Proposed Revisions to Title 5, California Code of Regulations relating to Military Exceptions to Residency (First 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 54050 OF SUBCHAPTER 1 OF CHAPTER 5 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:

§ 54050. Military Exceptions.

Those exceptions from payment of nonresident tuition provided by Education Code section~~s~~ 68074 (military dependents) and sections 68075, 68075.5 and 68075.7 (military members) apply for so long as the student qualifies under the terms of either section 68074 or section 68075. Resident classification for purposes of determining the amount of tuition and fees includes eligibility for Board of Governors fee waivers.

NOTE: Authority cited: Sections 66700 and 68044, Education Code. Reference: Sections 68044, 68074, ~~and~~ 68075, 60875.5 and 68075.7, Education Code.

SECTION 58620 OF SUBCHAPTER 7 OF CHAPTER 9 OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS AMENDED TO READ:

§ 58620. Student Eligibility; California Promise Grant.

To be eligible for a California College Promise Grant, a student must:

(a) Be a California resident; so long as a person qualifies for a military statutorily required exception to residence determination pursuant to Education Code section 68074, 68075, ~~or~~ 68075.5, or 68075.7 or is statutorily required to be exempted from paying nonresident tuition pursuant to Education Code section 68130.5, he or she shall be deemed a California resident for purposes of this section; and

(b) Meet one of the following criteria:

(1) Income Standards.

(A) Be a single and independent student having no other dependents and whose total income in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of one; or be a married, independent student, or an independent student in a registered domestic partnership (RDP), having no dependents other than a spouse, whose total income of both student and spouse or RDP in the prior year was equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of two.

(B) Be a student who is dependent in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size, not including the student's income, but including the student in the family size.

(C) Provide documentation of taxable or untaxed income.

(D) Be a student who is married, in a registered domestic partnership, or a single head of household in a family having a total income in the prior year equal to or less than 150% of the U.S. Department of Health and Human Services Poverty Guidelines for a family of that size.

(E) Be an independent student whose Estimated Family Contribution as determined by federal methodology is equal to zero or a dependent student for whom the parent portion of the Estimated Family Contribution as determined by federal methodology is equal to or less than zero.

(F) For purposes of this subdivision, U.S. Department of Health and Human Services Poverty Guidelines used each year shall be the most recently published guidelines immediately preceding the academic year for which a California College Promise Grant is requested.

(2) Current recipient of benefits described in Education Code section 76300(g).

(A) At the time of enrollment be a recipient of benefits under the Temporary Assistance for Needy Families (TANF) program. A dependent student whose parent(s) or guardian(s) are recipients of TANF shall be eligible if the TANF program grant includes a grant for the student or if the TANF grant is the sole source of income for the parent or guardian.

(B) At the time of enrollment be a recipient of benefits under the Supplemental Security Income (SSI) program. A dependent student whose parent(s) or guardian(s) are recipients of SSI shall be eligible if the SSI program grant is the sole source of income for the parent(s) or guardian(s).

(C) At the time of enrollment be a recipient of benefits under the General Assistance program.

(D) Provide documentation that the student if a recipient of benefits under one of the programs identified in Education Code section 76300(g) and (h) at the time of enrollment. Documentation sufficient to meet the requirements of this subdivision shall provide official evidence of these benefits.

(3) Need-Based Financial Aid Eligibility. Any student who has been determined financially eligible for federal and/or state needed-based financial aid.

NOTE: Authority cited: Sections 66700, 68044, 70901, 76300, ~~and~~ 76300.5~~,~~ and 76396.4, Education Code. Reference: Sections 68074, 68075, 76300(g) and 76300(h), Education Code; 20 U.S.C. Section 1070(a); and 34 C.F.R. Section 674.12.