



Reference: *Education Code Sections 68075.65, 68130.5 and 76140 et seq.;*  
*Title 5 Section 54045.5*

### Nonresident Tuition Fee

The nonresident tuition fee will be set by the West Hills Community College District Board of Trustees no later than March 1 of each year. The calculation of nonresident tuition will reflect the expense of education in the preceding fiscal year according to the Budget and Accounting Manual.

Students who are not residents of California, including those who are classified as international students, will be charged the nonresident tuition fee at the Board approved rate per semester unit unless the student is exempted by statute. All nonresident students must pay nonresident tuition in addition to the California Community College enrollment fees. International students will also be charged a non-refundable application processing fee.

The nonresident tuition fee shall be published in the college catalogs and on the District's website.

### Nonresident Capital Outlay Fee

If the Board of Trustees elects to approve a capital outlay fee for nonresident students, the fee will be charged in addition to the nonresident tuition fee and California Community College enrollment fees, unless exempt per Board Policy 5020.

The nonresident tuition fees of community colleges in contiguous districts shall be considered when determining whether or not to charge a capital outlay fee to nonresident students.

### Payment

Payment is due at the time of registration.

Students subject to payment of nonresident tuition who have been admitted to class(es) in error, without payment of the fee, shall be excluded for such class(es) upon notification, pending payment of the fee. For the purpose of this rule only, notification consists of oral or written contact from the college or District.

### Exemptions from Payment of Nonresident Tuition

Nonresident students who are United States citizens and who reside in a foreign country will be exempt from nonresident tuition if they meet the following requirements:

- Demonstrate financial need;
- Have a parent or guardian who has been deported or was permitted to depart voluntarily;
- Moved abroad as a result of that deportation or voluntary departure;
- Lived in California immediately before moving abroad;
- Attended a public or private secondary school in California for three or more years;
- Upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education; and
- Will be living in California and will file an affidavit with the District stating that he/she intends to establish residency in California as soon as possible.

Documentation shall be provided by the student as required by the statute as specified in Education Code Section 76140(a)(5).

Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather, they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

The District shall post to its website a notice that sets forth the persons exempt from paying nonresident tuition.

### Special Admission Students

Special admission students who are determined to be nonresidents shall be exempt from paying nonresident tuition per Education Code Section 76141. The term "special admission student" refers to concurrently enrolled K-12 students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11 or fewer units per semester, in accordance with Education Code Section 76001. (Except parental permission may not be required for special admission students who are 18 years of age or older).

This exemption does not apply to full time special admission students.

This exemption does not apply to categories of students who would be precluded from qualifying for AB 540 nonresident tuition exemption (i.e. students who reside outside of California and enroll via distance education; and students on most nonimmigrant visas.

Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather, they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

### Military Exemption

Military personnel on active duty in California (except those assigned for education purposes) are granted a waiver of nonresident tuition until they are discharged from military service. Dependents of active duty military personnel are granted a waiver for a

period of one year from the date they enter California. Upon expiration of the waiver, evidence must be provided as to the date the student surrendered his/her out-of-state residence to become a resident of California. Any student who does not submit adequate evidence that California residency has been established will be classified as a nonresident and charged nonresident tuition until such time as California residency has been established.

#### Veterans Access, Choice, and Accountability Act (VACA) and SB 81

In accordance with Education Code Section 68075.5(c), a full exemption from the nonresident fee for all students verified to be “covered individuals” per the criteria listed below, and that qualify to use Montgomery GI Bill-Active Duty or Post-9/11 GI Bill education benefits (Chapters 30 and 33, respectively, of Title 38, U.S. Code) while living in California will be eligible for this exemption. A “covered individual” is defined in the VACA Act as:

- A veteran who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of discharge from a period of active duty service of 90 days or more.
- A spouse or child entitled to transferred education benefits who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the transferor’s discharge from a period of active duty service of 90 days or more.
- A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in the state in which the institution of higher learning is located (regardless of his/her formal state of residence) and enrolls in the school within three years of the service member’s death in the line of duty following a period of active duty service of 90 days or more.

After expiration of the three year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain “covered individual” status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at the institution, even if they enroll in multiple programs and shall continue to be exempt from paying nonresident tuition and other fees.

Students eligible for Veterans Administration (VA) education benefits must provide a “Certificate of Eligibility” (COE) by the VA that will confirm the approved education benefits for the veteran or eligible dependent (who is made eligible through the Transfer of Entitlement (TOE) to basic educational assistance under chapters 30 and 33 of title 38, U.S. Code). The DD Form 214, Certificate of Release or Discharge from Active Duty, generally referred to as a "DD 214", is also required to confirm the “covered individual” status as it will show the effective date of the veteran’s discharge from active service.

#### California Nonresident Tuition Exemption (AB 540 and AB 2000)

Students without lawful immigration status and United States citizens who are not residents of California may be entitled to exemption from nonresident tuition if they meet all of the following criteria:

- Attendance at a high school (public or private) in California for three or more years, or attained credits earned in California from a California high school equivalent to three or more years of full time high school course work and attended a combination of elementary, middle, and/or high schools in California for a total of three or more years;
- Graduated from a California high school or attained the equivalent; and
- Filed an affidavit stating that they have filed or will file an application to legalize their immigration status as soon as possible.

Verifiable documentation shall include the self-certifying affidavit required by the California Community Colleges Chancellor's Office, and may include high school transcripts or other acceptable documents verifying attendance and graduation. Nonimmigrant alien students (students who are present in the United States on a nonimmigrant visa) are not eligible for this exemption.

Eligibility for an AB 540 exemption does not result in the student being classified as a California resident.

#### September 11, 2001 Exemption

If an individual who was killed in the terrorist attacks on the World Trade Center in New York City, the Pentagon in Washington, D.C., or the crash of United Airlines Flight 93 was a resident of California on September 11, 2001, or if their dependent was a resident on that date, and if they meet the financial need requirement for the Cal Grant A Program, the dependents of this individual may be exempt from nonresident tuition. If the dependent is a spouse, the exemption applies until January 1, 2013. If the dependent is a child, the exemption applies until the person reaches the age of 30.

#### Other Exemptions

Other limited exemptions from nonresident tuition may be authorized. Eligibility for exemption shall be approved as permissible under California Education Code and/or California Title 5 Administrative Code by the Chancellor or his/her designee.

Date: 12/11/18

Reviewed/Revised: 11/19/19