



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

The District may admit and shall charge tuition to nonresident students and may apply exemptions in accordance with Education Code Sections 76140 and 76141. The fee shall be calculated pursuant to Education Code Section 76140. The same per-unit rate shall be charged to all nonresident students attending any summer sessions.

The capital outlay fee shall be calculated pursuant to Education Code Section 76141.

Tuition Fee Refunds

Refunds will be made in accordance with AP 5030 Fees.

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 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 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 his/her 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 their dependent was a resident on that date and if they meet 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) may be exempted from the requirement to pay nonresident tuition for credit courses during any semester or term in which he/she is 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 not authorized to claim apportionment funding for students exempted under this provision. Students exempted under this provision do not receive resident status for the purpose of financial aid (SB 150).

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 under the federal Immigration and Nationality Act.
- 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.
- Upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education.
- Will be living in California and will file an affidavit with the community college stating that he/she 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).

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).

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