

AP 5020 Nonresident Tuition

Reference: ***Education Code Sections 68075.65, 68130.5 and, 76140 et seq; Title 5 Section 54045.5***

Date Issued: July 10, 2012

Revised: ~~July 20, 2021~~

The Grossmont-Cuyamaca Community College District (District) Chancellor shall ensure that District procedures for nonresident tuition will comply with California Education Code, Section 76140, and follow the guidelines of the California Community College Budget and Accounting Manual in determining the District's full expense of education.

NOTE: This procedure is legally required. Local practice may be inserted, which must include or address:

- Exemptions, including:
 - Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:
 1. either high school attendance in California for three or more years OR attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools;
 2. graduation from a California high school or attainment of the equivalent thereof;
 3. registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 4. completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
 5. 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.
 - Any students who meet the following requirements:
 1. demonstrates financial need;
 2. has a parent who has been deported or was permitted to depart voluntarily;
 3. moved abroad as a result of that deportation or voluntary departure;
 4. lived in California immediately before moving abroad;
 5. attended a public or private secondary school in the state for three or more years; and
 6. Upon enrollment will be in his/her/their 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 he/she/they intends to establish residency in California as soon as possible.

Grossmont-Cuyamaca Community College District

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- Any nonimmigrant aliens 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 meet the following requirements:
 1. high school attendance in California for three or more years;
 2. graduation from a California high school or attainment of the equivalent thereof;
 3. registration or enrollment in a course offered for any term or commencing on or after January 1, 2002; and
 4. completion of a questionnaire form prescribed by the State Chancellor’s Office verifying eligibility for this nonresident tuition exemption.
- A special part-time student, other than a nonimmigrant 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.
- A nonresident student who enrolls in a credit English as a Second Language course at the district and who is any of the following:
 1. A recent immigrant, as defined in 8 U.S. Code Section 1101(a)(15);
 2. A recent refugee, as defined in 8 U.S. Code Section 1101(a)(42); or
 3. A person who has been granted asylum by the United States, as defined in 8 U.S. Code Section 1158.
- This exemption applies only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year. This exemption applies only to the tuition fee for credit ESL courses.

Any student who feels they are eligible for the exemption above may submit a petition to their respective campus Petitions Committee

The annual District procedures will include, but may not be limited to addressing the following components:

- Determine processing fees, if any, for international students
- A requirement that the calculation include the expense of education in the preceding fiscal year
- A requirement that the calculation reflect fees in contiguous Districts
- A requirement that the calculation provide for students enrolled in more or less than 15 units per term
- A requirement that the nonresident tuition fee be set not later than March 1 of each year
- A requirement that a notice listing persons exempt from paying nonresident tuition be posted on the District’s website

- A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual.
- Exemptions, if any, due to reciprocity with bordering states.

Per California Education Code 76140, the District may choose to exempt certain residents of Mexico who meet all of the following requirements:

- A student who demonstrates financial need based on California or Mexican income thresholds, whichever is more favorable to the student;
- Resides within 45-miles of the California-Mexican border for at least one year prior to the start of the semester in question; and
- Registers for lower division coursework at Grossmont-Cuyamaca Community College District

Additionally, the following requirements must be met:

- Student must have an active application on file.
- Student must file an AB 91 Nonresident Tuition Exemption Affidavit at each college they wish to enroll in.
- Student must be enrolled in classes to qualify for the nonresident tuition waiver.
- If students intend to attend classes in person, they must have a valid F-1 I-20 for border commuter students.

Once admitted, if a student stops out for two consecutive primary terms, they must re-apply. Exemptions are processed on a first-come, first-served basis based on the act of the application, affidavit, and enrollment.

No more than 150 full-time equivalent students (FTES) at each community college described in clause shall be exempted from payment of a nonresident tuition fee under this paragraph in any academic year. The attendance of nonresident students who receive this exemption may be reported as resident FTES for state apportionment purposes.

Refer also to AP 5015 titled Residence Determination and AP 5030 titled Fees. Added^[AH1]