

**AP 5015 RESIDENCE DETERMINATION**

**References:**

Education Code Sections 68000 et seq. and 68130 et seq.;  
Title 5 Sections 54000 et seq.

**A sub-group of the administrative review team will review this document in detail and make recommended revisions. Jane added legal citations pertaining to AB 540 (Education Code Sections 68130-68134) to the attached legal citations at the end of this document.**

***NOTE: This procedure is legally required except as noted. Districts may insert their local practices here. The following is provided as an illustrative example.***

**Residence Classification** – 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. In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.
- Residence classification is the responsibility of the College Admissions & Records Office.

Students must be notified of residence determination within 14 calendar days of submission of application.

**Rules Determining Residence**

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state 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 this District shall be determined in accordance with the Education Code 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 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 man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- 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. If 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 the state 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 this 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.
- 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 the state 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 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:
  - 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 subdivision (b) of Education Code Section 44259.
  - 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.
- 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.
- 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 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.

- A student who is a member of the armed forces of the United States stationed in this state 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 this state, 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 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.
- 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, quarter 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 community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- 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.
- 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.
- 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 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.

**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 College Admissions & Records Office may make written appeal to the Chief Student Services Officer within 30 calendar days of notification of final decision by the college regarding classification.

**Appeal Procedure** – The appeal is to be submitted to College Admissions & Records Office which must forward it to the Chief Student Services Officer 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 Chief Student Services Officer 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 Chief Student Services Officer 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 Admissions 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/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 Chief Student Services Officer 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/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., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition 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 State 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.

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 & Records Office. Students may appeal the decision.

---

**NOTE:** The **red ink** signifies language that is **legally required** by the Policy and Procedure Service and its legal counsel. The language in **green ink** reflects revisions during the administrative review on May 7, 2013.

---

**Date Approved:**

*(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)*

## Legal Citations for AP 5015

### EDUCATION CODE SECTIONS 68000 et seq.

68000. It is the intent of the Legislature that the public institutions of higher **education** shall apply uniform rules, as set forth in this chapter and not otherwise, in determining whether a student shall be classified as resident or a nonresident.

68011. "Institution" means the University of California, the California State University, or a college of the California Community Colleges.

68012. (a) "District" means a community college district maintaining one or more community colleges.

(b) "District governing board" means the governing board of a district maintaining one or more community colleges.

(c) "Governing board" means the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Maritime Academy, or the Board of Governors of the California Community Colleges.

68014. "Parent" means the parent with whom the minor resides; or, if both parents are deceased, his or her legal guardian.

68015. "Student" means a person enrolled in or applying for admission to an institution.

68016. "Continuous attendance," as it refers to attendance at an institution, means a student claiming continuous attendance who has been enrolled full time, as determined by the governing board or district governing board, as appropriate, for a normal academic year at the institution since the beginning of the period for which continuous attendance is claimed. Nothing in this section shall require a student to attend summer sessions or other terms beyond the normal academic year in order to render his or her attendance "continuous."

68017. A "resident" is a student who has residence, pursuant to Article 5 (commencing with Section 68060) of this chapter in the state for more than one year immediately preceding the residence determination date.

68018. A "nonresident" is a student who does not have residence in the state for more than one year immediately preceding the residence determination date.

68022. "Resident classification" means classification as a resident, pursuant to Section 68017, at the University of California,



the California State University, the California Maritime Academy, or a California community college.

68023. "Residence determination date" is a date or day established by the governing boards or district governing boards, as appropriate, for each semester, quarter, or term to determine a student's residence.

68040. Each student shall be classified as a resident or nonresident at the University of California, the California State University, or the California Maritime Academy or at a California community college.

68041. Each student enrolled or applying for admission to an institution shall provide the information and evidence of residence as deemed necessary by the governing board or district governing board, as appropriate, to determine his or her classification. An oath or affirmation may be required in connection with taking testimony necessary to ascertain a student's classification. The determination of a student's classification shall be made in accordance with this part and the residence determination date for the semester, quarter, or term for which the student proposes to attend an institution.

