



San Bernardino Community College District
Administrative Procedure
Chapter 5 – Student Services

AP 5015 RESIDENCE DETERMINATION

(Replaces current SBCCD AP 5015)

NOTE: This procedure is legally required. Districts may insert their local practices here. The following is provided as an illustrative example.

Residence Classification

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. 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 [designate, such as Admissions Office], Director of Admissions and Records or designee.

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

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

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Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
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 this 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:

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- Every person who is married or eighteen 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 or 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.
- ~~A man or a woman individual may establish his/her residence. A woman's residence shall not be derivative from that of her husband. A man or woman may establish his/her residence. A person's residence shall not be derived from that of his or her spouse.~~
- 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 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.

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**Determination of Resident Status**

A resident is a student who has been a bona fide resident of the state for one year prior to 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 resident classification until he/she has resided in the state the minimum time necessary to become a resident.

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- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain 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 each student meets any of the following requirements:
  - He/she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
  
  - He/she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
  
  - 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.
  
  - 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 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 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

136 United States, the student dependent shall not lose his/her resident classification,  
137 so long as he/she remains continuously enrolled in the District.

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139 • A student who is a member of the armed forces of the United States stationed in  
140 this state on active duty, except a member of the Armed Forces assigned for  
141 educational purposes to a state-supported institution of higher education, is  
142 entitled to resident classification only for the purpose of determining the amount  
143 of tuition and fees. If the student later transfers on military orders to a place  
144 outside this state, the student shall not lose his/her resident classification, so long  
145 as he/she remains continuously enrolled in the District.

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147 • A veteran who was discharged or released from at least 90 days of active service  
148 less than three years before the date of enrollment in a course commencing on  
149 or after July 1, 2015, and his/her dependents, regardless of the veteran's state of  
150 residence is entitled to resident classification.

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152 • An individual who is the child or spouse of a person who, on or after September  
153 11, 2001, died in the line of duty while serving on active duty as a member of the  
154 Armed Forces who resides in California and enrolls in the community college  
155 within three years of the Service Member's death in the line of duty following a  
156 period of active duty service of 90 days or more.

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158 • A student who is a minor and resides with his or her parent in a district or territory  
159 not in a district shall be entitled to resident classification, provided that the parent  
160 has been domiciled in California for more than one year prior to the residence  
161 determination date for the semester, quarter or term for which the student  
162 proposes to attend.

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164 • A student who is a Native American is entitled to resident classification for  
165 attendance at a community college if the student is also attending a school  
166 administered by the Bureau of Indian Affairs located within the community  
167 college district.

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169 • A student who is a federal civil service employee and his/her natural or adopted  
170 dependent children are entitled to resident classification if the parent has moved  
171 to this state as a result of a military mission realignment action that involves the  
172 relocation of at least 100 employees. This classification shall continue until the  
173 student is entitled to be classified as a resident, so long as the student  
174 continuously attends an institution of public higher education.

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176 • A student who resides in California and is 19 years of age or under at the time of  
177 enrollment, who is currently a dependent or ward of the state through California's  
178 child welfare system, or was served by California's child welfare system and is no  
179 longer being served either due to emancipation or aging out of the system, may

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182 be entitled to resident classification until he/she has resided in the state the  
183 minimum time necessary to become a resident.

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185 • A student who lives with a parent who earns a livelihood primarily by performing  
186 agricultural labor for hire in California and other states, and the parent has  
187 performed such labor in this state for at least two months per year in each of the  
188 two preceding years, and the parent resides in this District and the parent of the  
189 student has claimed the student as a dependent on his state or federal personal  
190 income tax return if he/she has sufficient income to have personal income tax  
191 liability shall be entitled to resident classification.

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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  
195 deportation or voluntary departure, lived in California immediately before moving  
196 abroad, attended a public or private secondary school in the state for three or  
197 more years, and upon enrollment, will be in his or her first academic year as a  
198 matriculated student in California public higher education, will be living in  
199 California, and will file an affidavit with the District stating that he or she intends  
200 to establish residency in California as soon as possible.

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### 202 **Right To Appeal**

203 Students who have been classified as non-residents have the right to a review of their  
204 classification (Title 5 Section 54010 (a)). Any student, following a final decision of  
205 residence classification by the ~~[designate, such as Admission Office]~~ Office of  
206 Admissions and Records, may make written appeal to the ~~[designate, such as Chief~~  
207 ~~Student Services Officer]~~ Director of Admissions and Records or Designee within 30  
208 calendar days of notification of final decision by the college regarding classification.

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### 210 **Appeal Procedure**

211 The appeal is to be submitted to ~~[designate, such as Admissions Office]~~ Office of  
212 Admissions and Records which must forward it to the ~~[designate, such as Chief~~  
213 ~~Student Services Officer]~~ Director of Admissions and Records or Designee within five  
214 working days of receipt. Copies of the original application for admission, the residency  
215 questionnaire, and evidence or documentation provided by the student, with a cover  
216 statement indicating upon what basis the residence classification decision was made,  
217 must be forwarded with the appeal.

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219 The ~~[designate]~~ Director of Admissions and Records or Designee shall review all the  
220 records and have the right to request additional information from either the student or  
221 the Admissions Office.

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223 Within 30 calendar days of receipt, the ~~designate~~ Director of Admissions and Records  
224 or Designee shall send a written determination to the student. The determination shall  
225 state specific facts on which the appeal decision was made.

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### 227 **Reclassification**

228 A student previously classified as a non-resident may be reclassified as of any  
229 residence determination date. A residence determination date is that day immediately  
230 preceding the opening day of instruction for any session during which the student  
231 proposes to attend.

233 Petitions are to be submitted to the Admissions Office.

235 Petitions must be submitted prior to the semester for which reclassification is to be  
236 effective. Extenuating circumstances may be considered in cases where a student  
237 failed to petition for reclassification prior to the residency determination date. In no  
238 case, however, may a student receive a non-resident tuition refund after the date of the  
239 first census.

241 Written documentation may be required of the student in support of the reclassification  
242 request.

244 A questionnaire to determine financial independence must be submitted with the petition  
245 for reclassification. Determination of financial independence is not required for students  
246 who were classified as non-residents by the University of California, the California State  
247 University, or another community college district (Education Code Section 68044).

249 A student shall be considered financially independent for purposes of residence  
250 reclassification if the applicant meets all of the following requirements:

- 251 • Has not and will not be claimed as an exemption for state and federal tax  
252 purposes by his/her parent in the calendar year prior to the year the  
253 reclassification application is made;
- 254 • Has not lived and will not live for more than six weeks in the home of his/her  
255 parent during the calendar year the reclassification application is made.

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

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

264 Financial dependence in the current or preceding calendar year shall weigh more  
265 heavily against finding California residence than financial dependence in the preceding  
266 second and third calendar years. Financial dependence in the current or preceding  
267 calendar year shall be overcome only if (1) the parent on whom the student is

268 dependent is a California resident, or (2) there is no evidence of the student's continuing  
269 residence in another state.

271 | The ~~designate~~ Director of Admissions and Records or Designee will make a  
272 determination, based on the evidence and notify the student not later than 14 days of  
273 receipt of the petition for reclassification.

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274 Students have the right to appeal according to the procedures above.

### 276 **Non-Citizens**

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

280 If non-citizens are present in the United States illegally or with any type of temporary  
281 visa, they will be classified as non-residents and charged non-resident tuition unless  
282 they meet the exceptions contained below.

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

288 Any students who are U.S. citizens, permanent residents of the U.S., and aliens who  
289 are not nonimmigrants (including those who are undocumented), may be exempt from  
290 paying nonresident tuition if they meet the following requirements:

- 292 • high school attendance in California for three or more years;
- 293 • graduation from a California high school or attainment of the equivalent thereof;
- 294 • registration or enrollment in a course offered by any college in the district for any  
295 term commencing on or after January 1, 2002,
- 296 • completion of a questionnaire form prescribed by the State Chancellor's Office  
297 and furnished by the district of enrollment, verifying eligibility for this nonresident  
298 tuition exemption; and
- 299 • in the case of a student without lawful immigration status, the filing of an affidavit  
300 that the student has filed an application to legalize his/her immigration status, or  
301 will file an application as soon as he/she is eligible to do so.

303 The initial residency classification will be made at the time the student applies for  
304 admission. Students may file residency questionnaire forms through the third week of  
305 the semester to request a review of their residency status. Final residency  
306 determination is made by the ~~designate~~ Director of Admissions and Records or  
307 Designee. Students may appeal the decision.

