

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES
REVISIONS TO TITLE 5 REGULATIONS:
NONRESIDENT TUITION EXEMPTION

1. Section 54045.5 of subchapter 1 of chapter 5 of division 6 of title 5 of the California Code of Regulations is amended to read:

§ 54045.5. Nonresident Tuition Exemption.

(a) In accordance with Education Code section 68130.5, any student, other than a student who is a nonimmigrant alien under title 8 United States Code section 1101(a)(15), shall be exempt from paying nonresident tuition at any community college district if he or she:

(1) satisfies either of the following:

(A) attended high school in California for three or more years; or

(B) attained 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 attendance in California elementary schools, California secondary schools, or a combination of those schools;

(2) graduated from a California high school or attained the equivalent of such graduation; and

(3) registers for, or is enrolled in, a course offered by any college in the district for any term commencing on, or after January 1, 2002.

(b) Any student seeking an exemption under subdivision (a) shall complete a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption, and may be required to provide documentation in addition to the information required by the questionnaire as necessary to verify eligibility for an exemption. All nonpublic student information so provided shall be confidential and shall not be disclosed unless required by law.

(c) Any student without lawful immigration status who is seeking an exemption under subdivision (a), shall, in the questionnaire described in (b), affirm that he or she has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so.

(d) A student seeking this tuition exemption has the burden of providing evidence of compliance with the requirements of this section.

(e) Nothing herein modifies eligibility standards for any form of student financial aid, including but not limited to, those contained in Subchapter 7 of Chapter 9 of this Division.

(f) Nothing herein authorizes a refund of nonresident tuition that was paid for any term commencing prior to January 1, 2002.

(g) Notwithstanding the general nonimmigrant alien exclusion from the exemption noted in subdivision (a), nonimmigrant aliens granted "T" or "U" visa status under title 8 United States Code section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)(U)(i) or (ii),

respectively, shall be exempt from paying nonresident tuition, provided all eligibility requirements in subdivisions (a)(1)-(a)(3) above are met.

NOTE: Authority cited: Sections 66700, 68130.5 and 70901, Education Code.

Reference: Section 68130.5, Education Code.