



Policy

**5015 Residence Determination**

Except for students seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year and one day to the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester, summer session, or other session as set by the District Governing Board, for which the student applies to attend. Notwithstanding this standard for determining bona fide California residency, a student with military or veteran status may be deemed to qualify as a California resident for in-state tuition eligibility, in accordance with state and federal law.

Any Team USA student athlete who trains in the state in an elite level program approved by the United States Olympic and Paralympic Committee is entitled to resident classification for tuition and fee purposes until the athlete has resided in the state the minimum time necessary to become a resident.

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The Chancellor shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 Regulations.

**References:**

Education Code Sections [68040](#), [68086](#), and [76140](#); Title 5 Sections [54000 et seq.](#) and [54070](#); [38 U.S. Code Section 3679](#)

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**Administrative Procedure**

**5015 Residence Determination**

I. Residence Classification:

Residency classifications shall be determined for each student at the time of each application for admission or registration or nonresident student and whenever a student has not been in attendance for more than one semester, and whenever a student submits a Residency Consideration Form. Residence classifications are to be made in accordance with the following provisions:

- A. A residence determination date is that day immediately preceding the first day of a semester during which the student proposes to attend.
- B. Residence classification is the responsibility of the Admissions and Records Office or Enrollment Services Office.

Students must be notified of residence determination within 14 calendar days of submission of application.

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

Residence determination date and summary of the rules and regulations governing residence determination and classification shall be published in each colleges' catalog or addenda thereto.

II. Rules Determining Residence:

- A. A student who has resided in the state for at least one year and one day immediately preceding the residence determination date is a resident.
- B. A student who has not resided in the state for at least one year and one day immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- A. Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.
- B. A person may have only one residence.
- C. A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- D. A residence cannot be lost until another is gained.
- E. The residence can be changed only by the union of act and intent.
- F. An individual may establish their residence. An individual's residence shall not be derivative from that of their spouse.
- G. The residence of the parent with whom an unmarried minor child maintains their place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained,

1 provided the minor may establish their residence when both parents are deceased and a legal  
2 guardian has not been appointed.

- 3 H. The residence of an unmarried minor who has a parent living cannot be changed by the minor's  
4 own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of  
5 control.

6  
7 III. Determination of Resident Status:

8  
9 A resident is a student who has been a bona fide resident of the state for at least one year and one day  
10 prior to the residence determination date. A bona fide resident is a person whose residence is in California  
11 as determined above except:

- 12  
13 A. A student who is a minor and remains in this state after the parent, who was previously domiciled  
14 in California and has established residence elsewhere, shall be entitled to retain resident  
15 classification until attaining the age of majority and has resided in the state the minimum time  
16 necessary to become a resident, so long as continuous attendance is maintained at an institution.  
17 B. A student who is a minor and who provides evidence of being entirely self-supporting and actually  
18 present in California for more than one year immediately preceding the residence determination  
19 date with the intention of acquiring a residence therein, shall be entitled resident classification  
20 until the individual has resided in the state the minimum time necessary to become a resident.  
21 C. A student who has not been an adult for at least one year and one day immediately preceding the  
22 residence determination date for the semester for which the student proposes to attend an  
23 institution shall have the immediate pre-majority-derived California residence, if any, added to  
24 the post-majority residence to obtain the one year and one day of California residence.  
25 D. A student holding a valid credential authorizing service in the public schools of this state, who is  
26 employed by a school district in a full-time position requiring certification qualifications for the  
27 college year in which the student enrolls in an institution, shall be entitled to resident classification  
28 if each student meets any of the following requirements:  
29 1. The student holds a provisional credential and is enrolled in courses necessary to obtain  
30 another type of credential authorizing service in the public schools.  
31 2. The student holds a credential issued pursuant to Education Code Section 44250 and is  
32 enrolled in courses necessary to fulfill credential requirements.  
33 3. The student is enrolled in courses necessary to fulfill the requirements for a fifth year of  
34 education prescribed by subdivision (b) of Education Code Section 44259.  
35 4. A student holding a valid emergency permit authorizing service in the public schools of this  
36 state, who is employed by a school district in a full-time position requiring certification  
37 qualifications for the academic year in which the student enrolls at an institution in courses  
38 necessary to fulfill teacher credential requirements, is entitled to resident classification only  
39 for the purpose of determining the amount of tuition and fees for no more than one year.  
40 Thereafter, the student's residency status will be determined under the other provisions of  
41 this procedure.  
42 E. A student who is a full-time employee of the California State University, the University of  
43 California or a community college, or of any state agency or a student who is a child or spouse of  
44 a full-time employee of the California State University, the University of California or a community  
45 college, or of any state agency may be entitled to resident classification, until the student has  
46 resided in the state the minimum time necessary to become a resident.  
47 F. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member  
48 of the armed forces of the United States stationed in this state on active duty and is attendance  
49 at, or has been admitted to the District shall be entitled to resident classification. If the member