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### 310 ❖ **From current SBCCD AP 5015 titled Residence Determination**

312 ***NOTE: The current SBCCD AP 5015 is shown as struck as it is dated 1991.***

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- 314 A. ~~Each student, at the time the application for admission is filed, shall be classified~~  
315 ~~as a California resident or non-resident. In addition each time a student returns~~  
316 ~~to active status after an absence of one semester or more, the residency~~  
317 ~~classification shall be re-determined.~~  
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319 B. ~~The residence determination date is that day immediately preceding the first day~~  
320 ~~of instruction of the term as set by the Board. A student previously classified as~~  
321 ~~a nonresident may be reclassified as of any residence determination date.~~  
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323 C. ~~A student may be required to present evidence of physical presence in California,~~  
324 ~~intent to make California their home for other than a temporary purpose and, if~~  
325 ~~the student was classified as a non-resident in the preceding term, financial~~  
326 ~~independence.~~  
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328 D. ~~Applicants shall certify their answers on college admission documents under oath~~  
329 ~~of penalty for perjury. The burden of proof is on the applicant to demonstrate~~  
330 ~~clearly both physical presence in California and intent to establish California~~  
331 ~~residency. Students classified as non-residents will be required to pay~~  
332 ~~nonresident tuition fees as established by the Board in addition to other fees.~~  
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334 **References:**

335 [Education Code Sections 68000 et seq., 68130.5, and 68075.7;](#)  
336 [Title 5 Sections 54000 et seq.](#)  
337 [38 U.S. Code Section 3679](#)

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340 **NOTE:** The **red ink** signifies language that is **legally required** and recommended by the Policy and  
341 Procedure Service and its legal counsel (Liebert Cassidy Whitmore). The language in **black ink** is from  
342 the current SBCCD AP 5015 titled Residence Determination approved in August 1991. This procedure  
343 reflects updates/revisions from the Policy and Procedure Service in February 2002, February 2011, and  
344 March 2012. The language in **blue ink** is included for consideration.  
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**Approved: 8/91**  
**Revised:**

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COMMENTS

<u>BP or AP #</u>	<u>Representative group</u>	<u>COMMENT</u>	<u>RESPONSE</u>
<u>AP 5015</u>	<u>SBVC Admissions and Records</u>	<p><u>The current AP 5015 does not include the updated residency criteria.</u></p> <p><u>Start at line: 25</u></p> <p><u>Residency Definitions</u></p> <ul style="list-style-type: none"> <li><u>• Resident - A student who has resided in the State of California for more than one year immediately preceding the residence determination date.</u></li> <li><u>• Nonresident - A student who has not resided in the State of California for more than one year immediately preceding the residence determination date.</u></li> <li><u>• Residence Determination Date - The day immediately preceding the opening day of instruction for any session in which a student intends to enroll. Residence classifications are to be made in accordance with the following provisions:</u></li> </ul> <ul style="list-style-type: none"> <li><u>• A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.</u></li> <li><u>• Residence classification is the responsibility of the Admissions and Records Office.</u></li> <li><u>• Students must be notified of residence determination within 14 calendar days of submission of application.</u></li> </ul> <p><u>Residence Guidelines</u></p> <ol style="list-style-type: none"> <li><u>1. In accordance with law, every person has a residence.</u></li> <li><u>2. Every person who is married or 18 years of age or older, and under no legal disability to do so, may establish residence.</u> <ol style="list-style-type: none"> <li><u>a. A person may only have one residence.</u></li> <li><u>b. 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.</u></li> <li><u>c. A residence cannot be lost until another is gained.</u></li> </ol> </li> </ol>	

BP or AP #	Representative group	COMMENT	RESPONSE
		<p><u>d. The residence can be changed only by the union of act and intent.</u></p> <p><u>e. Adults may establish their own residence. An adult person's residence shall not be derivative from that of another adult.</u></p> <p><u>3. Minors</u></p> <p><u>a. The residence of the parent with whom an unmarried minor child maintains his 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.</u></p> <p><u>b. The residence of an unmarried minor who has a parent living cannot be changed by his own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.</u></p> <p><u>c. A student who remains in the 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.</u></p> <p><u>d. A student may combine his or her time as a resident minor with his or her time as a resident adult to establish the one year necessary for California residence classification.</u></p> <p><u>Right to Appeal</u>  <u>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</u></p>	

BP or AP #	Representative group	COMMENT	RESPONSE
		<p><u>the Admissions and Records Office may make written appeal to the Vice President of Student Services within 30 calendar days of notification of final decision regarding classification.</u></p> <p><u>Appeal Procedure</u>  <u>The appeal is to be submitted to the Admissions and Records Office which 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.</u></p> <p><u>Reclassification</u>  <u>A student previously classified as a non-resident may be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any term or session during which the student proposes to attend. Petitions are to be submitted to the Admissions and Records Office. Petitions must be submitted prior to the semester for which reclassification is to be effective.</u>  <u>Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.</u>  <u>Written documentation may be required of the student in support of the reclassification request. A questionnaire to determine financial independence</u></p>	

BP or AP #	Representative group	COMMENT	RESPONSE
		<p><u>must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college District. (Education Code Section 68044)</u></p> <p><u>A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:</u></p> <ul style="list-style-type: none"> <li><u>• 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;</u></li> <li><u>• 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.</u></li> </ul> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>The Director of Admissions and Records or his/her designee will make a</u></p>	

BP or AP #	Representative group	COMMENT	RESPONSE
		<p><u>determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.</u></p> <p><u>Students have the right to appeal according to the procedures above.</u></p> <p><u>Non-Citizens</u></p> <p><u>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 non-residents and charged non-resident tuition unless they meet the exceptions contained below.</u></p> <p><u>If, for at least one year and one day prior to the start of the semester in question, a noncitizen 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 student can be classified as a resident.</u></p> <p><u>Any students who are U.S. citizens, permanent residents of the U.S., persons who are not nonimmigrants (including those who are undocumented), and "T" and "U" nonimmigrant visa holders, may be exempt from paying nonresident tuition if they meet the following requirements:</u></p> <ul style="list-style-type: none"> <li><u>• high school attendance in California for three or more years;</u></li> <li><u>• graduation from a California high school or attainment of the equivalent thereof;</u></li> <li><u>• registration or enrollment in a course offered by any college in the district for any term commencing on or after January 1, 2002.</u></li> <li><u>• completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this nonresident tuition exemption; and</u></li> <li><u>• in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an</u></li> </ul>	

BP or AP #	Representative group	COMMENT	RESPONSE
		<p><u>application to legalize his/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 questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Admissions and Records Office. Students may appeal the decision.</u></p> <p><u>Refunds</u>  <u>Refunds will be made for the following reasons:</u>  <u>1. Mistaken Determination of Nonresident Status</u>  <u>If a student is mistakenly determined to be a nonresident and consequently the tuition is paid, such tuition is refundable in full by the Business Office of the College, provided acceptable proof of State residence is presented within the period for which the tuition was paid.</u></p>	
AP 5015	11/23/15 – Legal Update #27	<p><u>This procedure was updated to add Education Code Section 68075.7 and 38 U.S. Code Section 3679 to the legal references and to include a provision regarding children or spouses of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty, as individuals eligible for resident status.</u></p>	

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### Legal Citations for AP 5015

EDUCATION CODE SECTIONS 68000 et seq.

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68000.

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358 It is the intent of the Legislature that the public institutions of higher education  
359 shall apply uniform rules, as set forth in this chapter and not otherwise, in  
360 determining whether a student shall be classified as resident or a nonresident.  
361 *(Enacted by Stats. 1976, Ch. 1010.)*

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363 ARTICLE 2. Definitions [68011. - 68023.]  
364 *( Article 2 enacted by Stats. 1976, Ch. 1010. )*  
365

366 [68011.](#)

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368 "Institution" means the University of California, the California State University, or a  
369 college of the California Community Colleges.  
370 *(Amended by Stats. 1995, Ch. 758, Sec. 58. Effective January 1, 1996.)*

371 [68012.](#)

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373 (a) "District" means a community college district maintaining one or more  
374 community colleges.  
375 (b) "District governing board" means the governing board of a district maintaining  
376 one or more community colleges.  
377 (c) "Governing board" means the Regents of the University of California, the  
378 Trustees of the California State University, the Board of Governors of the California  
379 Maritime Academy, or the Board of Governors of the California Community  
380 Colleges.  
381 *(Amended by Stats. 1990, Ch. 1372, Sec. 227.)*

382 [68014.](#)

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384 "Parent" means the parent with whom the minor resides; or, if both parents are  
385 deceased, his or her legal guardian.  
386 *(Amended by Stats. 1977, Ch. 36.)*

387 [68015.](#)

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389 "Student" means a person enrolled in or applying for admission to an institution.  
390 *(Enacted by Stats. 1976, Ch. 1010.)*

391 [68016.](#)

392  
393 "Continuous attendance," as it refers to attendance at an institution, means a  
394 student claiming continuous attendance who has been enrolled full time, as  
395 determined by the governing board or district governing board, as appropriate, for  
396 a normal academic year at the institution since the beginning of the period for  
397 which continuous attendance is claimed. Nothing in this section shall require a  
398 student to attend summer sessions or other terms beyond the normal academic  
399 year in order to render his or her attendance "continuous."  
400 (*Amended by Stats. 1990, Ch. 1372, Sec. 229.*)

401 [68017.](#)

402  
403 A "resident" is a student who has residence, pursuant to Article 5 (commencing  
404 with Section 68060) of this chapter in the state for more than one year immediately  
405 preceding the residence determination date.  
406 (*Enacted by Stats. 1976, Ch. 1010.*)

407 [68018.](#)

408  
409 A "nonresident" is a student who does not have residence in the state for more than  
410 one year immediately preceding the residence determination date.  
411 (*Enacted by Stats. 1976, Ch. 1010.*)

412 [68022.](#)

413  
414 "Resident classification" means classification as a resident, pursuant to Section  
415 68017, at the University of California, the California State University, the California  
416 Maritime Academy, or a California community college.  
417 (*Amended by Stats. 1990, Ch. 1372, Sec. 233.*)

418 [68023.](#)

419  
420 "Residence determination date" is a date or day established by the governing  
421 boards or district governing boards, as appropriate, for each semester, quarter, or  
422 term to determine a student's residence.  
423 (*Amended by Stats. 1990, Ch. 1372, Sec. 234.*)

424

425 ARTICLE 3. Classification [68040. - 68044.]  
426 (*Article 3 enacted by Stats. 1976, Ch. 1010.*)



427

428 [68040.](#)

429

430 Each student shall be classified as a resident or nonresident at the University of  
431 California, the California State University, or the California Maritime Academy or at  
432 a California community college.

