



San Diego Community College District

City College · Mesa College · Miramar College · College of Continuing Education

Chapter 5 – Board of Trustees
Cabinet Review: 11/5/24 & 11/12/24
DGC Review: 11/7/24 & 12/11/24

Policies and Procedures Review

The following Board Policy and Administrative Procedure are being revised in response to CCLC Legal Updates and the required six-year review.

Board Policy:

BP 5021 (New) – CA-MX Binational Agreement (SB 140)

- Creation of legally required Board Policy.

Administrative Procedure:

AP 5021 (New) – CA-MX Binational Agreement (SB 140)

- Creation of legally required Administrative Procedure.



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Board Policy

Chapter 5 – Student Services

BP 5021 – CA – MX Binational Agreement

Assembly Bill 91 (Alvarez) amended California Education Code Section 76140 to authorize a nonresident tuition/fee exemption for eligible students who attend a California Community College near the California – Mexico border. Each year, San Diego City College, San Diego Mesa College, and San Diego Miramar College are authorized to serve 150 Full-Time Equivalent Students under the California – Mexico Binational Memorandum of Understanding.

The District is required to adopt uniform rules and regulations for determining a student's residence classification and procedures for appeal and review of a student's residence classification, as well as other criteria for student eligibility for the nonresident tuition/fee exemption.

The Chancellor or designee shall establish procedures specified in Administrative Procedure (AP) 5021 regarding implementing AB 91.

References: Education Code Sections 76140 (a)(8)

Approved by
the Chancellor:

New Policy



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Administrative Procedure

Chapter 5 – Student Services

AP 5021 – CA – MX Binational Agreement

Assembly Bill 91 (Alvarez) was approved by the California Governor on October 13, 2023, to authorize a nonresident tuition/fee exemption for eligible students who meet the criteria defined below.

ELIGIBILITY CRITERIA

Affidavits will be accepted on a first-come, first-served basis. Affidavits will be reviewed regularly, and a determination of eligibility will be made based on the following criteria:

- A student who demonstrates financial need based on regionally agreed-upon income threshold;
- Resides within 45 miles of the California-Mexican border for at least one year prior to the start of the semester in question and
- Registers for lower division coursework.

Additionally, the following requirements must be met:

- Student must have an active application on file.
- Student must file an AB 91 Nonresident Tuition Exemption Affidavit at the college/district they wish to enroll in.
- Student must be enrolled in classes to qualify for the nonresident tuition waiver.
- If students intend to attend classes in person, they must have a valid border commuter student status.

Once admitted, if a student stops out for two consecutive primary terms, they must re-apply. Exemptions are processed on a first-come, first-served basis based on the act of the application, affidavit, and enrollment.

No more than 150 full-time equivalent students (FTES) at each community college described in the clause shall be exempted from payment of a nonresident tuition fee under this paragraph in any academic year. The attendance of nonresident students who receive this exemption may be reported as resident FTES for state apportionment purposes.

When the Registrar or designee determines that the number of students is approaching the AB 91 enrollment limitations, other factors may be considered, such as:

- Full-time vs. part-time status
- Online vs. face-to-face enrollment
- Intent to be a continuous student to obtain a degree and/or certificate and enter the local workforce.

RIGHT TO APPEAL

Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the Admissions and Records office, may make a written appeal to the Chief Student Services Officer or designee within 30 calendar days of notification of the final decision by the college regarding classification.

APPEAL PROCEDURE

The appeal is to be submitted to the designate, such as the Admissions Office, which must forward it to the designate, such as the Chief Student Services Officer, within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

References: _____ Education Code Sections 76140 (a)(8)

Approved by
the Chancellor: _____

New Procedure