

CITRUS COMMUNITY COLLEGE DISTRICT STUDENT SERVICES

AP 5015 RESIDENCE DETERMINATION

References: Education Code Sections 68000 et seq. and 68130.5; Title 5 Sections 54000 et seq.; Labor Code Section 3078

Residence Classification

Residency classifications shall be determined for each student at the time of each registration as a resident, nonresident, or California nonresident tuition exemption (AB540) and whenever a student has not been in attendance for more than one semester.

Residency Definitions

- Resident - A student who has resided in the State of California for more than one year immediately preceding the residence determination date.
- Nonresident - A student who does not have residence in the State of California for more than one year immediately preceding the residence determination date.
- Residence Determination Date - The day immediately preceding the opening day of instruction for any session in which a student intends to enroll.
- AB 540 – Any student, other than a nonimmigrant alien, who meets all of the following requirements, shall be exempt from paying nonresident tuition:
 - a. The student must have attended a high school (public or private) in California for three or more years.
 - b. 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, California High School Proficiency exam, or California High School Exit Exam).
 - c. An alien student who is without lawful immigration status must file an affidavit with the college 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.

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.

Residence Guidelines

1. Every person has in law a residence.
2. Every person who is married or 18 years of age or older, and under no legal disability to do so, may establish residence.
 - a. There can only be one residence.
 - b. 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.
 - c. A residence cannot be lost until another is gained.
 - d. The residence can be changed only by the union of act and intent.
3. Minors
 - a. The residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, his residence is that of the parent with whom he maintained his last place residence when both parents are deceased and a legal guardian has not been appointed.
 - b. The residence of an unmarried minor who has a parent living cannot be changed by his own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.
 - c. A student who remains in this state after his parent, who was theretofore domiciled in California for at least one year immediately prior to leaving and has, during the student's minority and within one year immediately prior elsewhere, shall be entitled to resident classification until he has attained the age of majority and has resided in the state the minimum time necessary to become a resident, so long as, once enrolled, he maintains continuous attendance at an institution.
 - d. A student may combine his or her time as a resident minor with his or her time as a resident adult to establish the one year necessary for California residence classification.
4. Exceptions
 - a. A student who has been 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 to residence classification until the student has resided in the state the minimum time necessary to become a resident.
 - b. A student shall be entitled to resident clarification if, immediately prior to enrolling at an institution, the student has lived with and been under the continuous direct care and control of any adult or adults, other than a parent, for a period of not less than two years, provided that the adult or adults having such control have been domiciled in California during the year immediately prior to the residence determination date. This

- exception shall continue until the student has attained 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.
- c. A student who is a member of the armed forces of the United States stationed in the state on active duty, except a member of the armed forces assigned for educational purposes to state-supported institutions of higher education, shall be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident.
 - d. A student who is a natural or adopted child, stepchild, or spouse and 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 until the student has resided in the state the minimum time necessary to become a resident.
 - e. A student who is an adult alien shall be entitled to resident classification if the student has been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States; provided, that the student has had residence in the State of California for more than one year after such admission prior to the residence determination date for the semester or session in which the student intends to enroll.
 - f. A student who is a minor alien shall be entitled to resident classification if both he and his parent have been lawfully admitted to the United States for permanent residence in accordance with all applicable laws of the United States; provided, that the parent has had residence in the state for more than one year after such admission prior to the residence determination date for the semester or session in which the student intends to enroll.
 - g. A student who is a full-time employee of an institution or a student who is a child or spouse of a full-time employee of an institution may be entitled to resident classification until he has resided in the state the minimum time necessary to become a resident.
 - h. A student holding a valid credential authorizing service in the public schools of the 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 the student meets the requirements outlined in the California Administrative Code, Title V, Section 54036.
 - i. A student who is at least 16 years of age and who has entered into a written agreement called an "apprentice agreement," with an employer or his agent, an association of employers, or an organization of employees, or a joint committee representing both and which meets the requirements of Labor Code Section 3078.

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 of Student Services within 30 calendar days of notification of final decision regarding classification.

Appeal Procedure

The appeal is to be submitted to the Admissions and Records Office which must forward it to the Vice President 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 statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Vice President 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 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 any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any term or session during which the student proposes to attend.

Petitions are to be submitted to the Admissions and Records Office. Petitions 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. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may 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 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/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 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-Citizens

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

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 if he/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;
- registration for classes not earlier than the fall semester ~~or quarter~~ of 2001-02;
- the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Admissions and Records Office. Students may appeal the decision.

Admission in Error

Nonresident students, subject to payment of the College nonresident tuition, who have been admitted to a class or classes in error without payment of the tuition, shall be excluded from such class or classes upon notification pending payment of the tuition. For the purpose of this regulation only, notification shall consist of oral or written advice from the Admissions Office of the College to the student.

Admission by Falsification

Nonresident students who have been admitted to a class or classes without payment of the tuition because of falsification of information submitted by or for them shall be excluded from such class or classes upon notification. For the purpose of this rule only, notification shall consist of oral or written advice from the Admissions Office of the College to the student and such notification may be given at any time. Students excluded because of falsification shall not be readmitted during the term or session from which they were excluded, nor shall they be admitted to any subsequent term or session until all previously incurred tuition obligations are paid.

Refunds

Refunds will be made for the following reasons:

1. Erroneous Determination of Nonresident Status

If a student is erroneously determined to be a nonresident and consequently the tuition is paid, such tuition is refundable in full by the Business Office of the College, provided acceptable proof of State residence is presented within the period for which the tuition was paid.

2. Withdrawal from College or Reduction of Program

Nonresidents who officially withdraw from College or reduce their program by the stated refund deadline will receive a refund. Nonresidents who fail to show to their class and documentation verifies they never entered would also be entitled to a refund.

Board Approved 07/21/09