433 *(Amended by Stats. 1990, Ch. 1372, Sec. 235.)*

434 [68041.](#)

435

436 Each student enrolled or applying for admission to an institution shall provide the  
437 information and evidence of residence as deemed necessary by the governing board  
438 or district governing board, as appropriate, to determine his or her classification. An  
439 oath or affirmation may be required in connection with taking testimony necessary  
440 to ascertain a student's classification. The determination of a student's classification  
441 shall be made in accordance with this part and the residence determination date for  
442 the semester, quarter, or term for which the student proposes to attend an  
443 institution.

444 *(Amended by Stats. 1990, Ch. 1372, Sec. 236.)*

445 [68042.](#)

446

447 The governing board or district governing board may appoint persons to administer  
448 oaths or affirmations in connection with taking testimony necessary to ascertain a  
449 student's classification.

450 *(Enacted by Stats. 1976, Ch. 1010.)*

451 [68043.](#)

452

453 A student classified as a nonresident shall not obtain resident classification as a  
454 result of maintaining continuous attendance at an institution without meeting the  
455 other requirements of this part for obtaining such classification.

456 *(Enacted by Stats. 1976, Ch. 1010.)*

457 [68044.](#)

458

459 The governing boards shall adopt rules and regulations for determining a student's  
460 classification and for establishing procedures for review and appeal of that  
461 classification. The adopted rules and regulations shall include provisions requiring

462 that the financial independence of a student classified as a nonresident seeking  
463 reclassification as a resident shall be included among the factors to be considered in  
464 the determination of residency.

465 The adopted rules and regulations shall, beginning the 1983–84 school year,  
466 exempt nonresident students who have been appointed to serve as graduate  
467 student teaching assistants, graduate student research assistants, or graduate  
468 student teaching associates on any campus of the University of California or the  
469 California State University, and who have been employed on a 0.49 or more time  
470 basis, from the requirement of demonstrating his or her financial independence  
471 under this section for purposes of reclassification as a resident.

472 A student shall be considered financially independent for purposes of this section if  
473 the applicant meets all of the following requirements: (a) has not and will not be  
474 claimed as an exemption for state and federal tax purposes by his or her parent in  
475 the calendar year the reclassification application is made and in any of the three  
476 calendar years prior to the reclassification application, (b) has not and will not  
477 receive more than seven hundred fifty dollars (\$750) per year in financial  
478 assistance from his or her parent in the calendar year the reclassification  
479 application is made and in any of the three calendar years prior to the  
480 reclassification application, and (c) has not lived and will not live for more than six  
481 weeks in the home of his or her parent during the calendar year the reclassification  
482 application is made and in any of the three calendar years prior to the  
483 reclassification application.

484 Other factors which may be considered in determining California residency shall be  
485 defined by the governing boards. In addition, the adopted rules and regulations  
486 shall include, but are not limited to, the evidence necessary to determine residence,  
487 procedures for obtaining residence information and procedures for administering  
488 oaths in connection with taking of testimony relative to residence. A district  
489 governing board may adopt rules and regulations which are not inconsistent with  
490 those adopted by the Board of Governors of the California Community Colleges.  
491 *(Amended by Stats. 1982, Ch. 1070, Sec. 1.)*

492

493 ARTICLE 4. Nonresident Tuition [68050. - 68052.]

494 *( Article 4 enacted by Stats. 1976, Ch. 1010. )*

495

496 [68050.](#)

497

498 A student classified as a nonresident shall be required, except as otherwise  
499 provided in this part, to pay, in addition to other fees required by the institution,  
500 nonresident tuition.

501 *(Enacted by Stats. 1976, Ch. 1010.)*

502 [68051.](#)

503  
504 Unless otherwise provided by law, the governing board or district governing board  
505 shall adopt rules and regulations relating to the method of calculation of the  
506 amount of nonresident tuition, the method of payment, and the method and  
507 amount of refund.  
508 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.)*

509 [68052.](#)

510  
511 (a) It is the intent of the Legislature that California's public institutions of higher  
512 education shall establish nonresident student tuition policies that are consistent  
513 with their resident student fee policies. Nonresident student tuition shall be  
514 determined by each of the public postsecondary segments through the adoption of  
515 a methodology that annually establishes the nonresident student tuition rate. It is  
516 further the intent of the Legislature that, while the public institutions are to be  
517 provided flexibility in establishing their nonresident tuition, under no circumstances  
518 shall the level of nonresident tuition plus required fees fall below the marginal cost  
519 of instruction for that segment.  
520 (b) The following state policies regarding nonresident student tuition are hereby  
521 established:  
522 (1) Unless otherwise prescribed by statute, an admission fee and rate of tuition  
523 fixed by each public postsecondary governing board shall be required of each  
524 nonresident student. Each public postsecondary education governing body shall  
525 develop its own methodology for establishing the nonresident tuition level and its  
526 annual adjustment level of nonresident student tuition, unless otherwise prescribed  
527 by statute.  
528 (2) As California's public postsecondary education segments annually adjust the  
529 level of nonresident tuition they charge out-of-state students, the nonresident  
530 tuition methodologies they develop and use should take into consideration, at  
531 minimum, the following two factors:  
532 (A) For the University of California and the California State University, the total  
533 nonresident charges imposed by each of their public comparison institutions, as  
534 identified by the California Postsecondary Education Commission.  
535 (B) The full average cost of instruction of their segment.  
536 (3) It is the intent of the Legislature that under no circumstances shall an  
537 institution's level of nonresident tuition plus required student fees fall below the  
538 marginal cost of instruction for that segment.  
539 (4) The University of California, the California State University, the Hastings College  
540 of the Law, and the California Maritime Academy should endeavor to ensure that  
541 increases in the level of nonresident tuition are gradual, moderate, and predictable  
542 by providing nonresident students with a minimum of a 10-month notice of tuition  
543 increases.  
544 (c) No provision of this section shall be applicable to the California Community  
545 Colleges.  
546 (d) In the event that state revenues and expenditures are substantially imbalanced  
547 due to factors unforeseen by the Governor and the Legislature, including, but not

548 limited to, initiative measures, natural disasters, or sudden deviations from  
549 expected economic trends, the nonresident student tuition at the University of  
550 California, the California State University, the Hastings College of the Law, and the  
551 California Maritime Academy, shall not be subject to this section.  
552 *(Amended by Stats. 1993, Ch. 8, Sec. 14. Effective April 15, 1993.)*

553

554 ARTICLE 5. Determination of Student Residence [68060. - 68062.]  
555 *( Article 5 enacted by Stats. 1976, Ch. 1010. )*  
556

557 [68060.](#)

558

559 Every person has, in law, a residence.  
560 *(Enacted by Stats. 1976, Ch. 1010.)*

561 [68061.](#)

562

563 Every person who is married or 18 years of age, or older, and under no legal  
564 disability to do so, may establish residence.  
565 *(Enacted by Stats. 1976, Ch. 1010.)*

566 [68062.](#)

567

568 In determining the place of residence the following rules are to be observed:

569 (a) There can only be one residence.

570 (b) A residence is the place where one remains when not called elsewhere for labor  
571 or other special or temporary purpose, and to which he or she returns in seasons of  
572 repose.

573 (c) A residence cannot be lost until another is gained.

574 (d) The residence can be changed only by the union of act and intent.

575 (e) A man or woman may establish his or her residence. A woman's residence shall  
576 not be derivative from that of her husband.

577 (f) The residence of the parent with whom an unmarried minor child maintains his  
578 or her place of abode is the residence of the unmarried minor child. When the minor  
579 lives with neither parent his or her residence is that of the parent with whom he or  
580 she maintained his or her last place of abode, provided the minor may establish his  
581 or her residence when both parents are deceased and a legal guardian has not been  
582 appointed.

583 (g) The residence of an unmarried minor who has a parent living cannot be  
584 changed by his or her own act, by the appointment of a legal guardian, or by  
585 relinquishment of a parent's right of control.

