Coast Community College District
ADMINISTRATIVE PROCEDURE
Chapter5
Student Services

AP 5015 Residence Determination

References:
Education Code Sections 68000 et seq.;
Title 5 Sections 54000 et seq.;
AP 4901 International Students

This Administrative Procedure defines the criteria for determining the California residence status of students for the purposes of type of fees or tuition charged (resident or non-resident) and financial aid awarded. It covers California residents, out-of-state residents, international residents, and non-U.S. citizens who are in the country without documentation but who qualify for resident tuition.

Residence Classification
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 College Admissions Office. Students must be notified of residence determination within 14 calendar days of submission of a completed application. Students may appeal the decision (see below).

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. 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 College Admissions Office.

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

Rules Determining Residence

- A student who has resided in California for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in California for more than one year immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by the District shall be determined in accordance with the Education Code Section 68060 which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen years of age, or older, and is under no legal disability to do so, may establish residence.

- A person may have only one residence.

- 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.

- A residence cannot be lost until another is gained.

- The residence can be changed only by the union of act and intent.

- A married individual may establish his or her residence. An individual's residence shall not be derivative from that of his/her spouse.

- 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.

- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status
A resident is a student who has been a bona fide resident of California for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in California 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 California the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.

- A student who is a minor and who provides evidence of being 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 resident classification until he/she has resided in California the minimum time necessary to become a resident.

- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.

- A student holding a valid credential authorizing service in the public schools of California, 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:

    - He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.

    - He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.

    - He/she is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by sub-section “b” of Education Code Section 44259.

    - A student holding a valid emergency permit authorizing service in the public schools of California, 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.

- A student who is a full-time employee of the California State University, the University of California, or a California 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 California community college, or of any state agency shall be entitled to resident classification, until the student has resided in California the minimum time necessary to become a resident.

- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in California 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 California, 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.

- A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is 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 California, the student shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.

- A student who was a member of the armed forces of the United States stationed in California 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 California after being discharged up to the minimum time necessary to become a resident.

- 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 are entitled to resident classification.

- An individual 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.

- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.

- A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in California (regardless of his/her formal state of residence) and enrolls in the District Colleges within three years of the service member's death in the line of duty following a period of active duty service of 90 days or more.

- A student who is a minor and resides with his or her parent in a district or territory not in a district 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, or term for which the student proposes to attend.

- A student who is a Native American is entitled to resident classification for attendance at a College in the District if the student is also attending a school administered by the Bureau of Indian Affairs located within the District.

- A student who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification if the parent has moved to California 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.

- 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 California the minimum time necessary to become a resident.

- 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 California for at least two months per year in each of the two preceding years, and the parent resides within the District, and the parent of the student has claimed the student as a dependent on his 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.

- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District 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 54060 (b)]. Any student, following a final decision of residence classification by the College Admission Office, may make written appeal to the Dean of Enrollment Services at OCC or GWC or Vice President of Students Services at CCC within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure – The appeal is to be submitted to the College Admissions Office which must forward it to the Dean of Enrollment Services at OCC or GWC or Vice President of Students Services at CCC 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 Dean of Enrollment Services at OCC or GWC or Vice President of Students Services at CCC shall review all the records and have the right to request additional information from either the student or the College Admissions Office.

Within 30 calendar days of receipt, the Dean of Enrollment Services at OCC or GWC or Vice President of Students Services at CCC 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 session during which the student proposes to attend.

Petitions are to be submitted to the College Admissions Office.

Petitions must be submitted prior to the semester or term 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 is required of the student in support of the reclassification request.

A student must provide a minimum of two items from different categories on the list below that are dated at least one year and one day prior to the first day of the term (Title 5, Section 54024). All official documents presented must be valid, readable, dated at least one year and one day prior to the residence determination date, and be properly identified with respect to the student's name and California address.
Note: Although a minimum of two forms of proofs is required for residency reclassification consideration, the burden of proof remains in the hands of the requestor. Therefore, the Admissions Office reserves the right to request additional documentation in its efforts to determine California Residency for tuition purposes.
1. A. Current California driver's license or Department of Motor Vehicles documentation of California driver's license – State law requires a resident driver to obtain a California driver's license within 10 days from the date residence is established. Driver's licenses issued under AB 60 (2013) cannot be used.
OR
B. California Identification card.
2. California Motor Vehicle registration – California Registration Certificate.

3. Establishing and maintaining active California bank accounts – bank statement or letter of verification from bank with California address.
4. Records of Income:
A. Documentation of employment – check stub, typed and signed letter from employer on company letter head with employment start date, or company identification (work badge with employment dates).
B. California Resident State Income Tax Form 540NR (required by law of any part-year, taxpaying resident of California),
OR Form 540 or 540A, from previous year.
If the end of the tax year does not fall one year and one day prior to the residence determination date, one of the following documents so dated is also required: check stubs, a note from the employer, or other verification.
C. Federal Income Tax Form 1040A or 1040EZ from previous year with California address. If the end of the tax year does not fall one year and one day prior to the residence determination date, one of the following documents so dated is also required: check stubs, a note from the employer, or other verification.
5. Verification of California Voter Registration-Voter Registration Card.
6. Documentation of purchase and occupancy of residential real estate in California – loan papers, tax receipts, escrow papers or documentation of rental residential lease for one year.
7. Selective Service registration with California permanent address – Selective Service Registration Card.
8. Maintaining permanent military address or home of record in California while in armed forces – DD214.
9. Documentation of the student as a California resident having received rehabilitation, unemployment, welfare, or other State Services–service receipts or agreements of certification by the appropriate agency showing the student as recipient.
10. Petition for a divorce in California – legal document.
11. License from California for professional practice – legal document.
12. Documentation of active resident membership in California professional, service, or social organization – school organization not accepted.

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 California 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 that the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred fifty dollars ($750) per year in financial assistance from his/her parent in the calendar year that the

reclassification application is made and in any of the three calendar years prior to the reclassification; and
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year that the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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 College Director of Admissions and Records will make a determination, based on the evidence and notify the student not later than 14 calendar 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 older or a high school graduate as noted below. Foreign nationals applying to be admitted as international students with a F1, J1, or M1 visa are not included in the category of Non-Citizens addressed by this section of the administrative procedure.

If non-citizens are present in the United States without documentation 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 or term in question, a non-citizen has possessed any immigration status that allows him/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.

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident fees if they meet 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 or enrollment in a course offered by any College in the District for any term commencing on or after January 1, 2002;
- completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, 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 or she is eligible to do so.

Ratified April 16, 2014
Ratified July 15, 2015
Ratified April 4, 2018
Ratified May 6, 2020