



Policy

5015 Residence Determination

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 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 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](#) and [76140](#); Title 5 Sections [54000 et seq.](#) and [54070](#)

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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.

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. A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- G. The residence of the parent with whom an unmarried minor child maintains his or her 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, provided the minor may establish his or her residence when both parents are deceased and a legal guardian has not been appointed.

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

1 dependent shall not lose his/her resident classification, so long as he/she remains continuously
 2 enrolled in the District.

- 3 G. A student who is a member of the armed forces of the United States stationed in this state on
 4 active duty, except a member of the Armed Forces assigned for educational purposes to a state-
 5 supported institution of higher education, is entitled to resident classification only for the purpose
 6 of determining the amount of tuition and fees. If the student later transfers on military orders to
 7 a place outside this state, the student shall not lose his/her resident classification, so long as
 8 he/she remains continuously enrolled in the District.
- 9 H. A veteran who was discharged or released from at least 90 days of active service less than three
 10 years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her
 11 dependents, regardless of the veteran's state of residence is entitled to resident classification.
- 12 I. An individual who is the child or spouse of a person who, on or after September 11, 2001, died in
 13 the line of duty while serving on active duty as a member of the Armed Forces who resides in
 14 California.
- 15 J. An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their
 16 relationship to a member of the uniformed services who is serving on active duty.
- 17 K. A student who is a minor and resides with his/her parent in a district or territory not in a District
 18 shall be entitled to resident classification, provided that the parent has been domiciled in
 19 California for more than one year prior to the residence determination date for the semester,
 20 quarter or term for which the student proposes to attend.
- 21 L. A student who is a Native American is entitled to resident classification for attendance at a
 22 community college if the student is also attending a school administered by the Bureau of Indian
 23 Affairs located within the community college district.
- 24 M. A student who is a federal civil service employee and his or her natural or adopted dependent
 25 children are entitled to resident classification if the parent has moved to this state as a result of a
 26 military mission realignment action that involves the relocation of at least 100 employees. This
 27 classification shall continue until the student is entitled to be classified as a resident, so long as
 28 the student continuously attends an institution of public higher education.
- 29 N. A student who resides in California and is 19 years of age or under at the time of enrollment, who
 30 is currently a dependent or ward of the state through California's child welfare system, or was
 31 served by California's child welfare system and is no longer being served either due to
 32 emancipation or aging out of the system, may be entitled to resident classification until he/she
 33 has resided in the state the minimum time necessary to become a resident.
- 34 O. A student who lives with a parent who earns a livelihood primarily by performing agricultural labor
 35 for hire in California and other states, and the parent has performed such labor in this state for at
 36 least two months per year in each of the two preceding years, and the parent resides in this
 37 District and the parent of the student has claimed the student as a dependent on his state and
 38 federal personal income tax return if he/she has sufficient income to have personal income tax
 39 liability shall be entitled to resident classification.
- 40 P. A student who demonstrates financial need, has a parent who has been deported or was
 41 permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary
 42 departure, lived in California immediately before moving abroad, attended a public or private
 43 secondary school in the state for three or more years, and upon enrollment, will be in his or her
 44 first academic year as a matriculated student in California public higher education, will be living
 45 in California, and will file an affidavit with the District stating that he or she intends to establish
 46 residency in California as soon as possible.
- 47 Q. A student who has a special immigrant visa that has been granted status under Section 1244 of
 48 Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States
 49 under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States,

1 settled in California, shall be exempt from paying the nonresident tuition fee required by Section
2 76140 for the length of time he or she lives in this state up to the minimum time necessary to
3 become a resident.
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5 IV. Right to Appeal:
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7 Students who have been classified as non-residents have the right to a review of their classification (Title
8 5 Section 54010 subdivision (a)). Any student, following a final decision of residence classification by the
9 Admissions and Records Office or Enrollment Services Office, may make written appeal to the appropriate
10 Vice President or designee within 30 calendar days of notification of final decision by the college regarding
11 classification.
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13 V. Appeal Procedure:
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- 15 A. The appeal is to be submitted to the Admissions and Records Office or Enrollment Services Office
16 which must forward it to the appropriate Vice President or designee within five working days of
17 receipt. Copies of the original application for admission, the residency questionnaire, and
18 evidence or documentation provided by the student, with a cover statement indicating upon what
19 basis the residence classification decision was made, must be forwarded to the appropriate Vice
20 President or designee with the appeal.
21 B. The appropriate Vice President or designee shall review all the records and have the right to
22 request additional information from either the student or the Admissions and Records Office or
23 Enrollment Services Office.
24 C. Within 30 calendar days of receipt, the appropriate Vice President or designee shall send a written
25 determination to the student. The determination shall state specific facts on which the appeal
26 decision was made.
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28 VI. Reclassification:
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30 A student previously classified as a non-resident may be reclassified as of any residence determination
31 date. A residence determination date is that day immediately preceding the first day of a semester during
32 which the student proposes to attend.

- 33 A. Requests for reclassification are to be submitted to the Admissions and Records Office or
34 Enrollment Services Office on the college's residency consideration form.
35 B. Requests must be submitted prior to the semester for which reclassification is to be effective.
36 Extenuating circumstances may be considered in cases where a student failed to petition for
37 reclassification prior to the residency determination date. In no case, however, may a student
38 receive a non-resident tuition refund after the date of the first census of the semester in question,
39 except where fees are: a) collected in error; or, b) refundable as a result of reduction of the
40 educational program; and, c) refundable as a result of the student's reduction of units or the
41 student's withdrawal from an educational program for which fees have been paid where
42 reduction or withdrawal is for reasons deemed sufficient by the governing Board.
43 C. Written documentation may be required of the student in support of the reclassification request.
44 D. A questionnaire to determine financial independence must be submitted with the petition for
45 reclassification. Determination of financial independence is not required for students who were
46 classified as non-residents by the University of California, the California State University, or
47 another community college District (Education Code Section 68044).
48 E. A student shall be considered financially independent for purposes of residence reclassification if
49 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 his/her parent in the calendar year prior to the year the reclassification application is made;
 2. Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.
- 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 him or her to live permanently in the United States and she or he 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;
 - c. California adult schools established by either a county office of education, unified or high school district, or the Department of Corrections and Rehabilitation;
 - d. campuses of the California community colleges; or
 - e. a combination thereof; or
 2. Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

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

Documents and information obtained in implementing this exemption are confidential.

References:

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

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