

# CITRUS COMMUNITY COLLEGE DISTRICT STUDENT SERVICES

## AP 5015 RESIDENCE DETERMINATION

**References:** Education Code Sections 68040 et seq., 76140 et seq., and 76380;  
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 application 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 has not resided 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.

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

- 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.

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

### **Residence Guidelines**

1. In accordance with law, every person has 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. A person may only have 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. States have a right to delay giving residents some benefits. Such delays do not constitute evidence that residence has not been gained in another State.
  - d. The residence can be changed only by the union of act and intent.

- e. Adults may establish their own residence. An adult person's residence shall not be derivative from that of another adult.

### 3. Minors

- a. The residence of the parent with whom an unmarried minor child maintains his/her 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 his/her 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/her own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.
- c. A student who is a minor and remains in the 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.
- d. A student may combine his/her time as a resident minor with his/her time as a resident adult to establish the one year necessary for California residence classification.

### 4. Exceptions

- a. A student who is a minor and 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 who is a minor shall be entitled to resident classification 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 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 his/her resident classification, so long as he/she remains continuously enrolled in the District.

- d. A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he/she lives in this state after being discharged up to the minimum time necessary to become a resident.
- e. 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, 2015, and his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.
- f. A student 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.
- g. A student who is entitled to Post-9/11 GI Bill program transferred benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- h. 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. 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 his/her resident classification, so long as he/she remains continuously enrolled in the District.
- i. A student who is an adult immigrant 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 or change of status prior to the residence determination date for the semester or session in which the student intends to enroll.
- j. A student who is a minor immigrant shall be entitled to resident classification if both the student and his/her 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 or change of status 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.
- k. 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.
- l. 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:

- I. He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  - II. He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  - III. He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
  - IV. 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.
- m. 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.
  - n. A student who is a minor and resides with his/her parent in a district or territory not in another state 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.
  - o. 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.
  - p. A student who is a federal civil service employee and his/her 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.
  - q. 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 he/she has resided in the state the minimum time necessary to become a resident.

- r. 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 his/her state or federal personal income tax return if he/she has sufficient income to have personal income tax liability shall be entitled to resident classification.
- s. Additionally, an exemption from nonresident tuition at the California Community Colleges is made to a student who is a United States citizen who resides in a foreign country, and who meets all of the following requirements: (A) demonstrates financial need for the exemption; (B) has a parent who has been deported or was permitted to depart voluntarily; (C) moved abroad as a result of that deportation or voluntary departure; (D) lived in California immediately before moving abroad; (E) attended a public or private secondary school in the state for 3 or more years; and (F) upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education, as defined, will be living in California, and will file an affidavit with the institution stating that he/she intends to establish residency in California as soon as possible.

### **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 and Records 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 or session 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/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 Dean of Enrollment Services or his/her designee 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 noncitizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., persons who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet the requirements set forth in AP 5020 Nonresident Tuition.

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 or session to request a review of their residency status. Final residency determination is made by the Admissions and Records Office. Students may appeal the decision.

### **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, 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 Citrus College or reduce their program by the stated refund deadline will receive a refund. Where documentation verifies that a nonresident student did not show to a class, the student will also be entitled to a refund.

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