

AP 5015 Residence Determination

Reference:

Education Code Section 68000 et seq., 68074, 68075, 68075.5; Title 5, Section 55758, 54041, 54042, 54050, 58620, Title 5, Sections 54000 et seq.

Residence Classification. Residency classifications shall be determined in accordance with Chapter 2 of the *California Community Colleges Student Attendance Accounting Manual: Residency Regulations and Requirements*. Determinations will 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 two semesters. 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.
- Residence classification is the responsibility of the Admissions and Records Office.
- Students must be notified of residence determination within 14 calendar days of submission of application.

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 and Records Office, may make a written appeal of that decision to be submitted to the Admissions and Records Office. If necessary, the appeal may be referred to the Admissions, Registration and Petitions Committee.

Reclassification. A student previously classified as a non-resident may be reclassified as of any residence determination date. Petitions are to be submitted to the Admissions and Records Office.

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

Military Personnel and Dependents. A student who is a member of the armed forces of the United States stationed in California 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.

An undergraduate 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.

A student who was a member of the armed forces of the United States stationed in California 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 or she lives in California after being discharged up to the minimum time necessary to become a resident.

A parent 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 claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. Proof of dependency on the military person for an exemption on federal taxes also must be provided for the natural or adopted child, stepchild or spouse. (*Title 5, Sections 54041; 54042*)