1 of the armed forces of the United States later transfers on military orders to a place outside this  
 2 state, or retires as an active member of the armed forces of the United States, the student  
 3 dependent shall not lose their resident classification, so long as the student remains continuously  
 4 enrolled in the District.

- 5 G. A student who is a member of the armed forces of the United States stationed in this state, except  
 6 a member of the Armed Forces assigned for educational purposes to a state-supported institution  
 7 of higher education, is entitled to resident classification only for the purpose of determining the  
 8 amount of tuition and fees. If the student later transfers on military orders to a place outside this  
 9 state, the student shall not lose their resident classification, so long as the student remains  
 10 continuously enrolled in the District.
- 11 H. A veteran who was discharged or released from at least 90 days of active service, commencing on  
 12 or after July 1, 2015, and their dependents, regardless of the veteran’s state of residence is  
 13 entitled to resident classification.
- 14 I. An individual who is the child or spouse of a person who, on or after September 11, 2001, died in  
 15 the line of duty while serving on active duty as a member of the Armed Forces who resides in  
 16 California.
- 17 J. An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their  
 18 relationship to a member of the uniformed services who is serving on active duty.
- 19 K. A student who is a minor and resides with their parent in a district or territory not in a District  
 20 shall be entitled to resident classification, provided that the parent has been domiciled in  
 21 California for more than one year prior to the residence determination date for the semester,  
 22 quarter or term for which the student proposes to attend.
- 23 L. A student who is a Native American is entitled to resident classification for attendance at a  
 24 community college if the student is also attending a school administered by the Bureau of Indian  
 25 Affairs located within the community college district.
- 26 M. A student who is a federal civil service employee and their natural or adopted dependent children  
 27 are entitled to resident classification if the parent has moved to this state as a result of a military  
 28 mission realignment action that involves the relocation of at least 100 employees. This  
 29 classification shall continue until the student is entitled to be classified as a resident, so long as  
 30 the student continuously attends an institution of public higher education.
- 31 N. A student who resides in California and is 19 years of age or under at the time of enrollment, who  
 32 is currently a dependent or ward of the state through California's child welfare system, or was  
 33 served by California's child welfare system and is no longer being served either due to  
 34 emancipation or aging out of the system, may be entitled to resident classification until the  
 35 student has resided in the state the minimum time necessary to become a resident.
- 36 O. A student who lives with a parent who earns a livelihood primarily by performing agricultural labor  
 37 for hire in California and other states, and the parent has performed such labor in this state for at  
 38 least two months per year in each of the two preceding years, and the parent resides in this  
 39 District and the parent of the student has claimed the student as a dependent on his state and  
 40 federal personal income tax return if the student has sufficient income to have personal income  
 41 tax liability shall be entitled to resident classification.
- 42 P. A student who demonstrates financial need, has a parent who has been deported or was  
 43 permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary  
 44 departure, lived in California immediately before moving abroad, attended a public or private  
 45 secondary school in the state for three or more years, and upon enrollment, will be in their first  
 46 academic year as a matriculated student in California public higher education, will be living in  
 47 California, and will file an affidavit with the District stating that the student intends to establish  
 48 residency in California as soon as possible.

- 1 Q. A student who has a special immigrant visa that has been granted status under Section 1244 of  
2 Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States  
3 under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States,  
4 settled in California, shall be exempt from paying the nonresident tuition fee required by Section  
5 76140 for the length of time the student lives in this state up to the minimum time necessary to  
6 become a resident.
- 7 R. Any Team USA student athlete who trains in the state in an elite level program approved by the  
8 United States Olympic and Paralympic Committee is entitled to resident classification for tuition  
9 and fee purposes until the athlete has resided in the state the minimum time necessary to become  
10 a resident.

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12 IV. Right to Appeal:

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14 Students who have been classified as non-residents have the right to a review of their classification (Title  
15 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the  
16 Admissions and Records Office or Enrollment Services Office, may make written appeal to the appropriate  
17 Vice President or designee within 30 calendar days of notification of final decision by the college regarding  
18 classification.

