



Policy

5015 Residence Determination

Students shall be classified at the time of each registration as a resident or nonresident student.

A resident is any person who has been a resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend.

Residence classification shall be made for each student at the time applications for admission are accepted 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](#); [76140](#); Title 5, Section [54000, et seq.](#)

Adopted: June 28, 2004

Administrative Procedure

5015 Residence Determination

I. Residence Classification:

Residency classifications shall be determined for each student at the time of admission whenever a student has not been in attendance for more than one year, and whenever a student submits a Residency Consideration Form.

A. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

B. Residence classification is the responsibility of the Admissions Office.

II. Right to Appeal:

Students who have been classified as a non-resident have the right to a review of their classification (Title 5, Section [54010 \(a\)](#)). Any student, following a final decision of residence classification by the Admissions Office, may make written appeal to the appropriate Vice President within 30 calendar days of notification of residency determination.

III. Appeal Procedure

A. The appeal is to be submitted to the Admissions Office which must forward it to the appropriate Vice President or designee 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 to the appropriate Vice President or designee with the appeal.

B. The appropriate Vice President or designee shall review all the records and have the right to request additional information from either the student or the Admissions Office.

C. Within 30 calendar days of receipt, the appropriate Vice President or designee shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

IV. Reclassification:

A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

A. Requests for reclassification are to be submitted to the Admissions Office on the college's Residency Consideration Form.

B. Requests must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student

1 receive a non-resident tuition refund after the date of the first census of the semester in
2 question.

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4 C. Written documentation may be required of the student in support of the reclassification
5 request.

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7 D. The appropriate Vice President or designee will make a determination, based on the evidence
8 and notify the student no later than 14 working days of receipt of the petition for
9 reclassification.

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11 E. Students have the right to appeal according to the procedures above.

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13 V. Non-Citizens:

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

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17 A. If non-citizens are present in the United States illegally or with any type of temporary visa,
18 they will be classified as non-residents and charged non-resident tuition unless they meet the
19 exceptions contained below.

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21 B. If, for at least one year and one day prior to the start of the semester in question, a non-citizen
22 has possessed any immigration status that allows him or her to live permanently in the United
23 States and she or he meets the California residency requirements, the student can be
24 classified as a resident.

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26 C. A student who is without lawful immigration status may be classified as a resident if he or she
27 meets the following requirements of AB 540:

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29 1. High school attendance in California for three or more years;

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31 2. Graduation from a California high school or attainment of the equivalent
32 thereof;

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34 3. The filing of an affidavit that the student has filed an application to legalize
35 his or her immigration status, or will file an application as soon as he or she
36 is eligible to do so.

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38 D. The initial residency classification will be made at the time the student applies for admission.
39 Students may file residency consideration forms through the end of the second week of the
40 semester to request a review of their residency status. Final residency determination is made
41 by the appropriate administrator. Students may appeal the decision to the appropriate Vice
42 President or designee.

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44 **References:**

45 Education Code Sections [68000 et seq.](#), [68130.5](#), Title 5, Section [54000 et seq.](#)

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47 **Procedure Last Revised:** April 11, 2007