

ADMINISTRATIVE REGULATION 5015

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES

RESIDENCE DETERMINATION

I. RESIDENCE CLASSIFICATION

Students will be classified as either residents or non-residents. The initial residence classification will be made at the time the student applies for admission. Initial residence classification is uniquely based on each applicant's self-declared information provided in their admission application. Students classified as nonresidents may file a residence reclassification questionnaire through the second week of the semester to request a review of their residence status. Final residence determination is made by the Dean of Enrollment Services.

The Residence Determination Date is the day immediately preceding the opening day of instruction for any term. Residence classification is the responsibility of the Office of Admissions and Records. Residence classifications shall be determined at the point of admission and at the time of each initial registration each term. New or returning students must be notified of their residence classification within 14 calendar days of the submission of their admission application. A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

To determine resident status, the student bears the burden of proof to clearly demonstrate both physical presence in California coupled with intent to make California their permanent home for one year prior to the Residence Determination Date.

II. RIGHT TO APPEAL

Students who have been classified as non-residents have the right to a review of their classification. The review must be requested no later than the end of the second week of the semester or by the add deadline for the course in which they seek to enroll, whichever is latest. Once a final decision of residence classification is made by the Office of Admissions and Records, a student may file a written appeal to the Dean of Enrollment Services within 30 days.

III. APPEAL PROCEDURE

- A. When an appeal is submitted to the Office of Admissions and Records, an appeal file must be prepared and forwarded to the Dean of Enrollment Services or designee within five working days of receipt. The appeal file should include copies of the original application for admission, the residency questionnaire, evidence or documentation provided by the student, and a cover statement indicating the basis for the residence classification decision.

- B. The Dean of Enrollment Services shall review all records and have the right to request additional information from either the student or the Office of Admissions and Records. Within 30 calendar days of receipt, the Dean shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

IV. RECLASSIFICATION

A student classified as a non-resident in a previous semester may request reclassification for any subsequent Residency Determination Date. Residence Reclassification Requests are to be submitted to the Office of Admissions and Records. Requests must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where the student failed to petition for reclassification prior to the Residence Determination Date. For a student reclassified to resident status, nonresident tuition and capital outlay charges will be reversed/credited.

The student must submit:

- A. Residence reclassification questionnaire
- B. Documents demonstrating physical presence for one year prior to the Residence Determination Date coupled with intent to make California the student's permanent home.
- C. The residence reclassification questionnaire will include questions to determine financial independence. A student shall be considered financially independent for purposes of residence reclassification if they meet all the following requirements.
1. Student has not and will not be claimed as an exemption for federal and state income tax purposes by their parent in the calendar year prior to the year of the reclassification application and in any of the three calendar years prior to the reclassification application.
 2. Student has not and will not live for more than six weeks in the home of their parent during the calendar year in which the reclassification application is made and any of the three calendar years prior to the reclassification application.
 3. Student has not and will not receive more than \$750 in financial support in any of the three calendar years prior to the reclassification application.

The strength of the one-year requirement and demonstration of intent will determine how much financial independence criteria will factor into a reclassification decision.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than 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 Office of Admissions and Records will make a determination based on the evidence and notify the student no later than 14 days after receipt of the reclassification request and supporting documentation.

V. NON-CITIZENS

The district will admit any non-citizen who is 18 years of age or possesses a high school diploma or equivalent. If non-citizen students are present in the United States without lawful status or are present with any type of temporary visa, they will be classified as nonresidents and charged nonresident tuition.

If, for at least one year and one day prior to the start of the semester, a non-citizen student who has possessed any immigration status that allows them to live permanently in the United States and meets the California residence requirements will be classified as a resident for tuition purposes.

VI. EXEMPTIONS

California Education Code grants specific groups who meet specific criteria to be exempt from paying nonresident tuition. Colleges shall grant these exemptions in accordance with the Education Code and California Code of Regulations.

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References:

38 U.S. Code Section 3679

Education Code Sections 68000 et seq, 68074-68075.7, 68086, and 68130.5

California Code of Regulations Title 5, Sections 54000 et seq.;

Student Attendance Accounting Manual