

STUDENT SERVICES

AP 5020 NONRESIDENT TUITION

References:

Education Code Sections 68075.65, 68130.5 and 76140 et seq.; Title 5 Section 54045.5

The nonresident tuition fee will be established not later than February 1 for the succeeding fiscal year according to one of the following bases:

- Statewide basis
- District basis
- District basis with 10% or more noncredit FTES
- No more than a contiguous district
- No more than the District basis and no less than the statewide basis

Exemptions to the nonresident tuition fee requirements include any students, other than non-immigrant foreign nationals under 8 U.S. Code Section 1101(a)(15), who meet all of 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 by an accredited institution of higher education 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 nonresident 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 immigration status, or will file an application as soon as he/she is eligible to do so

Additionally:

- Any 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 or her 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 or she intends to establish residency in California as soon as possible.
- Any nonimmigrant foreign nationals 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.
- Non-resident fees for special part-time students will be waived based on the following criteria (Education Code Section 76140):
 - The student must be residing in California.
 - The student must be attending a high school (public or private) in California.
 - The student must be enrolled as a special part-time student in fewer than 12 units each semester or fewer than 15 units if participating in a CCAP as defined in AP 5011.
 - The student must be recommended by the principle of the pupil’s school and have parental permission to attend a community college.
 - This exemption does not apply to special full-time students.
 - This exemption does not apply to non-immigrants other than “T” and “U” non-immigrant visa.
 - Students receiving this non-resident tuition exemption do not receive resident status.

Non-Resident Capital Outlay Fee: Education Code Section 76141 Palomar College may charge the Capital Outlay fee. Each year it will be clearly noted on the webpage if this fee is also assessed. The computation of the capital outlay fee is not to exceed the amount expended for the capital outlay in the preceding year divided by the total full-time equivalent students.

A nonresident student who enrolls in a credit English as a Second Language course at the District and who is any of the following:

- A recent immigrant, as defined in 8 U.S. Code Section 1101(a)(15);
- A recent refugee, as defined in 8 U.S. Code Section 1101(a)(42); or
- 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.

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.

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.

The computation of the nonresident tuition per unit charge is based on the expense of education for the base year, the annual attendance (FTES), and the U.S. Consumer Price Index.

The computation of the nonresident capital outlay fee is not to exceed the amount expended for capital outlay in the preceding year divided by the total full-time equivalent students.

The application processing fee for citizens and residents of a foreign country is not to exceed the lesser of:

- the actual cost of processing an application and other documentation required by the federal government, or
- \$100, which may be deducted from the tuition fee at the time of enrollment.

Offices of Primary Responsibility: Fiscal Services and Student Services