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**To:** Directors of Admission and Records  
Campus Enrollment Managers  
Directors of Institutional Research

**From:** James C. Blackburn   
Associate Director

**Subject: Identification and Classification of CSU Students Not Required to Pay  
Non-resident Fees**

Introduction:

In “trailer language” to the State Budget for the current fiscal year, there is a significant change in how marginal, i.e. “growth” full-time equivalent students (FTES) are to be calculated and reported.

The meeting of “growth” FTES must be achieved by the enrollment of students who are eligible to pay CA resident fees. Replacement FTES for subsequent college years should be achieved by the enrollment of students eligible to pay California resident fees.

It is important that campuses and the university be able to provide accurate data as to which students were/are eligible to pay California resident fees, i.e. in-state fees. This is different from being able to determine whether students are California residents or non-residents for tuition/fee purposes. The matter is thoroughly discussed and explained in Dr. Garcia’s memorandum to institutional research officers of August 4, 2006. Copies of that memorandum were provided to directors of admissions and records and their colleagues.

I. The purpose of this memorandum is to compliment The Garcia memorandum by providing guidance concerning the interplay of the one statutory exemption to the residency classification rules (Education Code 68130.5) and the ten exceptions to the residency rules that are included in the Education Code.

**CSU Campuses**  
Bakersfield  
Channel Islands  
Chico  
Dominguez Hills  
East Bay

Fresno  
Fullerton  
Humboldt  
Long Beach  
Los Angeles  
Maritime Academy

Monterey Bay  
Northridge  
Pomona  
Sacramento  
San Bernardino  
San Diego

San Francisco  
San José  
San Luis Obispo  
San Marcos  
Sonoma  
Stanislaus

***Exceptions and an exemption which permit the paying of California resident fees by certain non-residents of California***

- Military personnel and their dependents [Education Code 68074, 68075, 68075.5] (Residence Status code = M)
- Federal employees serving in support of military missions and dependent children (does not include spouses) [Education Code 68084] (Residence Status code = M)
- Graduates of high schools run by the Bureau of Indian Affairs [Education Code 68077] (Residence Status code = O)
- Out-of-state full-time employees of public agencies including school districts and state institutions of higher education [Education Code 68079] (Residence Status code = S)
- Non-resident persons holding emergency teaching permits and teaching full-time in CA schools [Education Code 68078] (Residence Status code = T)
- Non-resident holders of state fellowships [Education Code 68081] (Residence Status code = O)
- Non-resident enrollees at Olympic Training Center at Chula Vista [Education Code 68083] (Residence Status code = O)
- Students with three plus years of California high school education and graduation [Education Code 68130.5 *sometimes referred to as AB 540*] (Residence Status code = O)
- Visa J students that occupy “exchange” slots for corresponding CSU students studying abroad [Education Code 89705b] (Residence Status code = O)
- Scholastically exceptional undergraduates who are non-resident citizens and residents of a foreign country, subject to certain conditions of course of study and limitations on number [Education Code 89706] (Resident Status code = O).
- Scholastically exceptional graduate students who are non-resident citizens and residents of a foreign country, subject to certain conditions of course of study and employment and limitations on number [Education Code 89707] (Resident Status code = O).

II. Comment is also provided relating to how U.S. visa status(es) may relate to residence status (page 221, CSU Enrollment Reporting System Operations Manual as amended by Philip Garcia’s memorandum of 8/4/06).

As mentioned in the earlier memorandum, it is important that the exemption and exceptions which result in non-residents’ being eligible to pay in-state fees lead to the correct values being coded in ERS and elsewhere to indicate Residence Status. It is also important that students, who are eligible to pay in-state fees, have a Citizenship Code (page 80, CSU ERS Operations Manual) that permits their possible qualification to pay California-resident fees.

For example, students who hold an F-1 or F-2 visas may not become ***eligible to pay California resident fees*** unless they ***qualify*** for one of the exceptions that are cited ***here and*** in the Garcia Memorandum of 8/4/06. So, a student whose Citizenship code in ERS equals “F” cannot have a ***California*** Residence Code, ***but under very rare circumstances (Ed. Code 89706 or 89707) student visa holders may pay California resident fees.***

Under ***two circumstances***, holders of “J” visas may qualify for an exception to the paying of non-resident fees.

Occupants of “exchange” slots for matriculated CSU California resident students who are studying abroad may be counted as “paying resident fees.” Such “exchange” holders of “J” visas should have a Residence Code of “O” in ERS.

Holders of “J” visas may become eligible for exceptions as full-time credentialed employees of school districts (Ed. Code 68078a), but this exception is limited to one academic year. (Resident Status code = O)

Please work with your institutional research colleagues to rectify any “mismatches” involving residence status and citizenship codes in ERS.

There are several non-immigrant visas, the holders of which **may** become qualified for CA residence for fee purposes, and therefore “countable” as resident FTES. Those visas, as well as those which preclude qualification for California residence, are as follows:

**U.S. Visa Statuses**

Can become CA resident	Cannot be CA resident	Comments
A-1 thru A3		
	B-1	
	B-2	
	C	
	D	
E-1 & E-2		
	F-1 & F-2	
G-1 thru G-5		
H-1 & H-1B		
	H-2 & H-3	
H-4		Only if dependent of H-1 or H-1B
I		
	J-1 & J-2	
K-1 thru K-4		
L-1 & L-2		
	M	
N-1 & N-2		
O-1 & O-3		Only if O-3 is dependent of O-1
	O-2 or O-3 as dependent of O-2	
	P-1 thru P-4	
	Q-1 thru Q-3	
R-1 and R-2		
S-5 thru S-7		
T		
	TN & TD	
V		

Directors of Admission and Records

September 12, 2006

Page 4

Holders of visas listed in the left hand column of the *above* table may become eligible to pay in-state fees, but they must qualify via the same residency determination policy and process as other CSU students.

When National Student Exchange (NSE) participants pay in-state fees, their enrollments may be counted towards meeting “growth” FTES targets.

In addition, participants in the Western Universities Exchange (WUE) may be counted towards meeting CSU FTES targets. By way of an agreement with WICHE partners, WUE participants pay 150 percent of California resident fees and do not pay non-resident tuition. As this agreement is consistent with exceptions recognized and agreed to by legislative staff, LAO, and DOF, these out of state students should be coded “O” on Residence Status.

Conclusion:

It is fortunate that the policy makers in Sacramento have permitted the university to count the enrollments of all students who are eligible to pay California resident fees towards the meeting of new enrollment targets. At the same time, this policy does add some complexity to our data collection tasks.

The removal of non-residents *who are not eligible to pay California resident fees* from the list of students whose enrollment can contribute towards the meeting of **new** FTES targets is a non-trivial change. *This revision in state policy provides* a new opportunity for successful collaboration among admission and records, institutional research and information technology officers.

Questions relating to the implementation of the matters described above may be referred to Jim Blackburn (562) 951-4726 or e-mail at [jblackburn@calstate.edu](mailto:jblackburn@calstate.edu) or to Philip Garcia (562) 951-4764 or at [pgarcia@calstate.edu](mailto:pgarcia@calstate.edu).

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