

VETERANS ACCESS, CHOICE AND ACCOUNTABILITY ACT (VACA H.R. 3230) AND RESIDENCY FOR TUITION FEES PURPOSES

Recently, The Veterans Access, Choice and Accountability Act (VACA H.R. 3230) was approved and requires educational institutions to grant an exemption to the non-resident fee to students who are considered “covered individuals.” Effective with terms starting July 1, 2015 (fall 2015) and after, the following groups of students are eligible to have the non-resident fee waived as long as they meet the criteria of a “covered individual” and qualify to use the Montgomery GI Bill®-Active Duty (MGIB-AD) and Post-9/11 GI Bill® education benefit programs (Chapters 30 or 33, respectively). A “covered individual” is defined in the VACA Act as:

1. A veteran eligible for educational assistance under either the Montgomery GI Bill®-Active Duty(MGIB-AD) or Post-9/11 GI Bill® education benefit programs who resides (lives) in California(regardless of his/her formal state of residence) and enrolls in the community college from a period of active duty service of 90 days or more.

Category 1 documentation requirement: Certificate of Eligibility for Chapter 30 or 33

2. An individual eligible for transferred education benefits under either the Montgomery GI Bill®-Active Duty (MGIB-AD) or Post-9/11 GI Bill® education benefit programs who resides (lives) in California (regardless of his/her formal state of residence) and enrolls in the community college from a period of active duty service of 90 days or more.

Category 2 documentation requirement: Certificate of Eligibility for Chapter 30 or 33

3. **[New Category]*** An individual eligible for transferred Post-9/11 G.I. Bill® benefits while the transferor is on active duty who resides (lives) in California (regardless of his/her formal state of residence) as described in 38 USC 3679(c)(2)(B)(ii)(II). **This is a new “covered individual” category which was added by the December 2016 VACA Act change, effective for terms beginning after July 1, 2017.**

Category 3 documentation requirement: Certificate of Eligibility for Chapter 33

4. An individual eligible for benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill® benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who resides (lives) in California (regardless of his/her formal state of residence). **Prior to the December 2016 VACA Act change, individuals using the Marine Gunnery Sergeant John David Fry Scholarship were required to enroll within 3 years of the service members death, and there was a requirement that the deceased service member’s death in the line of duty followed a period of active duty service of 90 days or more. These two requirements were deleted effective July 1, 2017.***

Category 4 documentation requirement: letter/document from the U.S. Department of Veterans Affairs stating student is eligible for John David Fry Scholarship

5. **[New Category]**** Individuals eligible for rehabilitation under 38 U.S. Code § 3102 pursuing a course of education with education assistance from the Training and Rehabilitation for Veterans with Service-Connected Disabilities (Chapter 31) education benefits program. **This change is effective for courses provided during a quarter, semester, or term beginning after March 1, 2019.**

Category 5 documentation requirement: letter/document from the U.S. Department of Veterans Affairs showing student is eligible for Chapter 31

6. **[New Category]***** Individuals who are entitled to assistance under the Dependent Education Assistance Program (Ch. 35).

Category 6 documentation requirement: Certificate of Eligibility for Ch. 35

A student who qualifies under the applicable requirements above shall maintain “covered individual” status as long the student remains continuously enrolled at the community college, even if the student enrolls in multiple programs, and the student shall continue to be exempt from paying nonresident tuition and other fees that are exclusively applicable to nonresident students. “Continuously enrolled” means enrolled for at least the fall and spring semesters of an academic year, or for at least three of the quarters in an academic year for an institution using the quarter system (pursuant to California Code of Regulations, Title 5 section 55701, the academic year does not include summer or other intersessions).

***The amendments are effective for courses, semesters, or terms beginning after July 1, 2017.**

****The amendments are effective for courses, semesters, or terms beginning after March 1, 2019**

***** The amendments are effective for courses, semesters or terms beginning after August 1, 2022**

You may obtain a copy of your Certificate of Eligibility online at: www.ebenefits.va.gov.

Please note that this exemption does not grant the student “resident” status, but rather, waives the non-resident tuition fee. Currently, VACA students are not eligible to apply for the California College Promise Grant (CCPG).