

**Student Services**

1 **AP 5015 RESIDENCE DETERMINATION**

2 **References:**

- 3 Education Code, Sections 68000 et seq., 68130.5, 68074-68075.7, and 68086;  
4 Title 5, Sections 54000 et seq.  
5 38 U.S. Code Section 3679

6 **Residence Classification**

7 Residency classifications shall be made for each student at the time applications for  
8 admission are accepted and whenever a student has not been in attendance for more  
9 than one semester. A student previously classified as a nonresident may be reclassified  
10 as of any residence determination date. Residence classifications are to be made in  
11 accordance with the following provisions:

- 12 • A residence determination date is that day immediately preceding the opening day  
13 of instruction for the semester or summer during which the student proposes to  
14 attend.
- 15 • Residence classification is the responsibility of the Dean of Admissions, Records  
16 and Services.

17 Students will be notified of residence determination within 14 calendar days of submission  
18 of application.

19 A student seeking to enroll exclusively in career development and college preparation  
20 courses, and other courses for which no credit is given, shall not be subject to this  
21 residency classification requirement.

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

25 **Rules Determining Residence**

- 26 • A student who has resided in the state for more than one year immediately  
27 preceding the residence determination date is a resident.
- 28 • A student who has not resided in the state for more than one year immediately  
29 preceding the residence determination date is a nonresident.

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

- 34 • Every person who is married or eighteen years of age, or older, and under no legal  
35 prohibition to do so, may establish residence.
- 36 • A person may have only one residence.
- 37 • A residence is the place where one remains when not called elsewhere for labor  
38 or other special or temporary purpose and to which one returns in seasons of  
39 repose.
- 40 • A residence cannot be lost until another is gained.
- 41 • The residence can be changed only by the union of act and intent.
- 42 • A man or a woman may establish his or her residence. A woman's residence shall  
43 not be derivative from that of her husband.
- 44 • The residence of the parent with whom an unmarried minor child maintains his/her  
45 place of abode is the residence of the unmarried minor child. When the minor lives  
46 with neither parent, the minor's residence is that of the parent with whom the last  
47 place of abode was maintained, provided the minor may establish his/her  
48 residence when both parents are deceased and a legal guardian has not been  
49 appointed.
- 50 • The residence of an unmarried minor who has a living parent cannot be changed  
51 by the minor's own act, by the appointment of a legal guardian, or by  
52 relinquishment of a parent's right of control.

### 53 **Determination of Resident Status**

54 A resident is a student who has been a bona fide resident of the state for more than one  
55 year immediately preceding the residence determination date. A bona fide resident is a  
56 person whose residence is in California as determined above except:

- 57 • A student who is a minor and remains in this state after the parent, who was  
58 previously domiciled in California and has established residence elsewhere, shall  
59 be entitled to retain resident classification until attaining the age of majority and  
60 has resided in the state the minimum time necessary to become a resident, so long  
61 as continuous attendance is maintained at an institution.
- 62 • A student who is a minor and who provides evidence of being entirely self-  
63 supporting and actually present in California for more than one year immediately  
64 preceding the residence determination date with the intention of acquiring a  
65 residence therein, shall be entitled to resident classification until he/she has  
66 resided in the state the minimum time necessary to become a resident.
- 67 • A student who has not been an adult for more than one year immediately preceding  
68 the residence determination date for the semester for which the student proposes  
69 to attend an institution shall have the immediate premajority-derived California  
70 residence, if any, added to the post-majority residence toward obtaining the one  
71 year of California residence.
- 72 • A student holding a valid credential authorizing service in the public schools of this  
73 state, who is employed by a school district in a full-time position requiring  
74 certification qualifications for the college year in which the student enrolls in an  
75 institution, shall be entitled to resident classification if such student meets any of  
76 the following requirements:
  - 77 ○ He/she holds a provisional credential and is enrolled in courses necessary to  
78 obtain another type of credential authorizing service in the public schools.

