

Proposed Revisions to Title 5 regulations related to Nonresident Tuition Exemption Implementation (1st Reading)

This document contains underlined and stricken text, which may require adjustments to screen reader settings. Underlined text denotes additions to existing regulations; ~~stricken~~ text denotes deletions from existing regulations.

SECTION 54045.5 OF SUBCHAPTER 1 OF CHAPTER 5 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATION IS AMENDED TO READ:

Section 54045.5. Nonresident Tuition Exemption Implementation.

(a) ~~Any student~~ Students seeking an exemption to nonresident tuition under the eligibility criteria expressed in Education Code section 68130.5, subdivision (a), shall verify their eligibility by filing an affidavit with the district or the California Student Aid Commission. ~~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.~~

(b) Students ~~Any student~~ without lawful immigration status who ~~is~~ seeking an exemption under Education Code section 68130.5, shall; affirm in the ~~questionnaire~~ affidavit described in (a), ~~affirm that they have~~ he or she has filed an application to legalize ~~his or her~~ their immigration status, or will file such an application as soon as ~~he or she is~~ they are eligible to do so.

(c) An institution may request supplemental information from a student only if it has verifiable conflicting information that pertains to the student's prior history of enrollment at an educational institution.

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

(d) Nothing herein authorizes a refund of nonresident tuition that was paid for any term commencing prior to January 1, 2018.

(e) Notwithstanding the general nonimmigrant alien exclusion from the exemption noted in Education Code section 68130.5, 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 non-resident tuition, provided all eligibility requirements in Education Code section 68130.5, subdivision (a), are met.

(f) Documents and information obtained in implementing the exemption provided by Education Code section 68130.5 are confidential.

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