Cerritos Community College District Procedure  
No. 5015

Student Services

AP 5015  RESIDENCE DETERMINATION

References:
1. Education Code, Sections 68000 et seq., 68075.5(c) and 68130.5
2. Title 5, Sections 54000 et seq.
3. VACA Act [38 U.S.C. 3679(c)], Section 702

Residence Classification
Residency classifications 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. A student previously classified as a nonresident may be reclassified as of any residence determination date. Residence classifications are to be made in accordance with the following provisions:
1. A residence determination date is that day immediately preceding the opening day of instruction for the semester or summer during which the student proposes to attend.
2. Residence classification is the responsibility of the Dean of Admissions, Records and Services.
3. Students will be notified of residence determination within 14 calendar days of submission of application.

Rules Determining Residence
1. A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
2. 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 the 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:
1. Every person who is married or eighteen years of age, or older, and under no legal prohibition to do so, may establish residence.
2. A person may have only one residence.
3. 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.
4. A residence cannot be lost until another is gained.
5. 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. 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 living parent 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 more than one year immediately preceding 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 to 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 more than one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate prematurity-derived California residence, if any, added to the post-majority residence toward obtaining 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 such student meets any of the following requirements:
  o He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  o He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  o 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.
  o 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 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 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 or 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 or her resident classification, so long as he
  or 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 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.

- 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 or 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 nonresidents have the right to a review of their
classification. Any student, following a final decision of residence classification by the
Dean of Admissions, Records and Services, may make written appeal to the Vice
President of Student Services within 30 calendar days of notification of the final decision
by the District regarding classification.

Appeal Procedure
An appeal should be submitted to the Dean of Admissions, Records and Services who
must forward it to the Vice President of Student Services 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 Vice President of Student Services 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 Vice President of Student Services 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 nonresident may be reclassified as of any residence
determination date. A residence determination date is that day immediately preceding
the opening day of instruction for the semester or summer during which the student
proposes to attend.

Residency Questionnaires must be completed for reclassification. Residency
Questionnaires must be submitted to the Admissions, Records and Services Office prior
to the semester for which reclassification is to be effective. Extenuating circumstances
may be considered in cases where a student failed to complete the Residency
Questionnaire for reclassification prior to the residency determination date. In no case,
however, may a student receive a nonresident tuition refund after the second week of the
semester or after 10% of a session, whichever is less. 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 nonresidents by the University of California, the California State
University, or another community college district.
An applicant shall be considered financially independent for purposes of reclassification if he or she meets all of the following requirements:

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

Applicants/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 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 or her to live permanently in the United States and she or he meets the California residency requirements, the applicant/student can be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., or 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 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 or 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 questionnaires through the third week of the
semester to request a review of their residency status. Final residency determination for
non-citizens is made by the Admissions, Records and Services Office.

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

Office of Primary Responsibility: Vice President, Student Services

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