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20 V. Appeal Procedure:

- 21  
22 A. The appeal is to be submitted to the Admissions and Records Office or Enrollment Services Office  
23 which must forward it to the appropriate Vice President or designee within five working days of  
24 receipt. Copies of the original application for admission, the residency questionnaire, and  
25 evidence or documentation provided by the student, with a cover statement indicating upon what  
26 basis the residence classification decision was made, must be forwarded to the appropriate Vice  
27 President or designee with the appeal.
- 28 B. The appropriate Vice President or designee shall review all the records and have the right to  
29 request additional information from either the student or the Admissions and Records Office or  
30 Enrollment Services Office.
- 31 C. Within 30 calendar days of receipt, the appropriate Vice President or designee shall send a written  
32 determination to the student. The determination shall state specific facts on which the appeal  
33 decision was made.

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35 VI. Reclassification:

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37 A student previously classified as a non-resident may be reclassified as of any residence determination  
38 date. A residence determination date is that day immediately preceding the first day of a semester during  
39 which the student proposes to attend.

- 40 A. Requests for reclassification are to be submitted to the Admissions and Records Office or  
41 Enrollment Services Office on the college's residency consideration form.
- 42 B. Requests must be submitted prior to the semester for which reclassification is to be effective.  
43 Extenuating circumstances may be considered in cases where a student failed to petition for  
44 reclassification prior to the residency determination date. In no case, however, may a student  
45 receive a non-resident tuition refund after the date of the first census of the semester in question,  
46 except where fees are: a) collected in error; or, b) refundable as a result of reduction of the  
47 educational program; and, c) refundable as a result of the student's reduction of units or the  
48 student's withdrawal from an educational program for which fees have been paid where  
49 reduction or withdrawal is for reasons deemed sufficient by the governing Board.

- C. Written documentation may be required of the student in support of the reclassification request.
- D. A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college District (Education Code Section 68044).
- E. A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:
  - 1. Has not and will not be claimed as an exemption for state and federal tax purposes by their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
  - 2. Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and
  - 3. Has not lived and will not live for more than six weeks in the home of their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.
- F. A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.
- G. Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year and one day requirement is met and demonstration of intent is sufficiently strong.
- H. Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if:
  - 1. The parent on whom the student is dependent is a California resident, or
  - 2. There is no evidence of the student’s continuing residence in another state.
- I. The appropriate Vice President or designee will make a determination, based on the evidence and notify the student no later than 14 working days of receipt of the petition for reclassification.
- J. Students have the right to appeal according to the procedures above.

VII. Non-Citizens:

The District will admit any non-citizen who is 18 years of age or a high school graduate, unless the District is prevented from doing so due to Federal and/or State regulations.

- A. If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.
- B. If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows the student to live permanently in the United States and the student meets the California residency requirements, the student can be classified as a resident.
- C. Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:
  - 1. 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;

- 1 c. California adult schools established by either a county office of education,  
2 unified or high school district, or the Department of Corrections and  
3 Rehabilitation;
- 4 d. campuses of the California community colleges; or
- 5 e. a combination thereof; or
- 6 2. Three or more years of full-time high school coursework in California, and a total of  
7 three or more years of attendance in California elementary schools, or a combination  
8 of California elementary and secondary schools.

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10 Additionally, the following requirements must be met:

- 11 1. Graduation from a California high school or attainment of the equivalent thereof; or  
12 completed an associate degree from a California Community College; or completed  
13 the minimum requirements at a California Community College, or fulfill the minimum  
14 transfer requirements established for the University of California or the California  
15 State University for students transferring from a campus of the California Community  
16 Colleges;
- 17 2. Registration or enrollment in a course offered by any college in the District for any  
18 term commencing on or after January 1, 2002;
- 19 3. Completion of a questionnaire form prescribed by the California Community Colleges  
20 Chancellor's Office and furnished by the District of enrollment, verifying eligibility for  
21 this nonresident tuition exemption; and
- 22 4. In the case of a student without lawful immigration status, the filing of an affidavit  
23 that the student has filed an application to legalize their immigration status, or will  
24 file an application as soon as the student is eligible to do so.

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26 Documents and information obtained in implementing this exemption are confidential.

27  
28 **References:**

29 Education Code Sections [68000 et seq.](#), [68130.5](#), [68074 - 68075.7](#), and [68086](#); Title 5 Sections [54000 et](#)  
30 [seq.](#) and [54070](#); [38 U.S. Code Section 3679](#)

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