

AP 5021 Non-Resident Tuition Fee Exemption Residence near the California – Mexico Border

Reference: ***Education Code Sections 76140 (a)(8)***

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In accordance to California Education Code Section 76140 authorizes a nonresident tuition/fee exemption for eligible students who attend a California Community College near the California – Mexico border. The Education Code authorizes Grossmont and Cuyamaca colleges to serve up to 150 Full-Time Equivalent Students.

Eligibility Criteria:

Affidavits accepted on a first-come, first-served basis. Regular review of Affidavits completed, based on the following criteria to determine eligibility of determination:

- A student who demonstrates financial need based on regionally agreed-upon income threshold;
- 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 at Grossmont-Cuyamaca Community College District

Additionally, the below requirements

- Student must have an active application on file.
- Student must file an AB 91 Nonresident Tuition Exemption Affidavit at the college/district 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 status of border commuter student. .

Once admitted, if a student stops out for two consecutive primary terms, they must reapply. Exemptions 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 the 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.

When it is determined that the number of students is approaching the AB 91 enrollment limitations, other factors may be considered such as:

- Full-time vs. part-time status
- Online vs. face-to-face enrollment
- Intent to be a continuous student to obtain a degree and/or certificate and enter the local workforce.

Right to Appeal – Students who classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the Admission and Office, may submit a petition to the Admissions and Records Office within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The petition is submitted to the Admissions Records Office, which must forward it to Chief Student Services Officer within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the petition.