

Student Services

CCLC 42 updated this legally required procedure to provide an exemption to a nonresident student who enrolls in a credit English as a Second Language course if they met certain requirements pursuant to changes in the Education Code. This is a 10+1. Mici 6-13-2023

Approved. Eresa/Greg Administrative Services 6-28-2023

Approved. Jon H/Enrollment 9-1-2023

Approved. Academic Senate 9-7-2023

Mia R./General Counsel edits as noted. 9-20-2023

Resent to Academic Senate with Jon H. and Mia's revisions. 9-20-2023

AP 5020 NON-RESIDENT TUITION**References:**

Education Code Sections [68044](#), 68075.65, [68130](#), 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

Exemptions to the non-resident tuition fee requirements include any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:

- 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;
- 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 non-resident 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/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

[Exemptions to the non-resident tuition fee requirements include a](#)ny students who meet the following requirements:

- demonstrates financial need;
- has a parent who has been deported or was permitted to depart voluntarily;
- moved abroad as a result of that deportation or voluntary departure;
- lived in California immediately before moving abroad;
- attended a public or private secondary school in the state for three or more years; and
- upon enrollment, will be in his/her/their first academic year as a matriculated student in California, and will file an affidavit with the District stating that he/she/they intend(s) to establish residency in California as soon as possible.

[Exemptions to the non-resident tuition fee requirements include a](#)ny 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:

- 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.

Pursuant to the District's authority under Education Code Section 76140(a)(1) and other applicable law, exemptions to the non-resident tuition fee requirements include any students with no immigration legal status in the United States, either because they entered the U.S. without legal status or because they have fallen out of a legal status since their arrival in the U.S., who meet the following requirements:

- enroll in six (6) or fewer units per term;
- have a permanent address in California;
- do not claim residency in another state; and
- complete the required exemption form prior to enrollment.

Exemptions to the non-resident tuition fee requirements include a special part-time student, 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.

Non-resident tuition fees will be approved by the Board of Trustees no later than March 1 of each year.

Education Code Section 76140 specifies seven options for a district to choose in setting its nonresident tuition fee.

Pursuant to Education Code Section 76141, a district may also charge a capital outlay fee to nonresident students, other than those with exemptions pursuant to Assembly Bill 540.

Full refunds of non-resident tuition fees will be granted through 14 calendar days of a full semester and ten percent of the length of the course for short-term classes and summer term classes.

The District shall post on its website a notice listing criteria for exemptions from paying nonresident tuition.

Office of Primary Responsibility: Administrative Services

Date Approved: September 3, 2009

Revised: January 15, 2013; November 17, 2020; May 17, 2022

Reviewed/Revised: