

BOARD POLICY

San Mateo County Community College District

Subject: BP 8.75 Non-Resident Tuition Fee Waiver for Undocumented Students
Revision Date: 12/15/2021
Policy References: CA Education Code Section(s) 68000, 68130.5, 76140, 76140.5

The intent of this Board Policy is to establish criteria for the waiver of non-resident tuition specifically for undocumented students enrolled in six or fewer units at one or more of the colleges in the SMCCCD.

The term 'undocumented' generally refers to people with no immigration legal status in the United States, either because they entered the U.S. without legal status or because they have fallen out of a legal status (such as a tourist visa or a student visa) since their arrival in the U.S.

As set out in California Education Code CA Ed Code 76140: “(a) A community college district may admit, and shall charge a tuition fee to, nonresident students, except that a community college district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (6), and shall exempt from all of the fee any person described in paragraph (4) or (5):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.”

Per the permissive exemptions allowed by Education Code Sections 76140 and 76140.5, the Board of Trustees of the San Mateo County Community College District establishes the following criteria for the waiver of non-resident tuition for undocumented students:

1. Undocumented students will have their non-resident tuition fee waived if they meet the following criteria:

1. Enroll in 6 or fewer units
2. Have a permanent address in California AND
3. Students working toward eligibility for AB540 status as defined by CA ED Code 68130.5:

“(a) A student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges if the student meets all of the following requirements:

- (1) Satisfaction of the requirements of either subparagraph (A) or subparagraph (B):

(A) A total attendance of, or attainment of credits earned while in California equivalent to, three or more years of full-time attendance or attainment of credits at any of the following:

- (i) California high schools.
- (ii) California high schools established by the State Board of Education.
- (iii) California adult schools established by any of the following entities:
 - (I) A county office of education.
 - (II) A unified school district or high school district.
 - (III) The Department of Corrections and Rehabilitation.
- (iv) Campuses of the California Community Colleges.
- (v) A combination of those schools set forth in clauses (i) to (iv), inclusive.

(B) Three or more years of full-time high school coursework in California, and a total of three or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools.

2. All students who qualify for the non-resident tuition fee waiver will also qualify for the waiver of the Capital Outlay Fee.