

New – V1

## **AP 5021**

# **Non-Resident Tuition Fee Exemption Residence near the California – Mexico Border**

Reference: ***Education Code Sections 76140 (a)(8)***

Date Issued: April 29, 2024

Reviewed: May 20, 2024

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In accordance to California Education Code Section 76140 authorizes a nonresident tuition/fee exemption for eligible students who attend a California Community College near the California – Mexico border. The exemption is in effect through December 31, 2027, with the exemption becoming inoperative on January 1, 2028. The Education Code authorizes Grossmont and Cuyamaca colleges to serve up to 150 Full-Time Equivalent Students in any academic year..

### **Eligibility Criteria:**

Affidavits accepted on a first-come, first-served basis. Regular review of Affidavits completed, based on the following criteria to determine eligibility of determination:

- A resident of Mexico
- A student who demonstrates financial need based on regionally agreed-upon income threshold;
- 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 below requirements

- Student must have an active application on file.
- Student must file an AB 91 Nonresident Tuition Exemption Affidavit at the college they wish to enroll in.
- Student must **apply and seek** enrollment in classes to qualify for the nonresident tuition waiver.
- If students intend to attend classes in person, they must have a valid status of border commuter student.

Once admitted, if a student stops out for two consecutive primary terms, they must reapply. Exemptions are processed on a first-come, first-served basis based on the act of the application, affidavit, and enrollment. **Border commuter students with an F-1 visa must submit all the required admission documents and complete the college on boarding process prior to affidavit being reviewed.**

Approved students:

- Will be limited to enrollment at the approved college.
- Who are US nationals will be limited to 15 units per semesters.
- Border Commuter students will be limited to below 12 units.
- Will need to complete an Add Card with Admissions and Records to be registered manually into courses.

Exemptions will be provided to each semester's cohort in a manner to ensure continuous access to the benefit. However, exemptions are based on availability.

No more than 150 full-time equivalent students (FTES) at each community college described in the 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.

When it is determined that the number of students is approaching the AB 91 enrollment limitations, other factors may be considered such as:

- Full-time vs. part-time status – unit limitations may apply
- Online vs. face-to-face enrollment
- Intent to be a continuous student to obtain a degree and/or certificate and enter the local workforce.

Right to Appeal – Students who classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the Admission and Office, may submit a petition to the Admissions and Records Office within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The petition is submitted to the Admissions Records Office, which must forward it to the college's Petitions Committee within seven working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the petition.