- 79           ○ He/she holds a credential issued pursuant to Education Code Section 44250  
80           and is enrolled in courses necessary to fulfill credential requirements.  
81           ○ He/she is enrolled in courses necessary to fulfill the requirements for a fifth year  
82           of education prescribed by subdivision (b) of Education Code Section 44259.  
83           ○ A student holding a valid emergency permit authorizing service in the public  
84           schools of this state, who is employed by a school district in a full-time position  
85           requiring certification qualifications for the academic year in which the student  
86           enrolls at an institution in courses necessary to fulfill teacher credential  
87           requirements, is entitled to resident classification only for the purpose of  
88           determining the amount of tuition and fees for no more than one year.  
89           Thereafter, the student's residency status will be determined under the other  
90           provisions of this procedure.
- 91           ● A student who is a full-time employee of the California State University, the  
92           University of California or a California community college, or of any state agency  
93           or a student who is a child or spouse of a full-time employee of the California State  
94           University, the University of California or a California community college, or of any  
95           state agency may be entitled to resident classification, until the student has resided  
96           in the state the minimum time necessary to become a resident.
  - 97           ● A student who is a natural or adopted child, stepchild, or spouse who is a  
98           dependent of a member of the armed forces of the United States stationed in this  
99           state on active duty and is in attendance at, or has been admitted to the District  
100           shall be entitled to resident classification. If the member of the armed forces of the  
101           United States later transfers on military orders to a place outside this state, or  
102           retires as an active member of the armed forces of the United States, the student  
103           dependent shall not lose his/her resident classification so long as he or she  
104           remains continuously enrolled in the District.
  - 105           ● A student who is a member of the armed forces of the United States stationed in  
106           this state, except a member of the Armed Forces assigned for educational  
107           purposes to a state-supported institution of higher education, is entitled to resident  
108           classification only for the purpose of determining the amount of tuition and fees. If  
109           the student later transfers on military orders to a place outside this state, the  
110           student shall not lose his or her resident classification, so long as he or she remains  
111           continuously enrolled in the District.
  - 112           ● A student who was a member of the armed forces of the United States stationed  
113           in this state on active duty for more than one year immediately prior to being  
114           discharged from the armed forces is entitled to resident classification for the length  
115           of time he/she lives in this state after being discharged up to the minimum time  
116           necessary to become a resident.
  - 117           ● A veteran who was discharged or released from at least 90 days of active service  
118           less than three years before the date of enrollment in a course commencing on or  
119           after July 1, 2015, and his/her dependents, regardless of the veteran's state of  
120           residence is entitled to resident classification.
  - 121           ● An individual who is the child or spouse of a person who, on or after September  
122           11, 2001, died in the line of duty while serving on active duty as a member of the  
123           Armed Forces who resides in California.

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- 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 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 covered by the federal Veterans Access, Choice, and Accountability Act (Section 702 of the VACA Act [38 U.S.C. 3679(c)] as stated in parts 1-4 of this bulleted item shall be fully exempt from non-resident fees, including nonresident tuition and the capital outlay fee charged of nonresident students.
  1. A Veteran who lives in California (regardless of his/her formal state of residence) and enrolls in Cerritos College within three years of discharge from a period of active duty service of 90 days or more.
  2. A spouse or child entitled to transferred education benefits who lives in California (regardless of his/her formal state of residence) and enrolls in Cerritos College within three years of the transferor's discharge from a period of active duty service of 90 days or more.
  3. 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 Cerritos College within three years of the Servicemember's death in the line of duty following a period of active duty service of 90 days or more.
  4. After expiration of the three year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain "covered individual" status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at the institution, even if they enroll in multiple programs and shall continue to be exempt from paying nonresident tuition and other fees, as provided by California EC §68075.5(c) requiring that the District grant a full exemption from the nonresident fee for all students verified to be "covered individuals" per the criteria above within this bulleted item **and** that qualify to use Montgomery GI Bill-Active Duty or Post 9/11 GI Bill education benefits (Chapters 30 and 33, respectively, of Title 38, U.S. Code while living in California. Eligibility determination is subject to the "Certificate of Eligibility" (COE) of the veteran or eligible dependent (who is made eligible through the Transfer of Entitlement [TOE] to basic educational assistance under Chapters 30 and 33 of Title 38, U.S.C.). The DD214, Certificate of Release or Discharge from Active Duty, of the qualifying individual may also be of assistance in confirming "covered individual" status as it shows the effective date of the veteran's discharge from active service.