586 (h) An alien, including an unmarried minor alien, may establish his or her  
587 residence, unless precluded by the Immigration and Nationality Act (8 U.S.C. 1101,  
588 et seq.) from establishing domicile in the United States.  
589 (i) The residence of an unmarried minor alien shall be derived from his or her  
590 parents pursuant to the provisions of subdivisions (f) and (g).  
591 *(Amended by Stats. 1983, Ch. 680, Sec. 1.)*

592

593 **ARTICLE 6. Exceptions to Residence Determination [68070. - 68085.]**  
594 *( Article 6 enacted by Stats. 1976, Ch. 1010. )*  
595

596 **68070.**

597

598 A student who remains in this state after his or her parent, who was theretofore  
599 domiciled in California for at least one year immediately prior to leaving and has,  
600 during the student's minority and within one year immediately prior to the  
601 residency determination date, established residence elsewhere, shall be entitled to  
602 resident classification until he or she has attained the age of majority and has  
603 resided in the state the minimum time necessary to become a resident, so long as,  
604 once enrolled, he or she maintains continuous attendance at an institution.  
605 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.2.)*

606 **68071.**

607

608 A student who has been entirely self-supporting and actually present in California  
609 for more than one year immediately preceding the residence determination date,  
610 with the intention of acquiring a residence therein, shall be entitled to resident  
611 classification until he or she has resided in the state the minimum time necessary  
612 to become a resident.  
613 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.4.)*

614 **68072.**

615

616 A student who has not been an adult for more than one year immediately preceding  
617 the residence determination date for the semester, quarter, or term for which he or  
618 she proposes to attend an institution shall have his or her immediate premajority  
619 derived California residence, if any, added to his or her postmajority residence to  
620 obtain the one year of California residence required by Section 68017.  
621 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.6.)*

622 [68073.](#)

623  
624 A student shall be entitled to resident classification if, immediately prior to enrolling  
625 at an institution, he or she has lived with and been under the continuous direct care  
626 and control of any adult or adults, other than a parent, for a period of not less than  
627 two years, provided that the adult or adults having control have been domiciled in  
628 California during the year immediately prior to the residence determination date.  
629 This exception shall continue until the student has attained the age of majority and  
630 has resided in the state the minimum time necessary to become a resident, so long  
631 as continuous attendance is maintained at an institution.  
632 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.8.)*

633 [68074.](#)

634  
635 (a) A student who is a natural or adopted child, stepchild, or spouse who is a  
636 dependent of a member of the Armed Forces of the United States stationed in this  
637 state on active duty is entitled to resident classification only for the purpose of  
638 determining the amount of tuition and fees.  
639 (b) If that member of the Armed Forces of the United States, whose dependent  
640 natural or adopted child, stepchild, or spouse is in attendance at an institution, (1)  
641 is thereafter transferred on military orders to a place outside this state where the  
642 member continues to serve in the Armed Forces of the United States, or (2) is  
643 thereafter retired as an active member of the Armed Forces of the United States,  
644 the student dependent shall not lose his or her resident classification so long as he  
645 or she remains continuously enrolled at that institution.  
646 *(Amended by Stats. 2011, Ch. 730, Sec. 1. Effective January 1, 2012.)*

647 [68075.](#)

648  
649 (a) A student who is a member of the Armed Forces of the United States stationed  
650 in this state on active duty, except a member of the Armed Forces assigned for  
651 educational purposes to a state-supported institution of higher education, is entitled  
652 to resident classification only for the purpose of determining the amount of tuition  
653 and fees.  
654 (b) If that member of the Armed Forces of the United States who is in attendance  
655 at an institution is thereafter transferred on military orders to a place outside this  
656 state where the member continues to serve in the Armed Forces of the United  
657 States, he or she shall not lose his or her resident classification so long as he or she  
658 remains continuously enrolled at that institution.  
659 *(Amended by Stats. 2011, Ch. 730, Sec. 2. Effective January 1, 2012.)*

660 [68075.5.](#)

661  
662 (a) Except as provided for in subdivisions (b) and (c), a student who was a member  
663 of the Armed Forces of the United States stationed in this state on active duty for  
664 more than one year immediately prior to being discharged shall be exempt from  
665 paying nonresident tuition for the length of time he or she lives in this state after  
666 being discharged up to the minimum time necessary to become a resident.  
667 (b) (1) Except as provided for in subdivision (c), a community college student who  
668 was a member of the Armed Forces of the United States stationed in this state on  
669 active duty for more than one year immediately prior to being discharged shall be  
670 exempt from paying nonresident tuition for up to one year if he or she files an  
671 affidavit with the community college stating that he or she intends to establish  
672 residency in California as soon as possible.  
673 (2) The one year exemption provided in paragraph (1) shall be used while the  
674 student lives in this state and within two years of being discharged.  
675 (c) A former member of the Armed Forces of the United States who received a  
676 dishonorable or bad conduct discharge shall not be eligible for an exemption  
677 pursuant to this section.  
678 *(Amended by Stats. 2012, Ch. 405, Sec. 1. Effective January 1, 2013.)*

679 [68076.](#)

680  
681 Notwithstanding Section 68062, a student who (a) has not been an adult resident  
682 of California for more than one year and (b) is either the dependent child of a  
683 California resident who has had residence in California for more than one year prior  
684 to the residence determination date, or has a parent who has both contributed  
685 court-ordered support for the student on a continuous basis and has been a  
686 California resident for a minimum of one year, shall be entitled to resident  
687 classification. This exception shall continue until the student has resided in the state  
688 the minimum time necessary to become a resident, so long as continuous  
689 attendance is maintained at an institution.  
690 *(Amended by Stats. 1993, Ch. 8, Sec. 15. Effective April 15, 1993.)*

691 [68077.](#)

692  
693 Notwithstanding Section 68062, a student who is a graduate of any school located  
694 in California that is operated by the United States Bureau of Indian Affairs,  
695 including, but not limited to, the Sherman Indian High School, shall be entitled to  
696 resident classification. This exception shall continue so long as continuous  
697 attendance is maintained by the student at an institution.  
698 *(Amended by Stats. 1993, Ch. 8, Sec. 16. Effective April 15, 1993.)*

699 [68078.](#)

700

701 (a) A student holding a valid credential authorizing service in the public schools of  
702 this state who is employed by a school district in a full-time position requiring  
703 certification qualifications for the college year in which the student enrolls in an  
704 institution is entitled to resident classification if that student meets any of the  
705 following requirements:  
706 (1) He or she holds a provisional credential and is enrolled at an institution in  
707 courses necessary to obtain another type of credential authorizing service in the  
708 public schools.  
709 (2) He or she holds a credential issued pursuant to Section 44250 and is enrolled at  
710 an institution in courses necessary to fulfill credential requirements.  
711 (3) He or she is enrolled at an institution in courses necessary to fulfill the  
712 requirements for a fifth year of education prescribed by subdivision (b) of Section  
713 44259.  
714 (b) Notwithstanding any other provision of law, a student holding a valid  
715 emergency permit authorizing service in the public schools of this state, who is  
716 employed by a school district in a full-time position requiring certification  
717 qualifications for the academic year in which the student enrolls at an institution in  
718 courses necessary to fulfill teacher credential requirements, is entitled to resident  
719 classification only for the purpose of determining the amount of tuition and fees for  
720 no more than one year. Thereafter, the student shall be subject to Article 5  
721 (commencing with Section 68060).  
722 (c) This section shall not be construed to affect the admissions policies of any  
723 teacher preparation program.  
724 *(Amended by Stats. 2000, Ch. 949, Sec. 1. Effective September 30, 2000.)*

725 **68079.**

726  
727 A student who is a full-time employee of an institution or of any state agency, or a  
728 student who is a child or spouse of a full-time employee of an institution or of any  
729 state agency, may be entitled to resident classification, as determined by the  
730 governing boards, until he or she has resided in the state the minimum time  
731 necessary to become a resident.  
732 For purposes of this section, "employee of any state agency" means a person  
733 employed by the state on or after the effective date of this section, who is assigned  
734 to work outside of the state.  
735 *(Amended by Stats. 1984, Ch. 1172, Sec.1.)*

736 **68080.**

737  
738 A student who is a minor and resides with either his father or mother in a district or  
739 territory not in a district shall be entitled to resident classification, provided that the  
740 father or mother has been domiciled in California for more than one year prior to  
741 the residence determination date for the semester, quarter or term for which he  
742 proposes to attend a community college and provided that he meets the other  
743 requirements of this part.



744 *(Enacted by Stats. 1976, Ch. 1010.)*

745 [68081.](#)

746  
747 A student who is enrolled in a state government legislative, executive, or judicial  
748 fellowship program administered by the state or the California State University is  
749 entitled to resident classification at the California State University during the period  
750 of the fellowship.  
751 *(Amended by Stats. 2004, Ch. 896, Sec. 66. Effective September 29, 2004.)*

752 [68082.](#)

753  
754 A student who is a native American is entitled to resident classification for  
755 attendance at a community college if the student is also attending a school  
756 administered by the Bureau of Indian Affairs located within the community college  
757 district.  
758 As used in this section, "native American" means an American Indian.  
759 *(Added by Stats. 1977, Ch. 36.)*

760 [68083.](#)

761  
762 (a) Any amateur student athlete in training at the United States Olympic Training  
763 Center in Chula Vista is entitled to resident classification for tuition purposes until  
764 he or she has resided in the state the minimum time necessary to become a  
765 resident.  
766 (b) "Amateur student athlete," for purposes of this section, means any student  
767 athlete who meets the eligibility standards established by the national governing  
768 body for the sport in which the athlete competes.  
769 *(Added by Stats. 1997, Ch. 438, Sec. 1. Effective January 1, 1998.)*

770 [68084.](#)

771  
772 (a) A parent who is a federal civil service employee and his or her natural or  
773 adopted dependent children are entitled to resident classification at the California  
774 State University, the University of California, or a California community college if  
775 the parent has moved to this state as a result of a military mission realignment  
776 action that involves the relocation of at least 100 employees. This classification  
777 shall continue until the student is entitled to be classified as a resident pursuant to  
778 Section 68017, so long as the student continuously attends an institution of public  
779 higher education.

