fees charged through Student Body Organizations unless expressly provided by Statute. A student body organization cannot charge a fee that a District governing board does not have the authority to charge;

- D. Nonresident Application Fee. The Chancellor's Office has determined that a nonresident application fee cannot be imposed under the authority of the Permissive Code. (See also C.2 above); and,
- E. Field Trips. The District is prohibited from requiring students to participate in an instructionally-related field trip within the state. However, the District is not required to pay the costs of meals, lodging and other incidentals of students participating in field trips. (CCR Title 5 Sections 55450 - 55451) (See Mandatory Fees, Field Trips to Other States or Foreign Countries, A.4., above).