- 170 • A student who is a Native American is entitled to resident classification for  
171 attendance at a community college if the student is also attending a school  
172 administered by the Bureau of Indian Affairs located within the community college  
173 district.
- 174 • A student who is a federal civil service employee and his or her natural or adopted  
175 dependent children are entitled to resident classification if the parent has moved  
176 to this state as a result of a military mission realignment action that involves the  
177 relocation of at least 100 employees. This classification shall continue until the  
178 student is entitled to be classified as a resident, so long as the student continuously  
179 attends an institution of public higher education.
- 180 • A student who resides in California and is 19 years of age or under at the time of  
181 enrollment, who is currently a dependent or ward of the state through California's  
182 child welfare system, or was served by California's child welfare system and is no  
183 longer being served either due to emancipation or aging out of the system, may be  
184 entitled to resident classification until he/she has resided in the state the minimum  
185 time necessary to become a resident.
- 186 • A student who lives with a parent who earns a livelihood primarily by performing  
187 agricultural labor for hire in California and other states, and the parent has  
188 performed such labor in this state for at least two months per year in each of the  
189 two preceding years, and the parent resides in this District and the parent of the  
190 student has claimed the student as a dependent on his state or federal personal  
191 income tax return if he/she has sufficient income to have personal income tax  
192 liability shall be entitled to resident classification.
- 193 • A student who demonstrates financial need, has a parent who has been deported  
194 or was permitted to depart voluntarily, moved abroad as a result of that deportation  
195 or voluntary departure, lived in California immediately before moving abroad,  
196 attended a public or private secondary school in the state for three or more years,  
197 and upon enrollment, will be in his/her first academic year as a matriculated  
198 student in California public higher education, will be living in California, and will file  
199 an affidavit with the District stating that he/she intends to establish residency in  
200 California as soon as possible.
- 201 • A student who has a special immigrant visa that has been granted status under  
202 Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee  
203 admitted to the United States under Section 1157 of Title 8 of the United States  
204 Code, and who, upon entering the United States, settled in California, shall be  
205 exempt from paying the nonresident tuition fee required by Section 76140 for the  
206 length of time he/she lives in this state up to the minimum time necessary to  
207 become a resident.

## 208 **Right to Appeal**

209 Students who have been classified as nonresidents have the right to a review of their  
210 classification. Any student, following a final decision of residence classification by the  
211 Dean of Admissions, Records and Services, may make written appeal to the Vice  
212 President of Student Services within 30 calendar days of notification of the final decision  
213 by the District regarding classification.

214 **Appeal Procedure**

215 An appeal should be submitted to the Dean of Admissions, Records and Services who  
216 must forward it to the Vice President of Student Services within five working days of  
217 receipt. Copies of the original application for admission, the residency questionnaire, and  
218 evidence or documentation provided by the student, with a cover statement indicating  
219 upon what basis the residence classification decision was made, must be forwarded with  
220 the appeal.

221 The Vice President of Student Services shall review all the records and have the right to  
222 request additional information from either the student or the Admissions Office.

223 Within 30 calendar days of receipt, the Vice President of Student Services shall send a  
224 written determination to the student. The determination shall state specific facts on which  
225 the appeal decision was made.

226 **Reclassification**

227 A student previously classified as a nonresident may be reclassified as of any residence  
228 determination date. A residence determination date is that day immediately preceding  
229 the opening day of instruction for the semester or summer during which the student  
230 proposes to attend.

231 Residency Questionnaires must be completed for reclassification. Residency  
232 Questionnaires must be submitted to the Admissions, Records and Services Office prior  
233 to the semester for which reclassification is to be effective. Extenuating circumstances  
234 may be considered in cases where a student failed to complete the Residency  
235 Questionnaire for reclassification prior to the residency determination date. In no case,  
236 however, may a student receive a nonresident tuition refund after the second week of the  
237 semester or after 10% of a session, whichever is less. Written documentation may be  
238 required of the student in support of the reclassification request.

