



AP 5020 NONRESIDENT TUITION

References:

Education Code Sections 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

Nonresident Tuition for Out-of-State and International Students

Students who are not residents of California for one year and one day prior to the first day of the term are classified as nonresident or International Students and the District may admit and shall charge tuition to nonresident and international students and may apply exemptions in accordance with Education Code Sections 76140 and 76141.

Rates are to be set no later than March 1 of each year. The fee shall be calculated pursuant to Education Code Section 76140 and provide for students enrolled in any credit units in all primary and inter-sessions as follows. The calculation of the non-resident tuition fee shall

- be calculated in accordance with guidelines contained in applicable state regulations and/or the California Community College Attendance Accounting Manual.
- reflect the expense of education in the preceding year.
- include exemptions, if any, due to reciprocity with bordering states.
- include processing fees, if any, for international students.
- include a capital outlay fee calculated pursuant to Education Code Section 76141.

Tuition Fee Refunds

Refunds will be made in accordance with AP 5030 Fees.

Reclassification of Non-Resident Status

Students who believe they should be reclassified as resident students have the responsibility to submit a residency reclassification packet with proper documentation to the Admissions and Records office for review and determination of residency status.



Exemptions

Nonresident Tuition Exemption (AB 540): Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements are exempt from nonresident tuition.

- high school, adult schools and/or community college attendance in California for three or more years; or attained credits earned in California from a California high school equivalent to three or more years of full-time high school coursework; and attended a total of three or more years in California elementary schools, California secondary schools, or combination of those schools
- graduation from a California high school or attainment of the equivalent thereof
- registration or enrollment in a course offered for any term commencing on or after January 1, 2002
- completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption, and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

Military Resident Exemption: Nonresident U.S. military personnel on active duty in California (except those assigned for educational purposes to state-supported institutions of higher education) are granted a waiver of nonresident tuition until they are discharged from their military service. Their dependents are granted a waiver for a period of one year from the date they enter California. Upon expiration of the waiver, evidence must be provided as to the date the student surrendered out-of-state residence to become a resident of California. The student will be classified as a nonresident and charged nonresident tuition until one year has elapsed since the out-of-state residence was surrendered.

September 11, 2001 Exemption: If an individual who was killed in the terrorist attacks on the World Trade Center in New York City, the Pentagon in Washington, D.C., or the crash of United Airlines Flight 93 was a resident of California on September 11, 2001, or if that person's dependent was a resident on that date and meets the financial need requirement for the Cal Grant A Program, the dependents of this individual may be exempt from nonresident tuition. If the dependent is a spouse, the exemption applies until January 1, 2013. If the dependent is a child, the exemption applies until the person reaches the age of 30.



Special Part-Time Student Exemptions

Nonresident special part-time students (e.g. concurrently enrolled high school students) are exempt from paying nonresident tuition for credit courses during any semester or term in which they are enrolled in 11.9 or fewer units. This exemption does not apply to special full-time students. This exemption does not apply to categories of students who would be precluded from qualifying for the AB 540 nonresident tuition exemption. The District is authorized to claim state apportionment for enrollment of students exempted under this provision. Students exempted under this provision do not receive resident status for the purpose of financial aid (SB 150).

This exemption does apply to special part-time students, other than a non-immigrant alien under 8 U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.

Special Immigrant Visa (SIV) & Refugee Exemption

Immediate nonresident tuition fee exemptions are granted to eligible Special Immigrant Visa (SIV) holders and refugee students who settled in California upon entering the United States. This exemption is granted for one year from the date the student settled in California upon entering the United States (Ed Code 68075.6). This exemption applies to the following:

- Iraqi citizens or nationals (and their spouses and children) who were employed by or on behalf of the United States Government in Iraq.
- Afghan and Iraqi translators (and their spouses and children) who worked directly with the United States Armed Forces.
- Afghanistan nationals who were employed by or on behalf of the U.S. government or in the International Security Assistance Force (ISAF) in Afghanistan.

Refugee students admitted to the United States under Section 1157 of Title 8 of the United States Code.

Additional Nonresident Student Exemption

The District shall exempt from nonresident tuition a student who is a U.S. citizen and who resides in a foreign country if that student meets all of the following requirements:

- demonstrates a financial need for the exemption.



-
- has a parent or guardian who has been deported or was permitted to depart voluntarily.
 - moved abroad as a result of the deportation or voluntary departure.
 - lived in California immediately before moving abroad.
 - attended a public or private secondary school in California for three or more years, and
 - upon enrollment, will be in the student's first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that the student intends to establish residency in California as soon as possible.

Documentation shall be provided by the student as required by statute as specified in Education Code Section 76140 (a)(5).

The District shall exempt from nonresident tuition a student who is a non-immigrant alien granted "T" or "U" visa status under title 8 U.S. Code Section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)U(i) or (ii), respectively, who meets the following requirements:

- high school attendance in California for three or more years
- graduation from a California high school or attainment of the equivalent thereof
- registration or enrollment in a course offered for any term or commencing on or after January 1, 2002, and
- completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption.

Districts are authorized to claim state apportionment for enrollment of students exempted under this provision. Students exempted under this provision do not receive resident status for the purpose of financial aid (SB 141).

Date Approved: April 23, 2015

Legal Reference Update #26: April 2015

Legal Reference Update #30: April 2017

Legal Advisory 2019-02, AB 2210 Compliance: March 2019

Date Approved: June 5, 2018

Date Approved: October 11, 2018

Legal Reference Update #34: March 2019