

Residence Classification

Residence classification shall be made for each student at the time of application for admissions is accepted and whenever a student has not attended for more than one semester or quarter (excluding intersessions). Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is the day immediately preceding the opening day of instruction for the semester or winter/summer term during which the student proposes to attend.
- Residence classification is the responsibility of the Dean of Enrollment Services or Registrar.
- Students will be notified of residence determination within 14 calendar days of submission of application.
- A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto. Residence classification is necessary for the proper claiming of state general apportionment and the proper charging of nonresident tuition.

Rules Determining Residence

- Unless precluded, a 'resident' is a student who has been physically present in the state for more than one year immediately preceding the residence determination date and shown 'intent' to make California their permanent home other than for temporary purposes. Intent is evaluated separately from physical presence and requires objective evidence to prove the student plans to make California their permanent home residence through a series of actions (e.g. Driver's license, bank account(s), domicile, etc.).
- A 'nonresident' is a student who does not have residence in the state for more than one year immediately preceding the residence determination date and does not show intent to make California their permanent home.
- The burden of proof is on the student to demonstrate clearly both physical presence in California and intent to establish California residence.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by the District shall be determined in accordance with the Education Code Section 68060, which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married, or eighteen years of age or older, and under no legal prohibition to do so may establish residence.
- There can only be one residence, an established primary and permanent home.

- 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 married individual may establish residence. An individual's residence shall not be derivative from that of their spouse.
- The residence of the parent with whom an unmarried minor child maintains their 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 their 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.

Determination of Resident Status

A resident is a student who has been a bona fide resident of California for more than one year immediately preceding the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attain 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 they have resided in California the minimum time necessary to become a resident.
- 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; add 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 California, 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:
 - They hold a provisional credential and are enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - They hold a credential issued pursuant to Education Code (EDC) Section 44250 and are enrolled in courses necessary to fulfill credential requirements.
 - They are enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of EDC Section 44259.
 - A student holding a valid emergency permit authorizing service in the public schools of California, 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 a 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 (CSU), the University of California (UC) or a California community college (CCC), or of any state agency or a student who is a child or spouse of a full-time employee of the CSU, UC, or a CCC, or of any state agency may be entitled to resident classification, until the student has resided in California the minimum time necessary to become a resident.
- A student who is a Native American is entitled to resident classification for attendance at a California community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the District.
- A student who is a natural, adopted, step-child, or spouse who is a dependent of a member of the armed forces of the United States stationed in California on active duty and is in attendance at, or has been admitted to the district shall be entitled to resident classification for tuition purposes. If the member of the armed forces of the United States later transfers on military orders to a place outside of California, or retires as an active member of the armed forces of the United States, the student dependent shall not lose their resident classification, so long as they remain continuously enrolled in the District.
- A student who was a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification for in-state tuition purposes. If the student later transfers on military orders to a place outside of the state, the student shall not lose their resident classification, so long as they remain continuously enrolled in the District.
- A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time they live in this state after being discharged up to the minimum time necessary to become a resident.
- A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and their dependents, regardless of the veteran's state of residence, is entitled to resident classification.
- A student who is a minor and resides with their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, or term for which the student proposes to attend.
- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California and enrolls in the community college within three years of the Service Member's death in the line of duty following a period of active duty service of 90 days or more.
- A student who is a minor and resides with their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.

- A student who is covered by the federal Veterans Access, Choice, and Accountability Act (Section 702 of the VACA Act [38 U.S.C. 3679(c)] as stated in parts 1-4 of this bulleted item shall be fully exempt from non-resident fees, including nonresident tuition and the capital outlay fee charged of nonresident students.
 - A spouse or child entitled to transferred education benefits who lives in California, regardless of their formal state of residence, and enrolls in El Camino College within three years of the transferor’s discharge from a period of active duty service of 90 days or more.
 - A spouse or child using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (provides Post-9/11 GI Bill benefits to the children and surviving spouses of service members who died in the line of duty while on active duty) who lives in California, regardless of their formal state of residence, and enrolls in El Camino College within three years of the Service member’s death in the line of duty following a period of active duty service of 90 days or more.
 - After expiration of the three year period following discharge or death as described in 38 U.S.C. 3679(c), a student who initially qualifies under the applicable requirements above will maintain “covered individual” status as long as he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at the institution, even if they enroll in multiple programs and shall continue to be exempt from paying nonresident tuition and other fees, as provided by EDC Section 68075.5(c) requiring that the District grant a full exemption from the nonresident fee for all students verified to be “covered individuals” per the criteria above within this bulleted item and that qualify to use Montgomery GI Bill-Active Duty or Post 9/11 GI Bill education benefits (Chapters 30 and 33, respectively, of Title 38, U.S. Code while living in California. Eligibility determination is subject to the “Certificate of Eligibility” (COE) of the veteran or eligible dependent (who is made eligible through the transfer of Entitlement [TOE] to basic educational assistance under Chapters 30 and 33 of Title 38, U.S.C.). The DD214, Certificate of Release or Discharge from Active Duty, of the qualifying individual may also be of assistance in confirming “covered individual” status as it shows the effective date of the veteran’s discharge from active service.

