BP 5015 Residence Determination

Reference: Education Code Sections 68040; 76140; Title 5, Sections 54000, et seq.

Students shall be classified at the time of each registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of a semester or summer session for which the student applies to attend. A minor whose parent or guardian qualifies as a resident shall likewise be deemed a resident.

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date. Students may file a residency questionnaire form through the third week of the semester to request a review of their residency status. Final residency determination is made by the Associate Dean of Student Services. Students may appeal the decision.

In the event that an applicant's residency is in question, it is the responsibility of the applicant to present clear proof of residency. The burden of proof is on the student.

The Superintendent/President shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 regulations.

5015.1 Determination of Resident Status

Applicants must have had continuous presence in the State of California and have manifested intent to make California their place of permanent residence a minimum of 12 months before the start of the semester for which they are applying. Applicants may not have two places of permanent residence. The residence can be changed only by the union of act and intent.

Actions which are consistent with the intent to make California the place of permanent residence include, but are not limited to, the following:

- Registering all vehicles owned in California;
- Possessing a California driver's license;

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BP 5015 Residence Determination

5015.1 Determination of Resident Status (continued)

- Registering to vote in the State of California;
- Assuming permanent employment;
- Opening an account with a California bank;
- Having children in a California public school;
- Filing suit in a California court;
- Petitioning for divorce in a California court;
- Maintaining California as a legal state on Leave & Earnings statement and W-2 form while in armed forces;
- Filing taxes as a California resident.

The actions listed in the preceding paragraph must have taken place at least one year before the start of the semester for which the student is applying.

The student whose official records show a domicile outside California is prima facie a nonresident unless the student presents proof of legal California residence. Neither General Delivery nor a Post Office box number is acceptable as evidence of permanent address. The voting address of the parent or legal guardian shall be accepted as the permanent address.

These exceptions in determining resident status are in effect:

1. A minor shall be considered a resident student if immediately prior to first entering any public or private university, college, or community college in California he shall have been, for a period of at least two years, in the continuous care and control of a resident of California other than his parent.
2. A minor citizen, or a minor alien lawfully admitted to the United States for permanent residence, shall be considered a resident student provided that he has not, for a period of one year immediately preceding the opening day of the semester or session in which he proposed to attend--received directly or indirectly any support or financial assistance from his or her father, mother, or legal guardian. During this period he must have been in continuous residence in the State. He or she may not be shown as an income tax deduction by the parent or guardian during the period.

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BP 5015 Residence Determination

5015.1 Determination of Resident Status (continued)

3. A resident student (other than as determined in 2 above) shall not lose his or her residence because of marriage to a nonresident who is living in California.
4. Active-duty military members are considered California residents for tuition purposes.
5. The dependent of an active-duty military person stationed in California is considered a resident for tuition purposes during his or her first year in California.
6. The son or daughter of an active duty military family will be determined to be a resident of California for tuition purposes.
7. Other residency exceptions are listed in *ECS 68070-68084*

5015.2 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.

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 he or she 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 or 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;
- The filing of an affidavit that the student has filed an application to legalize his or her immigration status, or will file application as soon as he or she is eligible to do so.

Adopted: September 24, 1999
Amended: October 9, 2003