

# CITRUS COMMUNITY COLLEGE DISTRICT REGULATION

R-5130  
Page 1 of 4

## RESIDENCE DETERMINATION

A student shall be classified at the time of each registration as a resident, nonresident, or California Nonresident Tuition Exemption (AB 540). A nonresident student shall be subject to the nonresident tuition for all units enrolled.

### Determination of Residence

1. Definition of Resident - A student who has residence in the State of California for more than one year immediately preceding the residence determination date.
2. Definition of Nonresident - A student who does not have residence in the State of California for more than one year immediately preceding the residence determination date.
3. Resident Determination Date - The day immediately preceding the opening day of instruction of a semester or summer session in which a student intends to enroll.
4. Definition of AB 540 – Any student, other than a nonimmigrant alien, who meets all of the following requirements, shall be exempt from paying nonresident tuition.
  - 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, California High School Proficiency exam, or California High School Exit Exam).
  - 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 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.

#### Residence Classification Appeal

Any student, following a final decision on residence classification by the Admissions Office, may make written appeal to the Superintendent/President of Citrus College within thirty calendar days of notification of final decision regarding classification.

#### 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

