



SDCCD

AB-91 Implementation Plan

Revised: January 11, 2025

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Summary

AB-91 Community Colleges: Exemption from Nonresident Tuition Fee: Residence Near the California-Mexico border was passed in 2023, which exempts a nonresident, low-income student who is a resident of Mexico. This bill seeks to exempt nonresident students living near the California-Mexico border from these fees. As stated in the bill, the Legislature intends to increase the pathways by which such nonresident students, who might face financial hardships, can attend community colleges near the border.

Student Eligibility Requirements

For students to be eligible for a nonresident fee exemption, students must meet all the following requirements:

- Be a resident of Mexico for at least one year, residing within a 45-mile radius of the California border (identified by zip codes).
- Be low-income based on the income and household standards provided by the California Community Colleges Chancellors Office.
- Submit a college application through CCCApply.
- Submit an AB 91 Affidavit to each respective college they wish to attend.
- Students are admitted as AB 91 students on a first-come, first-served basis. Local college decision to determine priority.
- F/J/M students are eligible to apply. Students wanting to take classes in person must follow the college's F/J/M SEVIS requirements (including any English proficiency requirements) and clearance as a border commuter student.
- Students who have completed the equivalent of a high school diploma, or the age of 18 or over.
- Additional documentation may be required. The burden of proof is on the student.

Resources to determine 45-mile eligibility:

- **GIS Map:**
<https://www.arcgis.com/home/webmap/viewer.html?webmap=ed62172f1568427caf765f198998c871&extent=-120.5781,30.2671,-112.4647,34.0831>
- **Zip Codes within Radius:**
<https://www.freemaptools.com/find-mexico-postal-codes-inside-radius.htm>

AB 91 Pathways

	Mexican National	US National
In-Person (or hybrid)	- Student must obtain an I-20 and maintain an F-1 status. - Border commuters must be within 75-miles of US land border, but must be within 45-miles to qualify for AB 91. - Students will go through the International Student Admissions process at the college.	- Student completes an application on CCCApply - Student submits an AB-91 affidavit - Upon verification of requirements, students will have the AB91F residency exception added that will waive Non-resident fees. - Students will be advised they must have valid documentation to cross the border.
Online Only	- Student completes an application on CCCApply - Student submits an AB-91 affidavit - Upon verification of requirements, students will have the AB91 residency exception added that will waive Non-resident fees. - Students will not be eligible to enroll in classes through the California Virtual Campus (CVC) course exchange.	- Student completes an application on CCCApply - Student submits an AB-91 affidavit - Upon verification of requirements, students will have the AB91F residency exception added that will waive Non-resident fees.

F-3 Border Commuters

Regardless of where students come from, if someone wants to enter the US to study, they will need an I-20. Border commuters only need to show they can pay for tuition as they will not live in the United States. Border commuters are Canadian or Mexican nationals admitted to enroll in a certified school within 75* miles of a United States land border. Students must maintain actual residence and place of abode in the student's country of nationality and seek admission to the United States at a land border port-of-entry.

Regulation requires all prospective F and M students to pay the I-901 Student and Exchange Visitor Information System (SEVIS) Fee before the Department of State issues you a visa.

Source: 8 CFR 214.2(f)(18)

**Note: 75-mile is a requirement for border commuter students. AB 91 has a 45-mile requirement to be eligible for the AB 91 nonresident tuition exemption.*

Process

- The student meets admission requirements including SEVIS if applicable (see AB 91 pathway)
- Student enrolls in classes for the applicable term.
- Student submits AB 91 Affidavit to the Admissions and Records Office (once per career)
- Admissions and Records verifies that the student is eligible:
 - US National or Mexican National with valid status
 - Active Application on File
 - Student is within 45 miles of the California/Mexico border
- Upon verification of eligibility status and completion of affidavit, Admissions will add one of two residency exception rules:
 - AB91 – AB 91 Mexican Nationals
 - AB91F – AB 91 Federal Aid Eligible (US Nationals)

Official Residency Data

*Institution: San Diego Community Coll Dist

*Effective Term: Fall 2024

Residency: Non-Res

Residency Exception:

Residency Documentation

Application Residency Status

- Scan and image the AB 91 affidavit in etrieve and make a comment on the Residency Documentation Page

150 FTES Limit

AB 91 enforces a strict 150 FTES limit by college and by year. When the Registrar or designee determines that the number of students is approaching the AB 91 enrollment limitations, other factors may be considered, including but not limited to:

- Full-time vs. part-time status
- Online vs. face-to-face enrollment
- Intent to be a continuous student leading to the attainment of a specific education or professional objective.

