

**Student Services**

**AP 5020 NONRESIDENT TUITION**

**Reference(s):**

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

The Chabot-Las Positas Community College District (District) Chancellor shall ensure that District procedures for nonresident tuition will comply with legal references cited below and follow the guidelines of the California Community College Budget and Accounting Manual in determining the District's full expense of education.

Exemptions include:

- Any students, other than nonimmigrant aliens under 8 U.S. Code Section 1101 subdivision (a)(15), who meet 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 for any term commencing on or after January 1, 2002;
  - completion of a questionnaire form prescribed by the California Community Colleges 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 their immigration status, or will file an application as soon as eligible to do so.
  
- 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 their 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 intention to establish residency in California as soon as possible.
- Any nonimmigrant aliens granted “T” or “U” visa status under title 8 U.S. Code Section 1101 subdivision (a)(15)(T)(i) or (ii), or section 1101 subdivision (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 California Community Colleges Chancellor’s Office verifying eligibility for this nonresident tuition exemption.
- 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.

Further Nonresident Requirements include:

- The nonresident tuition fee be set not later than March 1 of each year.
- The calculation shall reflect the current expense of education calculated according to the Budget and Accounting Manual.
- The need to address exemptions, if any, due to reciprocity with bordering states.
- The applicable processing fees, if any, for international students.
- The calculation shall include the expense of education in the preceding fiscal year.
- The calculation shall reflect fees in contiguous Districts.
- The calculation shall provide for students enrolled in more or less that 15 units per term.
- The posting of a notice listing persons exempt from paying nonresident tuition on the District’s website.

**1. Authority to Determine Residence**

The College Admissions & Records Office is authorized to evaluate information presented by any applicant for admission and make determinations of residence for the purpose of charging a non-residence fee.

Such authorization includes authorization to establish required procedures including the printing of required residence questionnaires. Said document(s) must ascertain both the act and the intent of a student to establish and maintain California residency.

**2. Appeal of Residency Determination**

A student may appeal the residency determination to the Chief Student Services Officer. Unique cases may be referred by the Chief Student Services Officer to the legal staff of the Chancellor's Office of the California Community Colleges for consideration.

**3. Amount of Nonresident Fee**

The tuition fee per credit shall be determined by the Board on or before March 1 of each year in accordance with the provisions of the Education Code. This fee will be a per-unit charge.

**4. Disposition of Fees Collected**

All fees collected shall be deposited to the credit of general fund of the District.

**5. Collection of Fees in Advance**

Nonresident fees are due and payable on or before the first day of instruction for each semester or term and shall be based upon the number of units for which the student is enrolled.

**6. Nonpayment of Fees**

Students failing to pay required fees shall be excluded from classes and all activities of the college.

**7. Admission in Error**

Nonresident students subject to payment of nonresident tuition fees who have been admitted to a class or classes in error without payment of the fee shall be excluded from such class or classes upon notification pending payment of the fee.

**8. Admission by Falsification**

Nonresident students who have been admitted to a class or classes without payment of the fee because of falsification of information submitted by or for them shall be excluded from such class or classes upon notification.

Students excluded because of falsifications shall not be readmitted during the academic semester or session from which they were excluded, nor shall they be admitted to any following academic semester or session until all previously incurred tuition obligations are paid. Said student may be subject to disciplinary action as determined by the Chief Student Services Officer.

**9. Collection of Fees**

Following falsification, the District shall vigorously pursue collection of nonresident fees, payment of which was avoided by falsification. The Chancellor is authorized to initiate action or to request the County Counsel to initiate action in appropriate courts of law in order to collect fees.

## 10. Refunds

- a. **Erroneous Determination of Nonresident Status** If a student is erroneously determined to be nonresident and, consequently, a tuition fee is paid, such fee is refundable in full, provided acceptable proof of residence is presented within the academic year for which the fee was paid.
- b. **Official Withdrawal or Reduction of Program** – Nonresident students officially withdrawing from enrollment or reducing their programs may have a portion of their tuition fee refunded in accordance with the following schedule (see Paragraph 11). Refunds shall not exceed the amount of tuition paid and will be processed only when accompanied by the receipt issued at the time of payment.

Approximately two weeks will be required to process requests for refund of tuition.

## 11. Refund Schedule

Refund of tuition fees by reasons of program reductions or withdrawal from the college will be made in accordance with the schedule indicated below:

<b>Date of Withdrawal or Reduction in Program</b>	<b>Refund</b>
Prior to the first day of instruction in a regular semester or session	90%
During the first week of instruction for a regular semester, session or its equivalent for a session	75%
After NGR period* for a session	None

\*First 20% of a session

Also see BP/AP 5010 Admissions and Concurrent Enrollment, AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students, BP/AP 5012 International Students, AP 5013 Students in the Military, BP/AP 5015 Residence Determination, BP 5020 Nonresident Tuition, and BP/AP 5030 Fees.

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