780 (b) It shall be the responsibility of the California Community Colleges, the California  
781 State University, and the University of California to certify qualifying military  
782 mission realignment actions under this section.  
783 *(Amended by Stats. 2004, Ch. 225, Sec. 6. Effective August 16, 2004.)*

784 [68085.](#)

785  
786 A student who currently resides in California and is 19 years of age or under at the  
787 time of enrollment, who is currently a dependent or ward of the state through  
788 California's child welfare system, or was served by California's child welfare system  
789 and is no longer being served either due to emancipation or aging out of the  
790 system, may be entitled to resident classification until he or she has resided in the  
791 state the minimum time necessary to become a resident.  
792 *(Added by Stats. 2009, Ch. 251, Sec. 1. Effective January 1, 2010.)*

793

794 ARTICLE 7. Rules and Regulations [ - ]  
795 *( Article 7 enacted by Stats. 1976, Ch. 1010. )*  
796  
797

798 ARTICLE 8. Community College District Residence [68100. - 68100.]  
799 *( Article 8 enacted by Stats. 1976, Ch. 1010. )*  
800

801 [68100.](#)

802  
803 (a) A district may classify a student as a district resident if he or she lives with a  
804 parent who earns a livelihood primarily by performing agricultural labor for hire in  
805 California and other states and the parent has performed this labor in this state for  
806 at least two months per year in each of the two preceding years, the parent lives  
807 within the district which maintains the community college attended by the student,  
808 and the parent claims the student as a dependent on his or her state or federal  
809 personal income tax returns if he or she has sufficient income to have a personal  
810 income tax liability.  
811 (b) A district may also classify a student as a district resident if he or she earns a  
812 livelihood primarily by performing agricultural labor for hire in California and other  
813 states and he or she has performed this labor in this state for at least two months  
814 per year in each of the two preceding years.  
815 (c) The Board of Governors of the California Community Colleges shall prescribe  
816 rules and regulations for the implementation of this section.  
817 *(Amended by Stats. 1990, Ch. 1372, Sec. 240.3.)*

818

819 ARTICLE 10. Provisions Related to Particular Institutions [68120. - 68124.]

820 ( Article 10 enacted by Stats. 1976, Ch. 1010. )

821

822 68120.

823

824 (a) Notwithstanding any other provision of law, no mandatory systemwide fees or  
825 tuition of any kind shall be required of or collected by the Regents of the University  
826 of California, the Board of Directors of the Hastings College of the Law, or the  
827 Trustees of the California State University from any surviving spouse or surviving  
828 child of a deceased person who met all of the following requirements:

829 (1) He or she was a resident of this state.

830 (2) He or she was employed by a public agency, or was a contractor, or an  
831 employee of a contractor, performing services for a public agency.

832 (3) His or her principal duties consisted of active law enforcement service or active  
833 fire suppression and prevention. This section shall not apply to a person whose  
834 principal duties were clerical, even if he or she was subject to occasional call or was  
835 occasionally called upon to perform duties within the scope of active law  
836 enforcement or active fire suppression and prevention.

837 (4) He or she was killed in the performance of active law enforcement or active fire  
838 suppression and prevention duties, or died as a result of an accident or an injury  
839 caused by external violence or physical force, incurred in the performance of his or  
840 her active law enforcement or active fire suppression and prevention duties.

841 (b) Notwithstanding subdivision (a), a person who qualifies for the waiver of  
842 mandatory systemwide fees and tuition under this section as a surviving child of a  
843 contractor, or of an employee of a contractor, who performed services for a public  
844 agency shall, in addition to the requirements set forth in subdivision (a), meet both  
845 of the following requirements:

846 (1) Enrollment as an undergraduate student at a campus of the University of  
847 California or the California State University.

848 (2) Documentation that his or her annual income, including the value of any  
849 support received from a parent, does not exceed the maximum household income  
850 and asset level for an applicant for a Cal Grant B award, as set forth in Section  
851 69432.7.

852 (c) As used in this section:

853 (1) "Contractor" or "employee of a contractor" does not include a security guard or  
854 security officer, as defined in Section 7582.1 of the Business and Professions Code.

855 (2) "Public agency" means the state or any city, city and county, county, district, or  
856 other local authority or public body of or within the state.

857 (3) "Surviving child" means either of the following:

858 (A) A surviving natural or adopted child of the deceased person.

859 (B) A surviving stepchild who meets both of the following requirements:

860 (i) He or she was living or domiciled with the deceased person at the time of his or  
861 her death.

862 (ii) He or she was claimed on the tax form most recently filed by the deceased  
863 person prior to that person's death, or he or she received 50 percent or more of his  
864 or her support from that deceased person in the tax year immediately preceding  
865 the death of the deceased person, or both.  
866 *(Amended by Stats. 2006, Ch. 395, Sec. 1. Effective January 1, 2007.)*

867 [68120.5.](#)

868  
869 Any determination of eligibility pursuant to Section 68120 shall be consistent with  
870 any findings of the Workers' Compensation Appeals Board, using the same  
871 procedures as in workers' compensation hearings, as to whether the death of the  
872 person described under subdivision (a) of that section was industrial.  
873 *(Added by Stats. 2002, Ch. 450, Sec. 1. Effective January 1, 2003.)*

874 [68121.](#)

875  
876 (a) Notwithstanding any other provision of law, no mandatory systemwide fees or  
877 tuition of any kind shall be required or collected by the Regents of the University of  
878 California or the Trustees of the California State University, from a student who is in  
879 an undergraduate program and who is the surviving dependent of any individual  
880 killed in the September 11, 2001, terrorist attacks on the World Trade Center in  
881 New York City, the Pentagon building in Washington, DC, or the crash of United  
882 Airlines Flight 93 in southwestern Pennsylvania, if he or she meets the financial  
883 need requirements set forth in Section 69432.7 for the Cal Grant A Program and  
884 either of the following apply:  
885 (1) The surviving dependent was a resident of California on September 11, 2001.  
886 (2) The individual killed in the attacks was a resident of California on September  
887 11, 2001.  
888 (b) (1) The California Victim Compensation and Government Claims Board shall  
889 identify all persons who are eligible for tuition and fee waivers pursuant to this  
890 section or subdivision (j) of Section 76300. That board shall notify these persons or,  
891 in the case of minors, the parents or guardians of these persons, of their eligibility  
892 for tuition and fee waivers under these provisions. This notification shall be in  
893 writing, and shall be received by all of the appropriate persons no later than July 1,  
894 2003.  
895 (2) The Trustees of the California State University, the Regents of the University of  
896 California and the governing board of each community college district in the state  
897 shall waive tuition and fees, as specified in this section and in subdivision (j) of  
898 Section 76300, for any person who can demonstrate eligibility. If requested by the  
899 California State University, the University of California, Hastings College of the Law,  
900 or a California Community College, the California Victim Compensation and  
901 Government Claims Board, on a case-by-case basis, shall confirm the eligibility of  
902 persons requesting the waiver of tuition and fees, as provided for in this section.

903 (c) A determination of whether a person is a resident of California on September  
904 11, 2001, shall be based on the criteria set forth in this chapter for determining  
905 nonresident and resident tuition.  
906 (d) (1) "Dependent," for purposes of this section, is a person who, because of his or  
907 her relationship to an individual killed as a result of injuries sustained during the  
908 terrorist attacks of September 11, 2001, qualifies for compensation under the  
909 federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing  
910 with Section 401) of Public Law 107-42).  
911 (2) A dependent who is the surviving spouse of an individual killed in the terrorist  
912 attacks of September 11, 2001, is entitled to the waivers provided in this section  
913 until January 1, 2013.  
914 (3) A dependent who is the surviving child, natural or adopted, of an individual  
915 killed in the terrorist attacks of September 11, 2001, is entitled to the waivers  
916 under this section until that person obtains the age of 30 years.  
917 (4) A dependent of an individual killed in the terrorist attacks of September 11,  
918 2001, who is determined to be eligible by the California Victim Compensation and  
919 Government Claims Board, is also entitled to the waivers provided in this section  
920 until January 1, 2013.  
921 *(Added by Stats. 2002, Ch. 450, Sec. 2. Effective January 1, 2003.)*

922 [68122.](#)

923  
924 (a) Notwithstanding any other law, students who are victims of trafficking, domestic  
925 violence, and other serious crimes who have been granted a status under Section  
926 1101(a)(15)(T)(i) or (ii), or Section 1101(a)(15)(U)(i) or (ii), of Title 8 of the  
927 United States Code shall be exempt from paying nonresident tuition at the  
928 California State University and the California Community Colleges to the same  
929 extent as individuals who are admitted to the United States as refugees under  
930 Section 1157 of Title 8 of the United States Code.  
931 (b) The University of California is requested to adopt policies that are consistent  
932 with this section.  
933 *(Added by Stats. 2012, Ch. 509, Sec. 1. Effective January 1, 2013.)*

