



Book	VCCCD Administrative Procedure Manual
Section	Chapter 5 Student Services
Title	AP 5015 Residence Determination
Code	AP 5015
Status	Active
Legal	<a href="#">Title 5, Section 54000 et seq.</a> <a href="#">California Education Code, Sections 68000 et seq.</a> <a href="#">California Education Code, Section 68130.5</a> <a href="#">California Education Code, Section 76001</a> <a href="#">California Education Code, Sections 76140-76141</a>
Adopted	April 18, 2006
Last Revised	April 13, 2021
Last Reviewed	June 16, 2020

#### Residence Classification

Residency classification is the responsibility of the Admissions & Records Office and shall be determined for each student at the time of application for admission pursuant to California Education Code and Title 5 Administrative Code. The residency determination is that day immediately preceding the opening day of instruction for any session, as set by the district governing board, during which the student proposes to attend a college. Enrollments in late starting classes within a term are subject to this uniform residence determination date (each term only has one residence determination date).

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

#### Rules Determining 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/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 pursuant to Education Code sections 68017 and 68062 and Title 5 section 54020.

A student who has resided in the state for more than one year immediately preceding the residency determination date is a resident. The one-year residence period, which a student must meet to be classified as a resident, does not begin to run until the student is both present in California and has manifested clear intent to become a California resident.

A student who has not resided in the state for more than one year immediately preceding the residency determination date is a nonresident.

The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence.

If a student, or the parent of a minor student, relinquish California residence after moving from the state, one full year of physical presence, coupled with one full year of demonstrated intent to be a California resident, is required to reestablish residence for tuition purposes, except as provided by Education Code section 68070 [Student who remains in state after parent moves elsewhere].

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by Ventura County Community College District (VCCCD) shall be determined in accordance with the Education Code which states that every person has, in law, a residency.

Intent to make California the home, for other than a temporary purpose, may be manifest in many ways. No one factor is controlling.

- Every person who is married or 18 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 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.

- The residence of the parent with whom the 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.

#### Residency Determination for Military Personnel and Dependents

Consult [BP 5013](#) and [AP 5013](#) "Students in the Military" for information regarding residency determination as applied to active-duty military personnel and their dependents.

#### Reclassification

A student previously classified as a nonresident may be reclassified as of any residence determination date upon submission of a Request for Residency Reclassification and adequate documentation to support that California residency has been established.

Requests for Residency Reclassification are to be submitted to the Admissions and Records Office. Documentation will be required of the student in support of the reclassification request.

A questionnaire to determine financial independence is included in the request for reclassification. The determination that a student is not financially independent will weigh against a request for reclassification.

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 and in any of the three calendar years prior to the reclassification application.
- 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
- 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 and in any of the three calendar years prior to the reclassification application.
- Relevant documentation to support a finding of financial independence may include tax returns from the student to verify the student's income and from parents to verify the student was not included as a dependent, W-2's, apartment rental contracts for leases, and copies of other necessary financial documentation (bank statements, loans, trusts, etc.) to verify the sources of the student's income/savings.

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.

A student who has established financial independence may be reclassified as a resident, if the student has met the requirements of section 54020 (union of act and intent), for one year prior to the residence determination date.

In determining whether the student has objectively manifested intent to establish California residence, financial independence shall weigh in favor of finding California residence and financial dependence shall weigh against finding California residence.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence, than shall financial dependence in earlier 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 title 5 section 54032(d) a district to disregard a finding of financial dependence where there is not intent to establish (or maintain) residence in another state. The ultimate question is whether the student has demonstrated intent to become a California resident. Since financial status is only one factor to be considered and districts may still wish to require some further affirmative showing of objective intent to become a California resident.

#### Non-Citizens

The District may admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States without lawful immigration status or with any type of temporary visa, they will be classified as nonresidents and charged nonresident 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 one of the following requirements:

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

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- 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 of the California Community Colleges 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/she is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

#### Exemptions from Nonresident Tuition

Nonresident students who are U.S. citizens and who reside in a foreign country will be admitted and classified as nonresidents but exempted from payment of nonresident tuition provided they meet all of the following requirements:

- Demonstrate a financial need for the exemption;
- Has a parent or guardian who has been deported or was permitted to depart voluntarily under the Federal Immigration and Nationality Act;
- Moved abroad as a result of the deportation or voluntary departure;
- Lived in California immediately before moving abroad;
- Attended a public or private secondary school in California for three or more years;
- Upon enrollment, will be in his or 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 community college stating that her or she intends to establish residency in California as soon as possible;
- Documentation shall be provided by the student as required by the statute as specified in California Education Code [Section 76140\(a\)\(5\)](#).
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office at the student's primary campus.

Special part-time admission students who are determined to be nonresidents may be admitted and classified as nonresidents but exempt from paying nonresident tuition per California Education Code, [Section 76141](#). The following conditions apply:

- The term "special admission student" refers to concurrently enrolled K-12 students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11 or fewer units per semester, in accordance with Education Code, [Section 76001](#). (Except that parental permission may not be required for special admission students who are 18 years of age or older.)
- The exemption does not apply to full-time special admissions students.
- This exemption does not apply to categories of students who would be precluded from qualifying for AB 540 nonresident tuition exemption; i.e., a) students who reside outside of California and enroll via Distance Education and b) students on most nonimmigrant visas.
- T and U nonimmigrant visas are eligible for this exemption.
- Students receiving this exemption do not receive resident status for the purpose of tuition or financial aid. Rather they are exempt from nonresident tuition under this law. Application for this exemption is initiated at the Admissions and Records Office on the student's primary campus.

The attendance of nonresident students shall not be claimed for apportionment funding except as allowed by law under the California Education Code and Title 5 Administrative Code.

#### 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 Admissions & Records Office may make written appeal to the Dean of Student Services/Student Learning or designee within 30 calendar days of notification of final decision by the college regarding classification.

#### Appeal Procedure

The appeal is to be submitted to the appropriate dean. The appeal must include a cover letter indicating the student's rationale, and the documented, verifiable evidence as to why his or her residency classification is incorrect.

The appropriate dean shall review all applicable records including the application for admission (may be a copy of the student's online admission application), the residency reclassification request form and supporting documentation, and may request additional information from either the student or the Admissions & Records Office.

Within 30 calendar days of receipt, the appropriate dean shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reference [Board Policy 5015 Residence Determination](#).

#### Governance Review

2021 04.13 Board of Trustees Meeting

2021 03.15 Chancellor's Cabinet

2021 03.11 DTRW-SS

2020 06.16 Board of Trustees Meeting  
2020 05.12 Board of Trustees Meeting (proposed)  
2020 04.23 Policy, Planning and Student Success Committee  
2020 03.19 Policy, Planning, and Student Success Committee (rescheduled)  
2020 02.24 Chancellor's Cabinet  
2020 02.13 DTRW-SS  
2020 01.09 DTRW-SS  
2019 12.12 DTRW-SS  
2019 11.14 DTRW-SS