

Senate Bill 68 Implementation
Supplemental Q & A
2/9/2018

1. Advisory, attendance requirement, item B states that “Three or more years of full-time high school coursework **and** a total of three or more years of attendance.” Does this mean the student should have 6 years? It is also contradicting the form which says in #2 Column A “3 or more years.”

A: No, a student does not need six years to be eligible under Education Code section 68130.5(a)(1)(B). This provision addresses both a **coursework** and an **attendance** requirement, which can both be satisfied within three or more years. The coursework and attendance requirement can be satisfied concurrently.

2. In the exemption application form, under Application: “Specify the college or university”, can we please change “specify” to “Name of.” Often we have students who are confused with “specify.”

A: A change was made in the form to address this concern.

3. In the Form, page 1 bottom of the page: “A year’s equivalence at a California Community College is either a minimum of 24 semester units of credit or 54 quarter units.” Isn’t it supposed to be 36 quarter units which is equivalent to 24? I couldn’t figure out why it is 54 quarter units. Could you please give me some guidance. I am sure that we will get questions regarding this.

A: Yes. The equivalency calculation has been corrected in the form’s footnotes.

4. In reference to a year’s equivalence, what if a student took only one or two semesters at a community college? Can we accept the student’s attendance or does the student have to accumulate the credits or hours in a full academic year?

A: Colleges can accept partial attendance in an academic year. The accumulation of credit and/or non-credit courses in any academic year shall be calculated in reference to a year’s equivalence, and not the amount of credit or non-credit earned per semester or per quarter.

Hypothetical Student A: A student takes 12 units of credit courses during two semesters in an academic year at a California community college. Can the student count the 12 units towards eligibility if the units were not completed within one semester?

Yes, a student who takes 12 units of credit courses in an academic year has earned the equivalent of a semester towards AB 540 eligibility. The 12 units do not need to be completed within a single semester to count towards eligibility.

Hypothetical Student B:

We have a student who has 2 ½ years at a California adult school and has graduated. She doesn't have "the equivalent" of three years but does have a diploma. She has also attended credited college classes and has completed the following:

8 units in Fall 16, 8 units in Spring 17, 4 units in Summer 17, and 6 units in Fall 17 for a total of **26 units**.

May the student use any of these units to make up for that one semester since the student never attended credit classes full-time?

Yes, Hypothetical Student B is eligible for the exemption. Education Code 68130.5, subdivision (a)(1) states the first of the four eligibility criteria can be met in one of two alternative ways: (A) the accumulation of attendance or credits equivalent to three years of attendance or credits at California high schools, adult schools, or community colleges; or (B) three or more years of actual full-time high school coursework combined with three or more years of actual high school or secondary school attendance (or a combination of the two) in California. Hypothetical Student B would qualify under (A), but must also meet the criteria specified in Education Code 68130.5, subdivision (a)(2), (a)(3), and (a)(4), and described in the advisory.

Hypothetical Student C: A student who had foreign school high school attendance but came for junior and senior years to a CA high school, accumulated over 165 credits and graduated. Would this student be eligible for AB540 exemption? The student also has a valid Employment Authorization Card.

We understand 165 credits to be the minimum equivalent of three years of High School. This would qualify under Education Code section 68130.5, subdivision (a)(1)(A) as attainment of credits earned at a high school in California equivalent to three or more years of full-time attainment of credits. The student's valid employment authorization card is not part of this analysis.

5. Do we have permission from the Chancellor's office to modify words in the form to provide more clarification to the students?

A: No. California Code of Regulations, title 5, section 54045.5 subdivision (b), requires students seeking an AB 540 nonresident tuition exemption "to complete the questionnaire form prescribed by the Chancellor." Modifications of the form by districts or colleges are not permissible.

6. Can you clarify what is meant by "upon entering the US" for special immigrant visas? How soon after they enter the US does the student have to settle in CA to be eligible for the exemption?

A: This requirement is found in Education Code section 68075.6, subdivision (b)(1). Neither the legislation nor the committee analysis provides much guidance. However, this phrase should be construed reasonably. A plain language construction of this language would suggest that a refugee who settles in California "upon entering the United States" is someone who has come to California promptly upon entry, or made their first U.S.-based home in California. It would not include someone who resided in

another state first. But transitory presence in another state while travelling to California would not preclude a student from the exemption. According to legislative committee analyses of the enacting legislation, the Legislature intended to keep this particular exemption from non-resident tuition for refugees narrow, because this category of refugee is receiving a benefit that nonresident citizens do not receive—an exemption from nonresident tuition without having established California residency for a year.

7. Are special immigrant visa (SIV) holders eligible for the California College Promise Grant?
- A. Pursuant to California Code of Regulations, title 5, section 58620, the California College Promise Grant, formerly known as the BOG Fee Waiver, is only awarded to California residents. SIV holders who are not California residents and don't qualify for any statutory exception to residency determination, are not eligible for the California College Promise Grant. Colleges should keep in mind that the AB 540 nonresident tuition waiver does not grant a student residency status.

The California College Promise Grant should not be confused with the California College Promise under Assembly Bill 19. The California College Promise allows colleges to waive all enrolment fees for one academic year. However, there is currently no funding for the California Promise Grant at this time.

8. On second box of the exemption application form, what if the student has applied for T or U visa status, but it has not been granted yet, would they mark box 1?

1.) Check one box only:

- I have a current nonimmigrant visa (not including a T and U visa) as defined by federal law.

Nonimmigrants have been admitted to the U.S. on a temporary visa and include, but are not limited to, foreign students (holding F visas) and exchange visitors (holding J visas).

- I have a current nonimmigrant visa and have been granted T or U visa status as defined by federal law.

- I do NOT have a current, nonimmigrant visa as defined by federal law.

This includes, among others, U.S. citizens, permanent residents, DACA recipients, and individuals without current or valid immigration status.

- A. The first check box would be for a student with another nonimmigrant visa. If the student has no visa, the third check box applies.

9. Do students have to check at least one box from each column to qualify for the exemption?

- A. Yes.

10. If the student has no boxes checked in Column B of the exemption application form, does that make the student ineligible?

- A. Yes.
11. It's very possible the student will not know how many credit hours from elementary, middle and high school they completed. What should the college do in this situation?
- A. The best approach would be to rely upon periods of attendance. For community college purposes, self-certification of attendance is sufficient. UC or CSU may require more.
12. If a student marks the last box on the exemption application form regarding transferring to CSU or UC, do we need to do an evaluation to verify that they completed the minimum requirements for transfer?
- A. Community colleges may accept self-certification, or may require supporting documentation. The exemption application form states "Applicants must submit, as part of this form, official transcripts/attendance records that validate any of the information above **as requested** by the College, District, or University residence official."
- Note that if this is the only box checked, only up to 2 years at a community college can be counted against the three-year attendance/credit or equivalent requirements. The student would need to demonstrate one additional year.
13. If a student indicates they completed an associate degree at a California community college, does that relieve them from the other CA school requirements (HS, elementary, middle) or is that only for UC/CSU?
- A. No. Completion of an associate degree would satisfy 2 years toward the three-year attendance/credit or equivalent requirements. The student would need to demonstrate one additional year.
14. If an F1 student has fallen out of status, would they qualify?
- A. Students who previously held a valid nonimmigrant visa but who are out of status at the time they execute the exemption application form are eligible for the AB 540 exemption.