934 [68123.](#)

935  
936 Notwithstanding any other provision of law, the Trustees of the California State  
937 University may enter into agreements with other universities or colleges located  
938 within the state whereby qualified students from campuses of the California State  
939 University may attend the other universities or colleges without payment of some  
940 or all fees or tuition, or both, charged by the other institutions, and students from  
941 the other institutions may attend campuses of the California State University  
942 without payment of some or all of the fees or tuition, or both, charged by the state  
943 university. During any year, however, the number of students attending campuses  
944 of the California State University from other universities or colleges, pursuant to the  
945 agreements entered in between the Trustees of the California State University and

946 other universities and colleges, shall not exceed the number of students of the  
947 California State University attending the other institutions.  
948 *(Amended by Stats. 1983, Ch. 143, Sec. 69.)*

949 [68124.](#)

950  
951 The trustees may enter into agreements with public colleges and universities in  
952 other states whereby qualified students from the California State University may  
953 attend the other college or university without payment of any tuition fee charged by  
954 that institution to persons who are nonresidents of the state in which it is situate,  
955 and students from that institution may attend the California State University  
956 without payment of the nonresident tuition established pursuant to Section 89705.  
957 No nonresident tuition shall be charged of students attending a campus of the  
958 California State University pursuant to an agreement entered into under this  
959 section. During any year, however, the number of students attending the California  
960 State University from a particular public college or university in another state,  
961 pursuant to the agreement, shall not exceed the number of the California State  
962 University students attending the institution under that agreement.  
963 *(Amended by Stats. 1983, Ch. 143, Sec. 70.)*

964

965 ARTICLE 11. Miscellaneous Provisions [68130. - 68134.]  
966 *( Article 11 enacted by Stats. 1976, Ch. 1010. )*  
967

968 [68130.](#)

969  
970 The governing boards and district governing boards may waive nonresident tuition  
971 in whole or in part pursuant to Sections 68123, 76140, 89705, and 89707.  
972 *(Amended by Stats. 1977, Ch. 242.)*

973 [68130.5.](#)

974  
975 Notwithstanding any other provision of law:  
976 (a) A student, other than a nonimmigrant alien within the meaning of paragraph  
977 (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, who  
978 meets all of the following requirements shall be exempt from paying nonresident  
979 tuition at the California State University and the California Community Colleges:  
980 (1) High school attendance in California for three or more years.  
981 (2) Graduation from a California high school or attainment of the equivalent  
982 thereof.

983 (3) Registration as an entering student at, or current enrollment at, an accredited  
984 institution of higher education in California not earlier than the fall semester or  
985 quarter of the 2001–02 academic year.  
986 (4) In the case of a person without lawful immigration status, the filing of an  
987 affidavit with the institution of higher education stating that the student has filed an  
988 application to legalize his or her immigration status, or will file an application as  
989 soon as he or she is eligible to do so.  
990 (b) A student exempt from nonresident tuition under this section may be reported  
991 by a community college district as a full-time equivalent student for apportionment  
992 purposes.  
993 (c) The Board of Governors of the California Community Colleges and the Trustees  
994 of the California State University shall prescribe rules and regulations for the  
995 implementation of this section.  
996 (d) Student information obtained in the implementation of this section is  
997 confidential.  
998 *(Added by Stats. 2001, Ch. 814, Sec. 2. Effective January 1, 2002.)*

999 [68130.7.](#)

1000  
1001 If a state court finds that Section 66021.6, 66021.7, or 68130.5, or any similar  
1002 provision adopted by the Regents of the University of California, is unlawful, the  
1003 court may order, as equitable relief, that the administering entity that is the subject  
1004 of the lawsuit terminate any waiver awarded under that statute or provision, but no  
1005 money damages, tuition refund or waiver, or other retroactive relief, may be  
1006 awarded. In any action in which the court finds that Section 66021.6, 66021.7, or  
1007 68130.5, or any similar provision adopted by the Regents of the University of  
1008 California, is unlawful, the California Community Colleges, the California State  
1009 University, and the University of California are immune from the imposition of any  
1010 award of money damages, tuition refund or waiver, or other retroactive relief.  
1011 *(Amended by Stats. 2011, Ch. 604, Sec. 2. Effective January 1, 2012.)*

1012 [68131.](#)

1013  
1014 The governing boards and district governing boards may enter into agreements  
1015 with appropriate agencies and institutions of higher education in other states and  
1016 foreign countries providing for the exchange of students in higher educational  
1017 institutions in this state and other states or countries pursuant to Sections 68124,  
1018 76140, and Chapter 10 (commencing with Section 66800) of Part 40 of this  
1019 division.  
1020 *(Enacted by Stats. 1976, Ch. 1010.)*

1021 [68133.](#)

1022

1023 If an action is brought against a governing board as the result of the application of  
1024 this chapter, that governing board shall inform the governing boards of the other  
1025 institutions regarding the litigation. If an action is brought against a district  
1026 governing board as a result of the application of this chapter, that district governing  
1027 board shall inform the Board of Governors of the California Community Colleges,  
1028 who shall inform the Regents of the University of California, and the Trustees of the  
1029 California State University, regarding the pending litigation.  
1030 *(Amended by Stats. 1995, Ch. 758, Sec. 59. Effective January 1, 1996.)*

1031 [68134.](#)

1032  
1033 No provision of this part shall be applicable to the University of California unless the  
1034 Regents of the University of California, by resolution, make such provision  
1035 applicable.  
1036 *(Enacted by Stats. 1976, Ch. 1010.)*

1037  
1038 [68051.](#)

1039  
1040 Unless otherwise provided by law, the governing board or district governing  
1041 board shall adopt rules and regulations relating to the method of calculation of  
1042 the amount of nonresident tuition, the method of payment, and the method  
1043 and amount of refund.  
1044 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.)*

1045 [68052.](#)

1046  
1047 (a) It is the intent of the Legislature that California's public institutions of  
1048 higher education shall establish nonresident student tuition policies that are  
1049 consistent with their resident student fee policies. Nonresident student tuition  
1050 shall be determined by each of the public postsecondary segments through  
1051 the adoption of a methodology that annually establishes the nonresident  
1052 student tuition rate. It is further the intent of the Legislature that, while the  
1053 public institutions are to be provided flexibility in establishing their  
1054 nonresident tuition, under no circumstances shall the level of nonresident  
1055 tuition plus required fees fall below the marginal cost of instruction for that  
1056 segment.  
1057 (b) The following state policies regarding nonresident student tuition are  
1058 hereby established:  
1059 (1) Unless otherwise prescribed by statute, an admission fee and rate of  
1060 tuition fixed by each public postsecondary governing board shall be required  
1061 of each nonresident student. Each public postsecondary education governing  
1062 body shall develop its own methodology for establishing the nonresident  
1063 tuition level and its annual adjustment level of nonresident student tuition,  
1064 unless otherwise prescribed by statute.



1065 (2) As California's public postsecondary education segments annually adjust  
1066 the level of nonresident tuition they charge out-of-state students, the  
1067 nonresident tuition methodologies they develop and use should take into  
1068 consideration, at minimum, the following two factors:  
1069 (A) For the University of California and the California State University, the  
1070 total nonresident charges imposed by each of their public comparison  
1071 institutions, as identified by the California Postsecondary Education  
1072 Commission.  
1073 (B) The full average cost of instruction of their segment.  
1074 (3) It is the intent of the Legislature that under no circumstances shall an  
1075 institution's level of nonresident tuition plus required student fees fall below  
1076 the marginal cost of instruction for that segment.  
1077 (4) The University of California, the California State University, the Hastings  
1078 College of the Law, and the California Maritime Academy should endeavor to  
1079 ensure that increases in the level of nonresident tuition are gradual,  
1080 moderate, and predictable by providing nonresident students with a minimum  
1081 of a 10-month notice of tuition increases.  
1082 (c) No provision of this section shall be applicable to the California Community  
1083 Colleges.  
1084 (d) In the event that state revenues and expenditures are substantially  
1085 imbalanced due to factors unforeseen by the Governor and the Legislature,  
1086 including, but not limited to, initiative measures, natural disasters, or sudden  
1087 deviations from expected economic trends, the nonresident student tuition at  
1088 the University of California, the California State University, the Hastings  
1089 College of the Law, and the California Maritime Academy, shall not be subject  
1090 to this section.  
1091 *(Amended by Stats. 1993, Ch. 8, Sec. 14. Effective April 15, 1993.)*

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**68060.**

Every person has, in law, a residence.  
*(Enacted by Stats. 1976, Ch. 1010.)*

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**68061.**

Every person who is married or 18 years of age, or older, and under no legal  
disability to do so, may establish residence.  
*(Enacted by Stats. 1976, Ch. 1010.)*

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**68062.**

In determining the place of residence the following rules are to be observed:  
(a) There can only be one residence.

