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**CODED MEMORANDUM**

**ASA-2018-02**

TO: CSU Presidents

FROM: Eric G. Forbes   
Assistant Vice Chancellor

SUBJECT: Senate Bill 68: California Nonresident Tuition Exemption

Senate Bill 68 (2017), *Public postsecondary education: exemption from nonresident tuition*, was approved by the governor and filed with the Secretary of State on October 5, 2017. This legislation amended Education Code, section 68130.5, changing the criteria for students eligible for a nonresident tuition exemption, as previously defined in Assembly Bill 540 (2001). Effective January 1, 2018, a student may now qualify for an exemption from nonresident tuition at the California State University by meeting the attendance and graduation requirements below.

**Attendance Requirement**

To qualify for an exemption from nonresident tuition, students must satisfy the attendance requirements in either A or 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:
  - a. California high schools.
  - b. California high schools established by the State Board of Education.
  - c. 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.
  - d. Campuses of the California Community Colleges.
  - e. A combination of those schools set forth in (a) to (d), inclusive.
  
- B. Three or more years of full-time high school coursework, 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.

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With respect to attendance at a California Community College and California adult school, SB 68 provides that:

*Full-time attendance at a campus of the California Community Colleges counted towards the requirements of this paragraph shall comprise either a minimum of 12 units of credit per semester or quarter equivalent per year or a minimum of 420 class hours per year or semester or quarter equivalent per year in noncredit courses authorized pursuant to Section 84757. Attendance in credit courses at a campus of the California Community Colleges counted towards the requirements of this paragraph shall not exceed a total attendance of two years of full-time attendance.*

*Full-time attendance at a California adult school counted towards the requirements of this paragraph shall be a minimum of 420 class hours of attendance for each school year in classes or courses.*

Not all adult schools measure attendance by class hours, and SB 68 does not state how many adult school units of credit constitute “full-time attendance.” It is expected that the California Department of Education will provide clarification in the near future. In the meantime, questions concerning residency based on attendance at California adult schools that do not count credit in terms of class hours should be directed to Academic and Student Affairs in the Office of the Chancellor.

### **Graduation Requirement**

Additionally, students seeking exemption from nonresident tuition must also satisfy any of the following:

- A. Graduation from a California high school or attainment of the equivalent thereof;
- B. Attainment of an associate degree from a campus of the California Community Colleges; or
- C. Fulfillment of the minimum transfer requirements established for the CSU for students transferring from a campus of the California Community Colleges.

The requirements of registration as an entering student at, or current enrollment at, an accredited institution of higher education in California remain the same. Similarly, the requirement that students without lawful immigration status file an affidavit stating that they have filed an application to legalize their immigration status, or will do so as soon as they are eligible, remains the same.

Similar to the admission process, campuses should consider coursework in progress and anticipated graduation or completion dates when determining if a student meets the above attendance and graduation requirements. This will facilitate a student’s seamless transition to the campus and ability to meet financial aid processes (e.g. California Dream Act). If a student does

not fulfill the necessary coursework in progress or anticipated completion date, the California Nonresident Tuition Exemption Request will be withdrawn.

For clarification, the minimum requirements for students transferring from a California Community College shall mean meeting the undergraduate transfer admission requirements established in Title 5, sections 40803, 40804 or 40804.1.

Lastly, the Office of the Chancellor is currently working with the University of California Office of the President and the California Community Colleges Chancellor's Office to update the California Nonresident Tuition Exemption Request form. This form will be updated and issued later this month.

**These amendments to Education Code, section 68130.5, went into effect on January 1, 2018. Campuses should comply with these provisions beginning with the winter 2018 quarter or spring 2018 semester. Title 5, section 41906.5, which interprets section 68130.5, will be updated to reflect the above-described amendments.**

Questions about the California nonresident tuition exemption and implementation of SB 68 should be addressed to Mr. Ray Murillo, director, Student Programs, at (562) 951-4707 or [rmurillo@calstate.edu](mailto:rmurillo@calstate.edu), or Dr. Ana Aguayo-Bryant, assistant director, Student Programs, at (562) 951-4729 or [aguayo@calstate.edu](mailto:aguayo@calstate.edu).

EGF/rm

c: Dr. Timothy P. White, Chancellor  
Dr. Loren J. Blanchard, Executive Vice Chancellor for Academic and Student Affairs  
Mr. Andrew Jones, Executive Vice Chancellor and General Counsel  
Provosts/Vice Presidents for Academic Affairs  
Vice Presidents for Student Affairs  
Mr. Ray Murillo, Director, Student Programs  
Dr. Ana Aguayo-Bryant, Assistant Director, Student Programs  
Directors of Admissions and Records  
Directors of Institutional Research  
Directors of Outreach and Recruitment  
Directors of the Educational Opportunity Program  
State University Registrars  
Residency Specialists  
Dream Center Coordinators