68042. The governing board or district governing board may appoint persons to administer oaths or affirmations in connection with taking testimony necessary to ascertain a student's classification.

68043. A student classified as a nonresident shall not obtain resident classification as a result of maintaining continuous attendance at an institution without meeting the other requirements of this part for obtaining such classification.

68044. The governing boards shall adopt rules and regulations for determining a student's classification and for establishing procedures for review and appeal of that classification. The adopted rules and regulations shall include provisions requiring that the financial independence of a student classified as a nonresident seeking reclassification as a resident shall be included among the factors to be considered in the determination of residency.

The adopted rules and regulations shall, beginning the 1983-84 school year, exempt nonresident students who have been appointed to serve as graduate student teaching assistants, graduate student research assistants, or graduate student teaching associates on any campus of the University of California or the California State University, and who have been employed on a 0.49 or more time basis, from the requirement of demonstrating his or her financial independence under this section for purposes of reclassification as a resident.

A student shall be considered financially independent for purposes of this section if the applicant meets all of the following requirements: (a) 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 the reclassification application is made and in any of the three calendar years prior to the reclassification application, (b) has not and will not receive more than seven hundred fifty dollars (\$750) per year in financial assistance from his or her parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application, and (c) 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 and in any of the three calendar years prior to the reclassification application.

Other factors which may be considered in determining California residency shall be defined by the governing boards. In addition, the adopted rules and regulations shall include, but are not limited to, the evidence necessary to determine residence, procedures for obtaining residence information and procedures for administering oaths in connection with taking of testimony relative to residence. A district governing board may adopt rules and regulations which are not inconsistent with those adopted by the Board of Governors of the California Community Colleges.

## **EDUCATION CODE SECTIONS 68130 et seq.**

### ***EDUCATION CODE - EDC***

#### ***TITLE 3. POSTSECONDARY EDUCATION [66000. - 101060.]***

*( Title 3 enacted by Stats. 1976, Ch. 1010. )*

#### ***DIVISION 5. GENERAL PROVISIONS [66000. - 70129.]***

*( Division 5 enacted by Stats. 1976, Ch. 1010. )*

#### ***PART 41. UNIFORM STUDENT RESIDENCY REQUIREMENTS [68000. - 68134.]***

*( Part 41 enacted by Stats. 1976, Ch. 1010. )*

#### ***CHAPTER 1. Student Residency Requirements [68000. - 68134.]***

*( Chapter 1 enacted by Stats. 1976, Ch. 1010. )*

#### **ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]**

*( Article 11 enacted by Stats. 1976, Ch. 1010. )*

##### **68130.**

The governing boards and district governing boards may waive nonresident tuition in whole or in part pursuant to Sections 68123, 76140, 89705, and 89707.



**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000. - 101060.]**

*( Title 3 enacted by Stats. 1976, Ch. 1010. )*

**DIVISION 5. GENERAL PROVISIONS [66000. - 70129.]**

*( Division 5 enacted by Stats. 1976, Ch. 1010. )*

**PART 41. UNIFORM STUDENT RESIDENCY REQUIREMENTS [68000. - 68134.]**

*( Part 41 enacted by Stats. 1976, Ch. 1010. )*

**CHAPTER 1. Student Residency Requirements [68000. - 68134.]**

*( Chapter 1 enacted by Stats. 1976, Ch. 1010. )*

**ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]**

*( Article 11 enacted by Stats. 1976, Ch. 1010. )*

**68130.5.**

Notwithstanding any other provision of law:

(a) A student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, who meets all of the following requirements shall be exempt from paying nonresident tuition at the California State University and the California Community Colleges:

- (1) High school attendance in California for three or more years.
  - (2) Graduation from a California high school or attainment of the equivalent thereof.
  - (3) Registration as an entering student at, or current enrollment at, an accredited institution of higher education in California not earlier than the fall semester or quarter of the 2001-02 academic year.
  - (4) In the case of a person without lawful immigration status, the filing of an affidavit with the institution of higher education stating 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.
- (b) A student exempt from nonresident tuition under this section may be reported by a community college district as a full-time equivalent student for apportionment purposes.
- (c) The Board of Governors of the California Community Colleges and the Trustees of the California State University shall prescribe rules and regulations for the implementation of this section.
- (d) Student information obtained in the implementation of this section is confidential.