1107 (b) A residence is the place where one remains when not called elsewhere for  
1108 labor or other special or temporary purpose, and to which he or she returns in  
1109 seasons of repose.  
1110 (c) A residence cannot be lost until another is gained.  
1111 (d) The residence can be changed only by the union of act and intent.  
1112 (e) A man or woman may establish his or her residence. A woman's residence  
1113 shall not be derivative from that of her husband.  
1114 (f) The residence of the parent with whom an unmarried minor child maintains  
1115 his or her place of abode is the residence of the unmarried minor child. When  
1116 the minor lives with neither parent his or her residence is that of the parent  
1117 with whom he or she maintained his or her last place of abode, provided the  
1118 minor may establish his or her residence when both parents are deceased and  
1119 a legal guardian has not been appointed.  
1120 (g) The residence of an unmarried minor who has a parent living cannot be  
1121 changed by his or her own act, by the appointment of a legal guardian, or by  
1122 relinquishment of a parent's right of control.  
1123 (h) An alien, including an unmarried minor alien, may establish his or her  
1124 residence, unless precluded by the Immigration and Nationality Act (8 U.S.C.  
1125 1101, et seq.) from establishing domicile in the United States.  
1126 (i) The residence of an unmarried minor alien shall be derived from his or her  
1127 parents pursuant to the provisions of subdivisions (f) and (g).  
1128 *(Amended by Stats. 1983, Ch. 680, Sec. 1.)*

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**68070.**

A student who remains in this state after his or her parent, who was  
theretofore domiciled in California for at least one year immediately prior to  
leaving and has, during the student's minority and within one year  
immediately prior to the residency determination date, established residence  
elsewhere, shall be entitled to resident classification until he or she has  
attained the age of majority and has resided in the state the minimum time  
necessary to become a resident, so long as, once enrolled, he or she  
maintains continuous attendance at an institution.  
*(Amended by Stats. 1990, Ch. 1372, Sec. 238.2.)*

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**68071.**

A student who has been 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 or she has resided in the state the  
minimum time necessary to become a resident.  
*(Amended by Stats. 1990, Ch. 1372, Sec. 238.4.)*

1150 **68072.**

1151  
1152 A student who has not been an adult for more than one year immediately  
1153 preceding the residence determination date for the semester, quarter, or term  
1154 for which he or she proposes to attend an institution shall have his or her  
1155 immediate premajority derived California residence, if any, added to his or her  
1156 postmajority residence to obtain the one year of California residence required  
1157 by Section 68017.  
1158 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.6.)*

1159 **68073.**

1160  
1161 A student shall be entitled to resident classification if, immediately prior to  
1162 enrolling at an institution, he or she has lived with and been under the  
1163 continuous direct care and control of any adult or adults, other than a parent,  
1164 for a period of not less than two years, provided that the adult or adults  
1165 having control have been domiciled in California during the year immediately  
1166 prior to the residence determination date. This exception shall continue until  
1167 the student has attained the age of majority and has resided in the state the  
1168 minimum time necessary to become a resident, so long as continuous  
1169 attendance is maintained at an institution.  
1170 *(Amended by Stats. 1990, Ch. 1372, Sec. 238.8.)*

1171 **68074.**

1172  
1173 (a) A student who is a natural or adopted child, stepchild, or spouse who is a  
1174 dependent of a member of the Armed Forces of the United States stationed in  
1175 this state on active duty is entitled to resident classification only for the  
1176 purpose of determining the amount of tuition and fees.  
1177 (b) If that member of the Armed Forces of the United States, whose  
1178 dependent natural or adopted child, stepchild, or spouse is in attendance at an  
1179 institution, (1) is thereafter transferred on military orders to a place outside  
1180 this state where the member continues to serve in the Armed Forces of the  
1181 United States, or (2) is thereafter retired as an active member of the Armed  
1182 Forces of the United States, the student dependent shall not lose his or her  
1183 resident classification so long as he or she remains continuously enrolled at  
1184 that institution.  
1185 *(Amended by Stats. 2011, Ch. 730, Sec. 1. Effective January 1, 2012.)*

1186 **68075.**

1187  
1188 (a) A student who is a member of the Armed Forces of the United States  
1189 stationed in this state on active duty, except a member of the Armed Forces  
1190 assigned for educational purposes to a state-supported institution of higher  
1191 education, is entitled to resident classification only for the purpose of  
1192 determining the amount of tuition and fees.

1193 (b) If that member of the Armed Forces of the United States who is in  
1194 attendance at an institution is thereafter transferred on military orders to a  
1195 place outside this state where the member continues to serve in the Armed  
1196 Forces of the United States, he or she shall not lose his or her resident  
1197 classification so long as he or she remains continuously enrolled at that  
1198 institution.  
1199 *(Amended by Stats. 2011, Ch. 730, Sec. 2. Effective January 1, 2012.)*

1200 **68075.5.**

1201  
1202 (a) Except as provided for in subdivisions (b) and (c), a student who was a  
1203 member of the Armed Forces of the United States stationed in this state on  
1204 active duty for more than one year immediately prior to being discharged shall  
1205 be exempt from paying nonresident tuition for the length of time he or she  
1206 lives in this state after being discharged up to the minimum time necessary to  
1207 become a resident.  
1208 (b) (1) Except as provided for in subdivision (c), a community college student  
1209 who was a member of the Armed Forces of the United States stationed in this  
1210 state on active duty for more than one year immediately prior to being  
1211 discharged shall be exempt from paying nonresident tuition for up to one year  
1212 if he or she files an affidavit with the community college stating that he or she  
1213 intends to establish residency in California as soon as possible.  
1214 (2) The one year exemption provided in paragraph (1) shall be used while the  
1215 student lives in this state and within two years of being discharged.  
1216 (c) A former member of the Armed Forces of the United States who received a  
1217 dishonorable or bad conduct discharge shall not be eligible for an exemption  
1218 pursuant to this section.  
1219 *(Amended by Stats. 2012, Ch. 405, Sec. 1. Effective January 1, 2013.)*

1220 **68076.**

1221  
1222 Notwithstanding Section 68062, a student who (a) has not been an adult  
1223 resident of California for more than one year and (b) is either the dependent  
1224 child of a California resident who has had residence in California for more than  
1225 one year prior to the residence determination date, or has a parent who has  
1226 both contributed court-ordered support for the student on a continuous basis  
1227 and has been a California resident for a minimum of one year, shall be entitled  
1228 to resident classification. This exception shall continue until the student has  
1229 resided in the state the minimum time necessary to become a resident, so  
1230 long as continuous attendance is maintained at an institution.  
1231 *(Amended by Stats. 1993, Ch. 8, Sec. 15. Effective April 15, 1993.)*

1232 **68077.**

1233  
1234 Notwithstanding Section 68062, a student who is a graduate of any school  
1235 located in California that is operated by the United States Bureau of Indian

1236 Affairs, including, but not limited to, the Sherman Indian High School, shall be  
1237 entitled to resident classification. This exception shall continue so long as  
1238 continuous attendance is maintained by the student at an institution.  
1239 *(Amended by Stats. 1993, Ch. 8, Sec. 16. Effective April 15, 1993.)*

1240 **68078.**

1241  
1242 (a) A student holding a valid credential authorizing service in the public  
1243 schools of this state who is employed by a school district in a full-time position  
1244 requiring certification qualifications for the college year in which the student  
1245 enrolls in an institution is entitled to resident classification if that student  
1246 meets any of the following requirements:  
1247 (1) He or she holds a provisional credential and is enrolled at an institution in  
1248 courses necessary to obtain another type of credential authorizing service in  
1249 the public schools.  
1250 (2) He or she holds a credential issued pursuant to Section 44250 and is  
1251 enrolled at an institution in courses necessary to fulfill credential  
1252 requirements.  
1253 (3) He or she is enrolled at an institution in courses necessary to fulfill the  
1254 requirements for a fifth year of education prescribed by subdivision (b) of  
1255 Section 44259.  
1256 (b) Notwithstanding any other provision of law, a student holding a valid  
1257 emergency permit authorizing service in the public schools of this state, who  
1258 is employed by a school district in a full-time position requiring certification  
1259 qualifications for the academic year in which the student enrolls at an  
1260 institution in courses necessary to fulfill teacher credential requirements, is  
1261 entitled to resident classification only for the purpose of determining the  
1262 amount of tuition and fees for no more than one year. Thereafter, the student  
1263 shall be subject to Article 5 (commencing with Section 68060).  
1264 (c) This section shall not be construed to affect the admissions policies of any  
1265 teacher preparation program.  
1266 *(Amended by Stats. 2000, Ch. 949, Sec. 1. Effective September 30, 2000.)*

1267 **68079.**

1268  
1269 A student who is a full-time employee of an institution or of any state agency,  
1270 or a student who is a child or spouse of a full-time employee of an institution  
1271 or of any state agency, may be entitled to resident classification, as  
1272 determined by the governing boards, until he or she has resided in the state  
1273 the minimum time necessary to become a resident.  
1274 For purposes of this section, "employee of any state agency" means a person  
1275 employed by the state on or after the effective date of this section, who is  
1276 assigned to work outside of the state.  
1277 *(Amended by Stats. 1984, Ch. 1172, Sec. 1.)*

