



TO: Chief Instructional Officers
Chief Student Services Officers
Admissions & Records

FROM: Gina Browne
Interim Assistant Vice Chancellor, Equitable Student Learning, Experience and Impact

RE: SB 1141 – Updates to Nonresident Tuition Exemption Eligibility (AB 540)

Overview

This memo provides important updates and guidance for changes to California Education Code 68130.5 – Nonresident Tuition Exemption.

SB 1141 (Limón) – Exemption from Payment of Nonresident Tuition

Effective January 1, 2023, SB 1141 (Limón) removed the requirement from California Education Code 68130.5 that attendance in credit courses at a California community college counted toward meeting the 3-year requirement not exceed 2 years of full-time attendance. While current law still requires that students meet the 3-year requirement to be eligible for nonresident tuition exemption, colleges cannot limit or cap a student’s full-time attendance at two years. **This means that there is no longer a limit on the number of years of community college full-time attendance that can be used to determine eligibility for an exemption from paying nonresident tuition.**

Because SB 1141 had an effective implementation date of January 1, 2023, any student who completed three years of full-time attendance in credit courses prior to the start of the current academic term may now qualify for the nonresident tuition exemption if they meet the other eligibility criteria. As described in previous Chancellor’s Office guidelines, if a student is determined to be eligible for the nonresident tuition exemption after the payment of nonresident tuition, students are entitled to a refund of fees already paid for those courses. To be clear, the refund requirement is not retroactive to previous academic terms and only applies to students who completed three years of full-time attendance prior to January 1, 2023.

Examples

1. A student with no previous California education completes their third year of full-time attendance in credit courses at a community college in Fall 2022. Prior to SB 1141, this student would have continued to pay the nonresident tuition rate in Spring 2023. However, as of January 1, this student now satisfies the full-time attendance

- requirements and may be eligible for a nonresident tuition refund if they already paid these fees for the Spring 2023 term.
2. A student with no previous California education completes their third year of full-time attendance in credit courses at a community college in Spring 2022. Prior to SB 1141, this student would have paid the nonresident tuition rate for Fall 2022 and Spring 2023. This student may be eligible for a nonresident tuition refund in Spring 2023 only.
 3. A student with no previous California education will complete their third year of full-time attendance at a community college in Spring 2023. This student may satisfy the eligibility criteria for a nonresident tuition exemption only after the academic term.

Beginning immediately, colleges should use the updated [Nonresident Tuition Exemption Request and Affidavit form](#). Additional eligibility information can be found on the [AB 540 General Information sheet](#). Colleges are expected to update websites and all relevant policies and procedures to reflect the change. Please share this information with all college departments and pertinent staff that advise students on matters of residency and tuition exemption.

If you have any questions, please send them directly to AB540@cccco.edu.