Financial Aid

US Nationals may be eligible to apply for federal financial aid by filling out the FAFSA (AB-91 are not eligible for state financial aid). In order to receive funds, students must have a US federally recognized bank account and setup direct deposit. **Checks cannot be mailed outside of the United States.**

Reporting

AB 91 requires on or before January 1, 2028, to jointly submit a report to the Legislature in compliance with Section 9695 of the Government Code that includes, but is not limited to, the demographics, attendance rate, true demand (applied for AB 91 vs. enrollment), and class completion rate of students receiving an exemption pursuant to this paragraph.

College/Districts are encouraged to use identifiers within the student information system to facilitate reporting.

Appendix A – Affidavit



AB 91 NONRESIDENT TUITION EXEMPTION AFFIDAVIT

Effective until Summer 2028

Education Code §76140, as amended, commonly known as AB 91

INSTRUCTIONS: Students must complete and sign this affidavit to request exemption from nonresident tuition charged to nonresident students through AB 91. The AB 91 exemption only applies to California Community Colleges near the California – Mexico border.

Name:		Birthdate:	/ /
Email:		Phone:	
College:		College ID:	

Check all boxes indicating you meet the requirements:

- ☐ I am a resident of Mexico and reside within 45 miles of the California-Mexico border for at least one year immediately before seeking the exemption.
- ☐ I meet low-income standards (see reverse) and qualify for the AB 91 exemption.
- ☐ I plan to enroll in the following number of units per semester:
 - ☐ Fulltime (12 or more units)
 - ☐ ¾ Time (6.5 – 11.5 units)
 - ☐ Half time (6 units)
 - ☐ Less than half time (.5-5.5 units)

Check all the boxes affirming you have read and agree to them:

- ☐ I understand this affidavit is only valid at the community college listed above, and it is not transferrable between community colleges.
- ☐ I understand that if I move from my current address, it is my responsibility to inform the college of my change. If I move away from my current address, I may not be eligible for this exemption.
- ☐ I understand that a break in enrollment of two semesters or more would require me to submit a new application and new affidavit.

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- ☐ I understand that the exemption only applies to lower-division courses.
- ☐ I understand that colleges have limited exemptions available to students and are available on a first-come, first-serve basis.
- ☐ [For Non US-Citizens] I understand that I must obtain a valid I-20 and F/M/J status if I wish to enroll in class on-campus and to attend as a border commuter student.
- ☐ I understand that this exemption expires on July 1, 2028.

DECLARATION OF TRUE AND ACCURATE INFORMATION

I, the undersigned, declare under penalty of perjury that the information I have provided on this form is true and accurate. I understand that this information will be used to determine my eligibility for the AB 91 Nonresident Tuition Exemption. I further understand that if any of the above information is found to be false, I will be liable for payment of all nonresident tuition charges from which I was exempted and may be subject to disciplinary action by the College.

PRINT FULL NAME

SIGNATURE

DATE

Income Level Thresholds

Family Size	Household Income (USD)
1	\$ 21,870
2	\$ 29,580
3	\$ 37,290
4	\$ 45,000
5	\$ 52,710
6	\$ 60,420
7	\$ 68,130
8	\$ 75,840
Each Additional Family Member	Add \$ 7,710

Source: California Community College Chancellor's Office

Appendix B – Sample Board Policy Template



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

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 is 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 the implementation of the AB 91.

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

Approved by
the Chancellor:

New Policy

Appendix C – Sample Administrative Procedure (AP)



SAN DIEGO COMMUNITY COLLEGE DISTRICT

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 150 FTES, AB 91 affidavits may be prioritized using other factors, 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 Admissions and Records office, may make written appeal to the Chief Student Services Officer or designee within 30 calendar days of notification of final decision by the college regarding classification.

APPEAL PROCEDURE

The appeal is to be submitted to a designate, such as Admissions Office which must forward it to the designate, such as Chief Student Services Officer within five working days of receipt. Students may submit a petition to the Chief Student Services Officer along with 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