

Chapter 5 - 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 application for admission and whenever a student has not been in attendance for more than one semester (excluding intersessions). 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 the Admissions and Records Office;
- students must be notified of residence determination within 14 calendar days of submission of application for admission; and
- if a residency reclassification review is desired, the Residency Reclassification form and supporting documentation must be submitted to the Admissions and Records Office no later than the end of the second week for a course taken during a Fall or Spring semester or no later than the end of the first week for a course taken during a Winter or Summer term.

The College shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the College catalog or addenda thereto.

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.

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 receive a non-resident tuition refund after the date of the first census.

Written documentation will be required from the student who is seeking a residency reclassification.

A questionnaire to determine financial independence must be submitted with the Residency Reclassification form. 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; and
- 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 Admissions and Records Office 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 the residency decision according to the procedures outlined below.

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 Dean, Enrollment Management, may make a written appeal to the College Board of Appeals within 30 calendar days of notification of final decision by the College regarding Classification.

Appeal Procedure

The appeal is to be submitted to the Dean, Enrollment Management, who must forward it to the College's Board of Appeals within five working days of receipt. Copies of the original documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The College's Board of Appeals shall review all the records and have the right to request additional information from either the student or the Admissions and Records Office.

Within 30 calendar days of receipt, the Dean, Enrollment Management, shall send a written determination to the student. The student shall state specific facts on which the appeal decision was made.

Non-Citizens

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.

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.

A student who is without lawful immigration status may be classified as a resident based on AB 540 (exemption from non-resident tuition) if he or she meets the following requirements:

- high school attendance in California for three or more years;
- graduation from a California high school or attainment of the equivalent thereof; and
- 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.

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