*(Added by Stats. 2001, Ch. 814, Sec. 2. Effective January 1, 2002.)*

**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000. - 101060.]**

*( Title 3 enacted by Stats. 1976, Ch. 1010. )*

**DIVISION 5. GENERAL PROVISIONS [66000. - 70129.]**

*( Division 5 enacted by Stats. 1976, Ch. 1010. )*

**PART 41. UNIFORM STUDENT RESIDENCY REQUIREMENTS [68000. - 68134.]**

*( Part 41 enacted by Stats. 1976, Ch. 1010. )*

**CHAPTER 1. Student Residency Requirements [68000. - 68134.]**

*( Chapter 1 enacted by Stats. 1976, Ch. 1010. )*

**ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]**

*( Article 11 enacted by Stats. 1976, Ch. 1010. )*

**68130.7.**

If a state court finds that Section 66021.6, 66021.7, or 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the court may order, as equitable relief, that the administering entity that is the subject of the lawsuit terminate any waiver awarded under that statute or provision, but no money damages, tuition refund or waiver, or other retroactive relief, may be awarded. In any action in which the court finds that Section 66021.6, 66021.7, or 68130.5, or any similar provision adopted by the Regents of the University of California, is unlawful, the California Community Colleges, the California State University, and the University of California are immune from the imposition of any award of money damages, tuition refund or waiver, or other retroactive relief.  
*(Amended by Stats. 2011, Ch. 604, Sec. 2. Effective January 1, 2012.)*

**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000. - 101060.]**

*( Title 3 enacted by Stats. 1976, Ch. 1010. )*

**DIVISION 5. GENERAL PROVISIONS [66000. - 70129.]**

*( Division 5 enacted by Stats. 1976, Ch. 1010. )*

**PART 41. UNIFORM STUDENT RESIDENCY REQUIREMENTS [68000. - 68134.]**

*( Part 41 enacted by Stats. 1976, Ch. 1010. )*



**CHAPTER 1. Student Residency Requirements [68000. - 68134.]**  
( Chapter 1 enacted by Stats. 1976, Ch. 1010. )

ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]  
( Article 11 enacted by Stats. 1976, Ch. 1010. )

68131.

The governing boards and district governing boards may enter into agreements with appropriate agencies and institutions of higher education in other states and foreign countries providing for the exchange of students in higher educational institutions in this state and other states or countries pursuant to Sections 68124, 76140, and Chapter 10 (commencing with Section 66800) of Part 40 of this division.

(Enacted by Stats. 1976, Ch. 1010.)

**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000. - 101060.]**  
( Title 3 enacted by Stats. 1976, Ch. 1010. )

**DIVISION 5. GENERAL PROVISIONS [66000. - 70129.]**  
( Division 5 enacted by Stats. 1976, Ch. 1010. )

**PART 41. UNIFORM STUDENT RESIDENCY REQUIREMENTS [68000. - 68134.]**  
( Part 41 enacted by Stats. 1976, Ch. 1010. )

**CHAPTER 1. Student Residency Requirements [68000. - 68134.]**  
( Chapter 1 enacted by Stats. 1976, Ch. 1010. )

ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]  
( Article 11 enacted by Stats. 1976, Ch. 1010. )

68133.

If an action is brought against a governing board as the result of the application of this chapter, that governing board shall inform the governing boards of the other institutions regarding the litigation. If an action is brought against a district governing board as a result of the application of this chapter, that district governing board shall inform the Board of Governors of the California Community Colleges, who shall inform the Regents of the University of California, and the Trustees of the California State University, regarding the pending litigation.

