

STUDENT SERVICES

AP 5015 RESIDENCE DETERMINATION

References:

Education Code Sections 68000 et seq. and 68130.5;
Title 5 Sections 54000 et seq.

Residence Classification

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. A student's residency is a union of act and intent. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of Enrollment Services.
- Students must be notified of residence determination within 14 calendar days of submission of application.
- A person can only have one permanent place of residence at any given time. Some examples of demonstrated residence are:
 - Residing in California on a continuous basis for one year
 - Owning residential property
 - Registering to vote and voting in California
 - Obtaining a license from California for professional practice
 - Holding active membership in service or social clubs
 - Showing a California address on federal tax returns
 - Having spouse, children or other close relative reside in California
 - Filing California state tax return as a resident
 - Possessing a California driver's license
 - Possessing a California motor vehicle registration
 - Maintaining California as legal state on Leave and Earnings Statement and W-2 Form while in the armed forces
 - Establishing and maintaining active California bank accounts
 - Petitioning for divorce in California

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32 Some examples of intent inconsistent with a claim of California residency:

- 33 ○ Maintaining voter registration in another state
- 34 ○ Petitioning for divorce in another state
- 35 ○ Attending an out-of-state institution as a resident of that state
- 36 ○ Declaring nonresidency for state income tax purposes
- 37 ○ Maintaining a driver's license and/or vehicle registration in another state

38 **Right To Appeal**

39 Students who have been classified as nonresidents have the right to a review of their
40 classification (Title 5 Section 54010 (a)). Any student, following a final decision of
41 residence classification by the Enrollment Services Office, may make written appeal to
42 the Enrollment Services Office within 30 calendar days of notification of final decision by
43 the District regarding classification.

44 **Appeal Procedure**

45 The appeal must be submitted to Enrollment Services Office. Copies of the original
46 application for admission, the residency questionnaire, and evidence or documentation
47 provided by the student, with a cover statement indicating upon what basis the
48 residence classification decision was made, must be forwarded with the appeal.

49 The Enrollment Services Office shall review all the records and have the right to request
50 additional information from either the student or the Admissions Office. The Enrollment
51 Services Office will render a final decision.

52 Within 30 calendar days of receipt, the Enrollment Services Office shall send a written
53 determination to the student. The determination shall state specific facts on which the
54 appeal decision was made.

55 **Reclassification**

56 A student previously classified as a nonresident may be reclassified as of any residence
57 determination date. A residence determination date is that day immediately preceding
58 the opening day of instruction for any session during which the student proposes to
59 attend.

60 Students must submit petitions to the Admissions Office.

61 Students must submit petitions prior to the session for which the reclassification
62 becomes effective. Extenuating circumstances may be considered in cases where a
63 student failed to petition for reclassification prior to the residency determination date. In

64 no case, however, may a student receive a nonresident tuition refund after the date of
65 the first census.

66 Written documentation may be required of the student in support of the reclassification
67 request.

68 A questionnaire to determine financial independence must be submitted with the petition
69 for reclassification. Determination of financial independence is not required for students
70 who were classified as nonresidents by the University of California, the California State
71 University, or another community college district (Education Code Section 68044).

72 A student shall be considered financially independent for purposes of residence
73 reclassification if the applicant meets all of the following requirements:

- 74 • Has not and will not be claimed as an exemption for state and federal tax
75 purposes by the parent(s) in the calendar year prior to the year the
76 reclassification application is made
- 77 • Has not lived and will not live for more than six weeks in the home of the
78 parent(s) during the calendar year the reclassification application is made

79 A student who has established financial independence may be reclassified as a resident
80 if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

81 Failure to satisfy all of the financial independence criteria listed above does not
82 necessarily result in denial of residence status if the one year requirement is met and
83 demonstration of intent is sufficiently strong.

84 Financial dependence in the current or preceding calendar year shall weigh more
85 heavily against finding California residence than financial dependence in the preceding
86 second and third calendar years. Financial dependence in the current or preceding
87 calendar year shall be overcome only if (1) the parent on whom the student is
88 dependent is a California resident or (2) there is no evidence of the student's continuing
89 residence in another state.

90 The Enrollment Services Office will make a determination, based on the evidence and
91 notify the student not later than 14 days of receipt of the petition for reclassification.

92 Students have the right to appeal according to the procedures above.

93 **Non-Citizens**

94 The District will admit any non-citizen who is 18 years of age or a high school graduate.

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95 If non-citizens are present in the United States illegally or with any type of temporary
96 visa, they will be classified as nonresidents and charged nonresident tuition unless they
97 meet the exceptions contained below.

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

102 A student who is without lawful immigration status may be classified as a resident if he
103 or she meets the following requirements:

- 104 • high school attendance in California for three or more years
- 105 • graduation from a California high school or attainment of the equivalent thereof
- 106 • registration for classes not earlier than the fall semester or quarter of 2001-2002
- 107 • the filing of an affidavit that the student has filed an application to legalize his or
108 her immigration status, or will file an application as soon as he or she is eligible
109 to do so

110 The initial residency classification will be made at the time the student applies for
111 admission. Students may file residency questionnaire forms through the third week of
112 the semester to request a review of their residency status. Final residency
113 determination is made by the Enrollment Services Office. Students may appeal the
114 decision in writing to the Enrollment Services Office if additional evidence can be
115 provided.

116 Office of Primary Responsibility: Enrollment Services

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