239 A questionnaire to determine financial independence must be submitted with the petition  
240 for reclassification. Determination of financial independence is not required for students  
241 who were classified as nonresidents by the University of California, the California State  
242 University, or another community college district.

243 An applicant shall be considered financially independent for purposes of residence  
244 reclassification if he or she meets all of the following requirements:

- 245 • Has not and will not be claimed as an exemption for state and federal tax purposes  
246 by his or her parent in the calendar year prior to the year the reclassification  
247 application is made;
- 248 • Has not lived and will not live for more than six weeks in the home of his or her  
249 parent during the calendar year the reclassification application is made.

250 A student who has established financial independence may be reclassified as a resident  
251 if the student has met the requirements of Title 5, Sections 54020, 54022, and 54024.

252 Failure to satisfy all of the financial independence criteria listed above does not  
253 necessarily result in denial of residence status if the one year requirement is met and  
254 demonstration of intent is sufficiently strong.

255 Financial dependence in the current or preceding calendar year shall weigh more heavily  
256 against finding California residence than financial dependence in the preceding second  
257 and third calendar years. Financial dependence in the current or preceding calendar year  
258 shall be overcome only if (1) the parent on whom the student is dependent is a California  
259 resident or (2) there is no evidence of the student's continuing residence in another state.

260 The Dean of Admissions, Records and Services will make a determination, based on the  
261 evidence and issue notice to the student not later than 14 days of receipt of the petition  
262 for reclassification.

263 Applicants/students have the right to appeal according to the procedures above.

#### 264 **Non-Citizens**

265 The District will admit any non-citizen who is 18 years of age or a high school graduate.  
266 If non-citizens are present in the United States illegally or with any type of temporary visa,  
267 they will be classified as nonresidents and charged nonresident tuition unless they meet  
268 the exceptions contained below.

269 If, for at least one year and one day prior to the start of the semester in question, a non-  
270 citizen has possessed any immigration status that allows him or her to live permanently  
271 in the United States and she or he meets the California residency requirements, the  
272 applicant/student can be classified as a resident.

273 Any students who are U.S. citizens, permanent residents of the U.S., or aliens who are  
274 not nonimmigrants (including those who are undocumented), may be exempt from paying  
275 nonresident tuition if they meet one of the following requirements:

- 276 • Total attendance of, or attainment of credits earned while in California equivalent  
277 to three or more years of full-time attendance or attainment of credits at any of the  
278 following: (a) California high schools; (b) California high schools established by  
279 the State Board of Education; (c) California adult schools established by either a  
280 county office of education, unified or high school district, or The Department of  
281 Corrections and Rehabilitation; (d) campuses of the California community  
282 colleges; or (e) a combination thereof; or
- 283 • Three or more years of full-time high school coursework in California, and a total  
284 of three or more years of attendance in California elementary schools, or a  
285 combination of California elementary and secondary schools.

286 Additionally, the following requirements must be met:

- 287 • graduation from a California high school or attainment of the equivalent thereof; or  
288 completed an associate degree from a California Community College; or  
289 completed the minimum requirements at a California Community College, or fulfill  
290 the minimum transfer requirements established for the University of California or

291 the California State University for students transferring from a campus of the  
292 California Community Colleges;  
293 • registration or enrollment in a course offered by the District for any term  
294 commencing on or after January 1, 2002;  
295 • completion of a questionnaire form prescribed by the Chancellor and furnished by  
296 the District of enrollment, verifying eligibility for this nonresident tuition exemption;  
297 and  
298 • in the case of a student without lawful immigration status, the filing of an affidavit  
299 that the student has filed an application to legalize his or her immigration status,  
300 or will file an application as soon as he or she is eligible to do so.

301 Documents and information obtained in implementing this exemption are confidential.

302 The initial residency classification will be made at the time the student applies for  
303 admission. Students may file residency questionnaires through the third week of the  
304 semester to request a review of their residency status. Final residency determination for  
305 non-citizens is made by the Admissions, Records and Services Office.

306 Refer also to AP 5020 titled Nonresident Tuition and AP 5030 titled Fees

307 Office of Primary Responsibility: Vice President, Student Services

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