

RESIDENCE DETERMINATION

Residence Classification

Residency determination 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. Residence determinations 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 determination responsibility lies with the Admissions and Records Office.

A resident is one who has established both physical presence and intent to make California the permanent home (domicile), for more than one year pursuant to the California Education Code (commencing with section 68060), as of the residence determination date. Evidence of intent may include at least two of the following:

- Payment of California State income taxes as a resident
- Registering and voting in California elections
- Obtaining a California driver's license or California Department of Motor Vehicles identification card
- Owning, registering and insuring a car in California
- Ownership of residential property or continuous occupancy of rented or leased property in California
- Proof of employment in California
- Licensing from California to practice a profession
- Maintaining a California address as the home of record in military records and on the Leave and Earning Statement (LES) while in the armed forces
- Maintaining active savings and/or checking accounts in California banks
- Petitioning for a divorce as a resident of California
- Paying non-resident tuition in another state
- Indicating a California address on utility bills (gas, water, power, telephone)
- Having received rehabilitation, unemployment, welfare, or other State services
- Active resident membership in service or social clubs
- Possessing a hunting or fishing licenses as a California resident
- California Indentured Apprentice
- Seasonal agricultural employee or dependent

The burden of proof to establish residency is on the student.

Right To Appeal

Students who have been classified as non-residents 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 and Records Office, may make written appeal to the Vice President or Senior Dean of Student Services 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 who must forward it to the Vice President or Senior Dean of Student Services 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 letter indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Vice President or Senior Dean of Student Services 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 Vice President or Senior Dean of Student Services shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification

A student previously classified as a non-resident may be reclassified as of the residence determination date.

Requests for reclassification are to be submitted to the Admissions Office.

Requests for reclassification 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.

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

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).

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

- Has not and will not be claimed as an exemption for state and federal tax purposes by his or her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his or her 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 Vice President or Senior Dean of Student Services will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above.
Non-resident Tuition Exemption

Any student, other than a non-immigrant alien, who meets all of the following requirements shall be exempt from paying non-resident tuition at the California Community Colleges.)

- Requirements:
 - The student must have attended a high school (public or private) in California for three or more years.
 - The student must have graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam).
 - An alien student who is without lawful immigration status must file an affidavit with the college or university stating that he or she 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.
- Students who are non-immigrants [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.
- The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.
- Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
- Non-resident students meeting the criteria will be exempted from the payment of non-resident tuition, but they will not be classified as California residents. They continue to be “non-residents”.
- AB540 does not provide student financial aid eligibility for undocumented alien students. These students remain ineligible for state and federal financial aid.

California Education Code, Section 68000 et seq.
Title 5, California Code of Regulations, Section 54000 et seq.