

ADMINISTRATIVE PROCEDURE 5020 NONRESIDENT TUITION

- I. **Nonresident Tuition Payment for Out-of-State and International Students:** Nonresident students of California are required to pay tuition which is established by the Board of Trustees according to Education Code, no later than February 1 of each year to be effective the following fall semester. Nonresident students who are both citizens and residents of a foreign country are required to pay an additional amount per unit, called a capital outlay fee, which is calculated on the amount expended by the Peralta Community College District for capital outlay in the preceding year divided by the total full-time equivalent students.

The nonresident tuition fee is to be set no later than March 1 of each year.

II. **Nonresident tuition fees: English for Speakers of Other Languages Courses (AB1232)**

- A. A nonresident student who enrolls in a credit English for Speakers of Other Languages 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.
- B. 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 ESOL courses.

III. **Military Exemption**

- A. A nonresident member of the Armed Forces of the United States stationed in California (except those assigned for education purposes to state-supported institutions of higher education) and their eligible dependents are exempt from paying nonresident tuition until they are no longer stationed in California or discharged from their military service.
- B. A nonresident member of the Armed Forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged shall be exempt from paying nonresident tuition for up to one year (the one-year exemption shall be used by the student within two years of being discharged) if he or she files an affidavit stating that he or she intends to establish residency in California as soon as possible.
- C. A student or prospective student and their eligible dependents who are using or are intending to use Veteran's Affairs (VA) Benefits which include the Post 9/11 GI Bill, Montgomery GI Bill Active Duty, Dependent Educational Assistance (DEA) program, Fry Scholarship and veterans Readiness and Employment (VR&E) shall be exempt from paying nonresident tuition while enrolled as a student.
- D. Former members of the Armed Forces of the United State who received a dishonorable or bad conduct discharge shall not be eligible for an exemption.

See also AP 5015 Residence Determination.

IV. **High School Graduate Exemption (AB 540)**

- A. Any student, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements are exempt from nonresident tuition:
1. High School attendance in California for three or more years or a combination of high

- school and elementary or secondary school;
- 2. Graduation from a California high school or attainment of the equivalent;
- B. Registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
- C. Completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
- D. 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.

See also AP 5015 Residence Determination

V. September 11, 2011 Exemption

- A. 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 his/her dependent was a resident on that date and if he/she meets the financial need requirement of 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.

VI. Special Part-Time Student Exemptions (SB 150)

- A. 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 11.5 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).
- B. This also applies to 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.

VII. U.S. Citizen Who Resides in a Foreign Country Exemption (SB 141)

- A. 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 the following requirements:
 - 1. Demonstrates a financial need for exemption;
 - 2. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal immigration and Nationality Act;
 - 3. Moved abroad as a result of the deportation or voluntary departure;
 - 4. Lived in California immediately before moving abroad;
 - 5. Attended a public or private secondary school in California for three or more years;
 - 6. Upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education;
 - 7. 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; and
 - 8. Documentation shall be provided by the student as required by statute as specified in Education Code 76140 (a)(5).
- B. This also applies to 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).
- C. 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 1414)

Also see AP 5015 Residence Determination.

VIII. **Nonresident Tuition Refund Procedure**

- A. Refunds are granted under the current refund policy.
- B. There is a requirement that a notice listing persons exempt from paying nonresident tuition be posted on the District's website.

References:

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

Approved by the Chancellor: October 12, 2015

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