

and refunds of nonresident tuition.

The superintendent/president is authorized to implement a capital-outlay fee to be charged to nonresident students. Not later than March 1 of each year, the superintendent/president shall bring to the board for approval an action whether or not to establish a capital-outlay fee for the following fiscal year and the amount of such fee. If established, the board shall find and declare that this fee does not exceed the amount expended by the district for capital outlay in the preceding year divided by the total FTES (full-time equivalent students) in the preceding fiscal year.

A student who would otherwise be charged this capital-outlay fee shall be exempt if they demonstrate that they are a victim of persecution or discrimination in the country of which they are a citizen and resident, or if they demonstrate economic hardship.

Students shall be deemed victims of persecution or discrimination if they present evidence that they are citizens and residents of a foreign country and that they have been admitted to the United States under federal regulations permitting such persons to remain in the United States. Students shall be deemed to have demonstrated economic hardship if they present evidence that they are citizens and residents of a foreign country and that they are receiving Temporary Assistance for Needy Families Program, Supplemental Income/State Supplementary benefits, or general assistance.

Students shall also be exempt if they demonstrate that they have a parent who has been deported or was permitted to depart voluntarily, they moved abroad from California as a result of that deportation or voluntary departure, and they attended a public or private secondary school in the state for three or more years. Upon enrollment,

students who qualify for this exemption must be in their first academic year as a matriculated student in California public higher education, live in California, and file an affidavit with the district stating that they intend to establish residency in California as soon as possible.

The district may charge each nonresident applicant who is both a citizen and resident of a foreign country a processing fees not to exceed the lesser of (1) the actual cost of processing an application and other documentation required by the federal government, or (2) \$100, which may be deducted from the tuition fee at the time of enrollment.

See Administrative Procedure 5020.