



AP 5015 Residency Determination

References: Education Code Sections 68000 et seq., 68130.5, and 68075.7;
 Title 5 Sections 54000 et seq.;;
 38 U.S. Code Section 3679

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Last Revised:

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Residence Classification

Residence classifications are to be made in accordance with the following provisions:

1. The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence.
2. Residence classification is the responsibility of the Admissions and Records Office.
3. The "residence determination date" is that day immediately preceding the first day of instruction of the semester in which the student proposes to attend.
4. The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.
5. Residency classifications shall be determined for each student at the time of application and whenever a student has not been in attendance for two or more semesters.
6. Each student will be required to present evidence of physical presence in California, intent to make a home, for other than a temporary purpose, in California, and if the student was classified as a nonresident in the preceding term, financial independence.
7. Each applicant/student will supply all information deemed necessary by District personnel to determine that the student has been a resident of California for one year prior to the residence determination date.
8. Each applicant/student will certify their answers on a residence questionnaire under oath of penalty of perjury.
9. Each applicant/student will complete the application, including the residence questionnaire items, as well as any addenda or supplemental questionnaires deemed necessary.
10. The residence questionnaire section of the application or any addenda or supplementary questionnaires will include questions from the Administrative Code, Title 5, of the State of California. Answers to the questions may indicate additional evidence is needed and the respondent may be required to complete a Supplemental Residence Questionnaire.
11. The one-year residence period, which a student must meet to be classified as a resident, does not begin until the student is both present in California and has manifested clear intent to become a California resident.
12. The District shall notify each student of the student's residence classification not later than fourteen (14) calendar days after the beginning of the session for which the

student has applied, or fourteen (14) calendar days after the student's application for admission, whichever is later.

Rules Determining Residence

In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple their physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.

1. A student who has resided in the state for more than one year immediately preceding the residence determination date and can provide objective proof of intent to establish residency in California is a resident.
2. A student who has not resided in the state for more than one year immediately preceding the residence determination date or a student who cannot provide objective proof of intent to establish residency in California 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:

1. Every person who is married or eighteen years of age, or older, and under no legal disability to do so, may establish residence.
2. A person may have only one residence.
3. 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.
4. A residence cannot be lost until another is gained.
5. The residence can be changed only by the union of act and intent.
6. A person shall establish their own residence. An individual's residence shall not be derivative from that of their spouse.
7. 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, provided the minor may establish their residence when both parents are deceased and a legal guardian has not been appointed.
8. The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.
9. A temporary absence for business, education, or pleasure will not result in loss of California residence if, during the absence, the person intends to return to California and does nothing inconsistent with that intent.
10. Physical presence within the state solely for educational purposes does not constitute establishing California residence regardless of the length of that presence.

Evidence of Intent

Objective manifestation of intent to establish California residency includes, but is not limited to:

1. Ownership of residential property or continuous occupancy of rented or leased property in California,
2. Registering to vote and voting in California,
3. Licensing from California for professional practice,

4. Active membership in service or social clubs,
5. Presence of spouse, children, or other close relatives in California,
6. Showing California as the home address on federal income tax forms,
7. Payment of California State income tax as a resident,
8. Possessing California motor vehicle license plates,
9. Possessing a California Driver License,
10. Maintaining a permanent military address or home of record in California while in the armed forces,
11. Establishing and maintaining active California bank accounts,
12. Obtaining a marriage license or being the petitioner for divorce in California.

Determination of Resident Status

A resident is a student who can demonstrate proof of intent to be a California resident and physical presence for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

1. A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
2. A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until they have resided in the state the minimum time necessary to become a resident.
3. A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
4. A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:
 - a. They hold a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - b. They hold a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - c. They are enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
 - d. A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.

5. A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
6. A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose their resident classification, so long as they remain continuously enrolled in the District.
7. A student who is a member of the armed forces of the United States stationed in this state on active duty is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose their resident classification, so long as they remain continuously enrolled in the District.
8. A Veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2017, and their dependents, regardless of the veteran's state of residence is entitled to resident classification.
9. An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
10. A student who is a minor and resides with their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
11. An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
12. A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
13. A student who is a federal civil service employee and their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
14. A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until they have resided in the state the minimum time necessary to become a resident.

15. A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on their state or federal personal income tax return if they have sufficient income to have personal income tax liability shall be entitled to resident classification.
16. A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that they intend to establish residency in California as soon as possible.

AB 540

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 the following requirements:

1. a total of 3 or more years of attendance, or attainment of equivalent credits earned while in California, California high schools, California adult schools, campuses of the California Community Colleges, or a combination of those schools **OR** 3 or more years of full-time high school coursework and a total of 3 or more years of attendance in California elementary schools, California secondary schools, or a combination of California elementary and secondary schools;
2. graduation from a California high school or attainment of the equivalent thereof, **OR** attainment of an associate degree from a campus of the California Community Colleges, **OR** fulfillment of 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;
3. registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002;
4. completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption; and in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize their immigration status, or will file an application as soon as they are eligible to do so.

Students requesting to be classified as AB 540 eligible in order to have nonresident tuition waived must provide elementary school, high school or college transcripts, associates degrees, GE or IGETC certifications or other documentation that proves they meet the requirements stated above. Students may apply for AB 540 tuition waiver retroactively.

The initial residency classification will be made at the time the student applies for admission. Students must file residency reevaluation forms by the residency determination date (the day prior to the term of enrollment). Final residency determination is made by the Senior Admissions and Records Technician. Students may appeal the decision.

Non-Citizens

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

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 them to live permanently in the United States and they meet the California residency requirements, the student can be classified as a resident.

Special Immigrant Visas and Refugees: A student may be exempt from paying nonresident tuition if they meet the following requirements:

1. Have a special immigrant visa that has been granted a status under Section 1244 of Public Law 110-181 or Public Law 109-163 OR is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code AND
2. Settled in California upon entering the United States.

Reclassification

A student previously classified as a nonresident 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.

Residency Reclassification forms must be submitted to the Admissions and Records Office prior to the end of the eighth week of the semester for which reclassification is to be effective. In no case, however, may a student receive a nonresident tuition refund after the eighth week of the semester. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date.

A minimum of three (3) pieces of documentation will be required of the student in support of the reclassification request.

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 nonresidents by the University of California, the California State University, or another community college District (Education Code Section 68044).

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 prior to the year the reclassification application is made;
2. Has not received more than \$750 in financial support from their parents;
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.

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.

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

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.

The Senior Admissions and Records Technician will make a determination, based on the evidence, and notify the student not later than 14 days of receipt of the petition for reclassification.

Right to Appeal

Students who have been classified as nonresidents, or those who have had their request for reclassification or exemption (AB 540, Military, or Refugee status) denied 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 Senior Admissions and Records Technician, may make written appeal to the Director for Admissions and Records, or designee, within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure

The appeal is to be submitted to the Admissions and Records office at any campus location which must forward it to the Director for Admissions and Records, or designee, within five working days of receipt. An appeal shall include a cover statement outlining any facts that substantiate a determination of California residency. The appeal shall also include any documentation that substantiates California residency.

The Director for Admissions and Records, or designee, shall review all the records and have the right to request additional information from either the student or the Admissions Office.

Within 30 calendar days of receipt, the Director for Admissions and Records, or designee, shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.