- A student who is a federal civil service employee and their natural or adopted dependent children are entitled to resident classification if the parent has moved to California as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.

- A student who resides in California and is 19 years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until they have resided in California the minimum time necessary to become a resident.

- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding

years, and the parent resides in this District, and the parent of the student has claimed the student as a dependent on their state or federal personal income tax return if they have sufficient income to have personal income tax liability shall be entitled to resident classification.

- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the non-resident tuition fee required by Education Code Section 76140 for the length of time they live in this state up to the minimum time necessary to become a resident.

Right to Appeal

Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 (a)). Any student, following a final decision of residence classification by the Admissions and Records Office, may make written appeal to the Dean of Enrollment Services or Registrar within 20 workdays of notification of final decision by the college regarding classification.

Appeal Procedure

The appeal is to be submitted to the Admissions & Records Office and will be forwarded to the Dean of Enrollment Services or Registrar within five workdays 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 Dean of Enrollment Services or Registrar shall review all the records and have the right to request additional information from either the student or the Admissions and Records Office.

Within 10 workdays of receipt, the Dean of Enrollment Services or Registrar shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification

A student previously classified as a 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 session during which the student proposes to attend.

A Residency Reclassification Petition, along with supporting documentation, is submitted to the Admissions and Records Office no later **than 10 workdays prior to the semester for which reclassification is to be effective.** A student must provide at least 1 item from “Primary Proofs” items and at least 2 from the “Secondary Proofs” items from the list of evidence proving intent (see below). All items must be dated at least one year and one day prior to the first day of the semester/term (Title 5, Section 54024). All official documents presented must be valid, readable, and be properly identified with respect to the student’s name and California address.

Although proofs are required for residency reclassification consideration (see below), the burden of proof remains in the hands of the requestor. Therefore, the Admissions and Records Office reserves the right to request additional documentation in its efforts to determine California residency.

Petitions must be submitted prior to the semester for which reclassification is to be effective. 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.

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

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

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

- Has not and will not be claimed as an exemption for state and federal tax purposes by their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred fifty dollars (\$750) per year in financial assistance from their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification;
- Has not lived and will not live for more than six weeks in the home of their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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

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

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Dean of Enrollment Services or Registrar will make a determination, based on the evidence and notify the student not later than 14 calendar days of receipt of the petition for reclassification.

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

Non-Citizens

The District will admit any non-citizen who is 18 years of age or a high school graduate. If non-citizens are present in the United States illegally (undocumented aliens) 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.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows them to live permanently in the United States and they meet the California residency requirements, the student can be classified as a resident.

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

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

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize their immigration status or will file an application as soon as they are eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

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 Dean of Enrollment Services or Registrar. Students may appeal the decision.

Acceptable proof of residence includes (Title 5 Section 54024):

Primary Proofs

1. Valid California Driver License/ID or CA DMV Printout (Online printout not accepted) or CA car registration.
2. California 540 tax form with California as the home address for the previous year including signature page (540NR form NOT acceptable). The Federal Tax Form 1040 cannot be used as proof of residency.
3. Voter's registration card or proof of voter registration stamped by County Registrar's Office (Receipts not accepted).

Secondary Proofs

1. Utility bill (gas, telephone, cable, etc.) Bills from multiple utilities will not be accepted.
2. Apartment/home lease or rental agreement (one-year current) - No room rentals or month to month.
3. Proof of California car insurance (insurance card or policy). Student, or parent if student is under 19, must be Primary Insured Driver. We will not accept insurance renewal bill as proof.
4. California bank account statement (Statement end date is the date that is used) - No credit card statements.
5. California health insurance—must include resident address and issue date.
6. California public library membership, if dated or, Printout of library account information w/ library address stamp.
7. Paystub or employment verification on company letterhead along with paystub if paystub does not have home address.
8. Military discharge papers (DD 214) that includes Character of Service field if discharged within three years of start of semester or Leave and Earnings statement indicating California as home of record.
9. Filed Marriage license or divorce decree issued in California (for the appropriate time period).
10. California State Aid, Social Welfare, California Court documents that have been filed with the court.
11. Union membership in a California Local—must include resident address and a date.
12. Licenses or certificates issued by the state of California with issue date – No high school diplomas.

Reference:

Education Code Sections 68040 et seq., 76140 et seq., and 76380;
Title 5 Sections 54000 et seq.

El Camino College

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