



Butte-Glenn Community College District ADMINISTRATIVE PROCEDURE

AP 5020 Nonresident Tuition

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References: Education Code Sections 68130.5 and 76140 et seq.; Title 5 Section 54045.5; California Community Colleges Budget and Accounting Manual

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Approved: March 2014
Last Revised: XXXX 2026
Last Reviewed:

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The District may adopt and charge a tuition fee to nonresident students. Students who are not residents as defined in AP 5015, Residence Determination will be charged Nonresident Tuition at the Board-approved rate per semester unit. The nonresident tuition fee will be set annually by the Board of Trustees. This fee shall be set not later than ~~February~~ March 1 of each year for the succeeding year. The fee ~~shall will~~ reflect the current expense of education as defined by the California Community Colleges Budget and Accounting Manual. The fee ~~shall will~~ be based on the total number of units enrolled and will be increased by the projected percent increase in the United States Consumer Price Index. The amounts to be charged are published in the catalog and schedule of classes. The nonresident tuition fee will be calculated using one of the following options allowed by Education Code Section 76140:

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- The statewide average cost;
- District average cost;
- District average cost with 10% or more noncredit FTES;
- The average cost of a contiguous district;
- No more than district average cost; no less than statewide average cost;
- Highest year statewide average tuition; or
- No more than 12 comparable states' average tuition.

Nonresident tuition fees are refundable for courses dropped during the refund period. Students forced to drop a course after the refund deadline due to extenuating circumstances beyond their control may file a Student Refund Appeal form with the ~~Chief Student Services Officer~~ or designee of the district and, if approved, may receive a full or prorated refund.

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The District ~~sh~~will post on its website a notice listing the categories of students exempt from paying non-resident tuition.

The District does not assess a separate processing fee for international students.

The District does not provide non-resident tuition exemptions due to reciprocity with bordering states.

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The following exceptions outline circumstances under which the non-resident tuition fee may be lawfully waived.

An exemption was created by AB 540 for any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet all of 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 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.

Students must complete the California Nonresident Tuition Exemption Request form to be eligible for this exemption.

Additional exemptions may be allowed for non-resident tuition per California Education Code and Title V regulations. See current California Education Code and Title V regulations for current exemptions:

Any students, other than persons excluded from the term "immigrant" for purposes of the federal Immigration and Nationality Act (8 U.S. Code Section 1101(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; California adult schools established by a county office of education, a unified school district or high school district, or the Department of Corrections and Rehabilitation; 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;
- Filing a California Nonresident Tuition Exemption Request form with the District or in the case of students applying for state-based financial aid, by filing a California Dream Act Application (CADAA) with the California Student Aid Commission verifying eligibility for this nonresident tuition exemption; and
- In the case of undocumented persons, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status or will file an application as soon as they are eligible to do so.

Any students who meet all of the following requirements:

- Demonstrates financial need;

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- 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 sState for three or more years; and
- Upon enrollment, will be in his/her/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 that he/she/they intends to establish residency in California as soon as possible.

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Any persons granted "T" or "U" visa status under 8 U.S. Code sSection-1101(a)(15)(T)(i) or (ii), or sSection-1101(a)(15)U(i) or (ii), respectively, who meet all of the following requirements:

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- 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
- Filing a California Nonresident Tuition Exemption Request form with the District or in the case of students applying for state-based financial aid, by filing a California Dream Act Application (CADAA) with the California Student Aid Commission verifying eligibility for this nonresident tuition exemption.

A special part-time student, other than a person excluded from the term "immigrant" for purposes of the federal Immigration and Nationality Act (8 U.S. Code sSection-1101(15)(a)), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.

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- A nonresident student who enrolls in a credit English as a sSecond Language course at the District and who is any of the following:
 - o A recent immigrant, as defined in 8 U.S. Code sSection-1101(a)(15);
 - o A recent refugee, as defined in 8 U.S. Code sSection-1101(a)(42); or
 - o A person who has been granted asylum by the United States, as defined in 8 U.S. Code sSection-1158.

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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.

Military Resident Exemption: Nonresident U.S. military personnel on active duty in California (except those assigned for educational purposes to state-supported institutions of higher education) are granted a waiver of nNonresident tFuition until they are discharged from their military service. Their dependents are granted a waiver for a period of one year from the date they enter California. Upon expiration of the waiver, evidence must be provided as to the date the student surrendered his/her/their out-of-state residence to become a resident of California. The student will be classified as a nonresident and charged nNonresident tFuition until one year has elapsed since the out-of-state residence was surrendered.

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Eligible veterans and eligible dependents may also have fees waived under the provisions of the federal Veterans Access, Choice, and Accountability Act of 2014 (VACA). A covered individual is

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defined in the VACA Act as:

- A veteran who lives in the state in which the institution of higher learning is located (regardless of his/her/their formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
- A spouse or child entitled to transferred education benefits who lives in the state in which the institution of higher learning is located (regardless of his/her/their formal state of residence) and enrolls in the school within three years of the transferor's discharge from a period of active duty service of 90 days or more.
- A spouse or child using 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 lives in the state in which the institution of higher learning is located (regardless of his/her/their formal state of residence) and enrolls in the school within three years of the service member's death in the line of duty following a period of active duty service of 90 days or more.
- After expiration of the three-year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain "covered individual" status as long as he or she/they remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the institution, even if they enroll in multiple programs.

All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

- Students who enroll in more than six (6) units will no longer qualify for the non-resident tuition exemption. In such cases, non-resident tuition and all applicable fees will be assessed for the total number of units in which the student is enrolled.

A student who is a full-time employee of an institution or of any state agency, or a student who is a child or spouse of a full-time employee of an institution or of any state agency, may be entitled to resident classification, as determined by the governing boards, until he or she/they have resided in the state the minimum time necessary to become a resident.

- For purposes of this section, "employee of any state agency" means a person employed by the state on or after the effective date of this section, who is assigned to work outside of the state.

A nonresident student who has been hired by a public agency, as a resident for purposes of enrollment in and completion of police academy training courses at a community college, if the student has passed all other requirements of the public agency and if written assurances are provided by the public agency that it intends to classify the student as a peace officer upon successful completion of the police academy training course.

A student who currently resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be classified as a resident for the residency determination period of one year and a day to provide the minimum time necessary to establish residency.

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