1278 **68080.**

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A student who is a minor and resides with either his father or mother in a district or territory not in a district shall be entitled to resident classification, provided that the father or mother has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which he proposes to attend a community college and provided that he meets the other requirements of this part.  
*(Enacted by Stats. 1976, Ch. 1010.)*

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**68081.**

A student who is enrolled in a state government legislative, executive, or judicial fellowship program administered by the state or the California State University is entitled to resident classification at the California State University during the period of the fellowship.  
*(Amended by Stats. 2004, Ch. 896, Sec. 66. Effective September 29, 2004.)*

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**68082.**

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.  
As used in this section, "native American" means an American Indian.  
*(Added by Stats. 1977, Ch. 36.)*

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**68083.**

(a) Any amateur student athlete in training at the United States Olympic Training Center in Chula Vista is entitled to resident classification for tuition purposes until he or she has resided in the state the minimum time necessary to become a resident.  
(b) "Amateur student athlete," for purposes of this section, means any student athlete who meets the eligibility standards established by the national governing body for the sport in which the athlete competes.  
*(Added by Stats. 1997, Ch. 438, Sec. 1. Effective January 1, 1998.)*

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**68084.**

(a) A parent who is a federal civil service employee and his or her natural or adopted dependent children are entitled to resident classification at the California State University, the University of California, or a California community college 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

1320 classified as a resident pursuant to Section 68017, so long as the student  
1321 continuously attends an institution of public higher education.  
1322 (b) It shall be the responsibility of the California Community Colleges, the  
1323 California State University, and the University of California to certify qualifying  
1324 military mission realignment actions under this section.  
1325 *(Amended by Stats. 2004, Ch. 225, Sec. 6. Effective August 16, 2004.)*

1326 **68085.**

1327  
1328 A student who currently resides in California and is 19 years of age or under  
1329 at the time of enrollment, who is currently a dependent or ward of the state  
1330 through California's child welfare system, or was served by California's child  
1331 welfare system and is no longer being served either due to emancipation or  
1332 aging out of the system, may be entitled to resident classification until he or  
1333 she has resided in the state the minimum time necessary to become a  
1334 resident.  
1335 *(Added by Stats. 2009, Ch. 251, Sec. 1. Effective January 1, 2010.)*

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1338 **68100.**

1339  
1340 (a) A district may classify a student as a district resident if he or she lives with  
1341 a parent who earns a livelihood primarily by performing agricultural labor for  
1342 hire in California and other states and the parent has performed this labor in  
1343 this state for at least two months per year in each of the two preceding years,  
1344 the parent lives within the district which maintains the community college  
1345 attended by the student, and the parent claims the student as a dependent on  
1346 his or her state or federal personal income tax returns if he or she has  
1347 sufficient income to have a personal income tax liability.  
1348 (b) A district may also classify a student as a district resident if he or she  
1349 earns a livelihood primarily by performing agricultural labor for hire in  
1350 California and other states and he or she has performed this labor in this state  
1351 for at least two months per year in each of the two preceding years.  
1352 (c) The Board of Governors of the California Community Colleges shall  
1353 prescribe rules and regulations for the implementation of this section.  
1354 *(Amended by Stats. 1990, Ch. 1372, Sec. 240.3.)*

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1358 **EDUCATION CODE SECTION 68130.5**

1359 68130.5. Notwithstanding any other provision of law:  
1360 (a) A student, other than a nonimmigrant alien within the meaning  
1361 of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the  
1362 United States Code, who meets all of the following requirements  
1363 shall be exempt from paying nonresident tuition at the California

1364 State University and the California Community Colleges:  
1365 (1) High school attendance in California for three or more years.  
1366 (2) Graduation from a California high school or attainment of the  
1367 equivalent thereof.  
1368 (3) Registration as an entering student at, or current enrollment  
1369 at, an accredited institution of higher education in California not  
1370 earlier than the fall semester or quarter of the 2001-02 academic  
1371 year.  
1372 (4) In the case of a person without lawful immigration status, the  
1373 filing of an affidavit with the institution of higher education  
1374 stating that the student has filed an application to legalize his or  
1375 her immigration status, or will file an application as soon as he or  
1376 she is eligible to do so.  
1377 (b) A student exempt from nonresident tuition under this section  
1378 may be reported by a community college district as a full-time  
1379 equivalent student for apportionment purposes.  
1380 (c) The Board of Governors of the California Community Colleges  
1381 and the Trustees of the California State University shall prescribe  
1382 rules and regulations for the implementation of this section.  
1383 (d) Student information obtained in the implementation of this  
1384 section is confidential.

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Cal. Admin. Code tit. 5, s 54000

1389 TITLE 5. EDUCATION  
1390 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
1391 CHAPTER 5. STUDENTS  
1392 SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

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s 54000. Uniform Residency Requirements.

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The provisions of this chapter implement and should be read in conjunction with the Uniform Residency Requirements contained in part 41 (commencing with section 68000) of the Education Code.

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Cal. Admin. Code tit. 5, s 54001

1402 TITLE 5. EDUCATION  
1403 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
1404 CHAPTER 5. STUDENTS  
1405 SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

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s 54001. Adoption of Rules and Regulations; Publication; Uniformity.

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The residence determination date and a summary of the rules and regulations adopted by the Board of Governors and district governing boards pursuant to chapter 1, part 41 of division 5 of the Education Code, commencing with section 68000, shall be published in the district catalogs and/or addenda thereto. The applicable Education Code provisions and the rules and



1413 regulations adopted by the Board of Governors and the district shall be made available to the  
1414 students at each district.

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Cal. Admin. Code tit. 5, s 54002

1418 TITLE 5. EDUCATION  
1419 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
1420 CHAPTER 5. STUDENTS  
1421 SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION  
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1423 s 54002. Residence Determination Date.  
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1425 "Residence determination date" is that day immediately preceding the opening day of instruction  
1426 of the quarter, semester, or other session as set by the district governing board, during which  
1427 the student proposes to attend a college.  
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Cal. Admin. Code tit. 5, s 54010

1431 TITLE 5. EDUCATION  
1432 DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
1433 CHAPTER 5. STUDENTS  
1434 SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION  
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1436 s 54010. Residence Classification Procedures.  
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1438 (a) Residence classification shall be made for each student at the time applications for  
1439 admission are accepted and whenever a student has not been in attendance for more than one  
1440 semester or quarter. A student previously classified as a nonresident may be reclassified as of  
1441 any residence determination date.  
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1443 (b) The student shall be required to present evidence of physical presence in California, intent to  
1444 make California the home for other than a temporary purpose and, if the student was classified  
1445 as a nonresident in the preceding term, financial independence.  
1446

1447 (c) Community college districts shall require applicants to supply information as specified in this  
1448 chapter and may require additional information as deemed necessary.  
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1450 (d) The district shall weigh the information provided by the student and determine whether the  
1451 student has clearly established that he or she has been a resident of California for one year  
1452 prior to the residence determination date.  
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1454 (e) Applicants shall certify their answers on residence questionnaires under oath or penalty of  
1455 perjury.  
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1457 (f) Pursuant to Section 54300, the district may authorize any information required by this section  
1458 to be submitted electronically using encrypted digital signatures as specified in Section 54300.  
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Cal. Admin. Code tit. 5, s 54012

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TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54012. Residence Questionnaires.

(a) Each community college district shall use a residence questionnaire in making residence classifications.

(b) The residence questionnaire shall ask each student where the student has maintained his or her home for the last two years and whether the student has engaged in any activity listed in subsection (f) of section 54024.

(c) The questionnaire shall ask each student under 19 years of age where the parent has lived for the last two years and whether the parent has engaged in any activity listed in subsection (f) of section 54024.

(d) If the student, or the student's parent if the student is under age 19, has either maintained a home outside of California at any time during the last two years, or has engaged in any activity listed in subsection (f) of section 54024, the student shall be asked for additional evidence of intent to reside in California such as that identified in subsection (e) of section 54024.

(e) The Chancellor shall provide a sample residence questionnaire which districts may use in complying with this requirement.

Cal. Admin. Code tit. 5, s 54020

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TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 5. STUDENTS  
SUBCHAPTER 1. STUDENT RESIDENCE CLASSIFICATION

s 54020. 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 or 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.

5 CCR § 54060

Cal. Admin. Code tit. 5, § 54060

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Title 5. Education  
Division 6. California Community Colleges  
Chapter 5. Students  
Subchapter 1. Student Residence Classification  
➔ § 54060. Appeal Procedure.

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1510 (a) A community college district shall notify each student of the student's residence  
1511 classification not later than fourteen (14) calendar days after the beginning of the  
1512 session for which the student has applied, or fourteen (14) calendar days after the  
1513 student's application for admission, whichever is later.

1514  
1515 (b) Any student, following a decision on residence classification by the college, may  
1516 make written appeal of that decision. Each community college district shall establish  
1517 procedures for appeals of residence classifications.

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1519 (c) The Chancellor will advise community college districts on issues in residence  
1520 classification. However, the student shall have no right of appeal to the Chancellor  
1521 or Board of Governors.

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1523 Note: Authority cited: Sections 66700 and 68044, Education Code. Reference:  
1524 Sections 68040, 68044 and 78034, Education Code.