

**CHAPTER 4  
COMMUNITY COLLEGE CHARGEBACK**

**Authority**

N.J.S.A. 18A:64A-23(b).

**Source and Effective Date**

R.2009 d.115, effective March 13, 2009.  
See: 40 N.J.R. 6364(a), 41 N.J.R. 1486(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 4, Community College Chargeback, expires on March 13, 2016. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 4, Community College Chargeback, was adopted as R.1998 d.350, effective July 6, 1998. See: 30 N.J.R. 765(a), 30 N.J.R. 2684(a).

Chapter 4, Community College Chargeback, was readopted as R.2003 d.466, effective November 5, 2003. See: 35 N.J.R. 1760(b), 35 N.J.R. 5415(a).

Chapter 4, Community College Chargeback, was readopted as R.2009 d.115, effective March 13, 2009. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**9A:4-1.1 Authority**

In accordance with New Jersey statute (N.J.S.A. 18A:64A-23), the Commission on Higher Education establishes criteria pursuant to which the chief fiscal officer of a county shall issue a certificate of residence to a person desiring to enroll in a community college as a nonresident student.

**9A:4-1.2 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Basic skills areas” means reading, writing, and mathematics.

“Chargeback” means the charge from a receiving community college to a county which sends students to attend the receiving community college at in-county tuition rates.

“Community college” means a community or county-assisted college established pursuant to N.J.S.A. 18A:64A-1 et seq.

“County of residence” means the county in which a person has established permanent residence.

“Home community college” or “home college” means a community college in an individual’s county of residence.

“In-county tuition rate” means the tuition rate charged to students who are residents of a county.

“Offer a particular course or program” means to offer the course or program at the student’s home community college, through a joint program agreement with another community college, through distance learning provided by the student’s home community college, or by means of a contractual arrangement providing for in-county tuition rates at another community college that will offer the particular course or entire program.

“Program of study” means a program leading to a degree or certificate.

“Receiving community college” means a community college that allows out-of-county students to enroll at in-county tuition rates based on a certificate of residence from another county.

**9A:4-1.3 Eligibility**

(a) For the purpose of receiving in-county tuition rates at a community college outside of a student’s county of residence, a student residing in a county not sponsoring a community college shall be eligible to receive a certificate of residence from the chief fiscal officer of the student’s county of residence upon presentation of evidence of residency in the county, evidence of residency in New Jersey for at least 12 months, and evidence of admission to a community college.

(b) A student residing in a county that sponsors a community college and who desires to attend an out-of-county community college at in-county tuition rates shall be eligible to receive a certificate of residence from the chief fiscal officer of the student’s county of residence if:

1. The student provides certification from the home community college that the college does not offer the particular course or program of study desired by the student or that it cannot admit the student into a particular course or the desired program of study due to lack of available space which will exist for at least one year; and
2. The student presents evidence of residency in the county, evidence of residency in New Jersey for at least 12 months, and evidence of admission to a community college.

(c) A student attending an out-of-county community college on a chargeback basis because the home community college does not offer a particular program of study shall be permitted to register for and attend on a chargeback basis all courses necessary to satisfy the requirements of such a program of study. This requirement shall apply whether or not any portion of that coursework is offered at the student's home community college.

(d) A home community college may offer a particular course or an entire program by means of a contract with another community college to provide the course or entire program at the out-of-county campus. However, if a student provides evidence that taking such course or program would require traveling more than 30 miles from the student's home to reach the out-of-county community college, the student shall be eligible to take the course or program on a chargeback basis if admitted to a community college that offers the particular course or program in closer proximity.

(e) Students accepted into programs at regional centers funded through the Special Needs Grant Program and located at a community college shall be considered eligible for chargeback and may register for and attend on a chargeback basis all courses necessary to satisfy the program of study approved by the director of the regional center in which the student is enrolled. Students enrolled in such centers shall be permitted to complete any required remedial programs at the out-of-county college on a chargeback basis.

(f) To determine the remediation needs of chargeback students, the receiving college shall test out-of-county incoming students using the same instruments and cut-off scores it uses for assessing its in-county students.

(g) Students required to enroll in remedial courses in two or more basic skills areas, as determined by the receiving institution's placement tests, shall complete the remediation in the home community college before enrolling in a course

or program of study on a chargeback basis at an out-of-county institution.

(h) Students required to enroll in remedial courses in only one basic skills area, as determined by the receiving institution's placement tests, are eligible to take the remedial courses as part of the program of study at an out-of-county institution on a chargeback basis.

#### 9A:4-1.4 Procedures

(a) The issuance of a certificate of residence by the chief fiscal officer of the student's county of residence shall signify the resident county's agreement to pay its share of the operating expenses of the receiving community college.

(b) If the chief fiscal officer of a county refuses to issue a certificate of residence, the chief fiscal officer shall so inform the applicant, give the reason for the refusal, and explain that the applicant may appeal to the board of chosen freeholders of the county within 10 days of the receipt of notice of refusal. The board of chosen freeholders shall make a determination after a hearing, upon 10 days' notice to the chief fiscal officer and the applicant, and such determination shall be final and binding on the county.

(c) The student shall present the certification of residence to the admitting college and shall subsequently be required to pay the prevailing in-county tuition rate and such other fees as may be required of students who reside in the county.

(d) The college accepting out-of-county students on a chargeback basis shall charge the sending counties according to a system of differential chargeback rates as determined by the State Treasurer in consultation with the Council of County Colleges.

(e) The receiving community college, when billing another county for a chargeback student, shall identify the courses or programs in which the student is enrolled.