*(Amended by Stats. 1995, Ch. 758, Sec. 59. Effective January 1, 1996.)*

**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000. - 101060.]**

*(Title 3 enacted by Stats. 1976, Ch. 1010.)*

**DIVISION 5. GENERAL PROVISIONS [66000. - 70129.]**

*(Division 5 enacted by Stats. 1976, Ch. 1010.)*

**PART 41. UNIFORM STUDENT RESIDENCY REQUIREMENTS [68000. - 68134.]**

*(Part 41 enacted by Stats. 1976, Ch. 1010.)*

**CHAPTER 1. Student Residency Requirements [68000. - 68134.]**

*(Chapter 1 enacted by Stats. 1976, Ch. 1010.)*

**ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]**

*(Article 11 enacted by Stats. 1976, Ch. 1010.)*

**68134.**

No provision of this part shall be applicable to the University of California unless the Regents of the University of California, by resolution, make such provision applicable.

*(Enacted by Stats. 1976, Ch. 1010.)*

Cal. Admin. Code tit. 5, s 54000

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54000. Uniform Residency Requirements.

The provisions of this chapter implement and should be read in conjunction with the Uniform Residency Requirements contained in part 41 (commencing with section 68000) of the Education Code.

Cal. Admin. Code tit. 5, s 54001

TITLE 5. EDUCATION



DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54001. Adoption of Rules and Regulations; Publication; Uniformity.

The residence determination date and a summary of the rules and regulations adopted by the Board of Governors and district governing boards pursuant to chapter 1, part 41 of division 5 of the Education Code, commencing with section 68000, shall be published in the district catalogs and/or addenda thereto. The applicable Education Code provisions and the rules and regulations adopted by the Board of Governors and the district shall be made available to the students at each district.

Cal. Admin. Code tit. 5, s 54002

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54002. Residence Determination Date.

"Residence determination date" is that day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college.

Cal. Admin. Code tit. 5, s 54010

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54010. Residence Classification Procedures.

(a) Residence classification shall be made for each student at the time applications for admission are accepted and whenever a student has not been in attendance for more than one semester or quarter. A student previously classified as a nonresident may be reclassified as of any residence determination date.

(b) The student shall be required to present evidence of physical presence in California, intent to make California the home for other than a temporary purpose and, if the student was classified as a nonresident in the preceding term, financial independence.

(c) Community college districts shall require applicants to supply information as specified in this chapter and may require additional information as deemed necessary.

(d) The district shall weigh the information provided by the student and determine whether the student has clearly established that he or she has been a resident of California for one year prior to the residence determination date.

(e) Applicants shall certify their answers on residence questionnaires under oath or penalty of perjury.

(f) Pursuant to Section 54300, the district may authorize any information required by this section to be submitted electronically using encrypted digital signatures as specified in Section 54300.

Cal. Admin. Code tit. 5, s 54012

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54012. Residence Questionnaires.

(a) Each community college district shall use a residence questionnaire in making residence classifications.

(b) The residence questionnaire shall ask each student where the student has maintained his or her home for the last two years and whether the student has engaged in any activity listed in subsection (f) of section 54024.

(c) The questionnaire shall ask each student under 19 years of age where the parent has lived for the last two years and whether the parent has engaged in any activity listed in subsection (f) of section 54024.

(d) If the student, or the student's parent if the student is under age 19, has either maintained a home outside of California at any time during the last two years, or has engaged in any activity listed in subsection (f) of section 54024, the student shall be asked for additional evidence of intent to reside in California such as that identified in subsection (e) of section 54024.

(e) The Chancellor shall provide a sample residence questionnaire which districts may use in complying with this requirement.

Cal. Admin. Code tit. 5, s 54020

TITLE 5. EDUCATION



DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54020. Residence.

In order to establish a residence, it is necessary that there be a union of act and intent. To establish residence, a person capable of establishing residence in California must couple his or her physical presence in California with objective evidence that the physical presence is with the intent to make California the home for other than a temporary purpose.