Title: Title 5 Amendment: Nonresident Tuition Exemption

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Background

On September 24, 2012, the Governor approved Assembly Bill 1899 (AB 1899-Mitchell). This bill added Education Code sections 68122, 69504.5, and 76301. The intent of this legislation is to grant students who possess “T” and “U” visas the same rights and privileges that qualified AB 540 students possess. (These “T” and “U” students must still attend a California high school for at least 3 years and graduate.) “T” and “U” visa holders are individuals who are victims of trafficking, domestic violence, and other serious crimes, and have been granted that status under federal law. Prior to this legislation, “T” and “U” visa holders were ineligible for AB 540 benefits.

Proposal

In order to fully implement the requirements set forth in AB 1899, title 5 regulations need to be amended accordingly. The proposed action amends title 5, section 54045.5, by adding a provision that specifically addresses the exemptions granted to eligible “T” and “U” visa students.
Attachment A

§ 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 8 U.S.C. 1101(a)(15), shall be exempt from paying nonresident tuition at any community college district if he or she:

(1) Attended high school in California for three or more years;

(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 Section 1101(a)(15)(T)(i) or (ii), or Section 1101(a)(15)(U)(i) or (ii), of Title 8 of the United States Code, respectively, shall be exempt from paying nonresident tuition, provided all eligibility requirements in (a)(1) – (a)(3) are met.

Note: Authority cited: Sections 66700, 68130.5 and 70901, Education Code. Reference: Section 68130.5, Education Code.