

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 regular semester (fall/spring). Residence classifications are to be made in accordance with the following provisions:

- A residence-determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Admissions and Records Office.

The residency rules as established by Title 5 of the California Code of Regulations require one year of physical presence in the state of California prior to the first day of the academic term combined with one year of evidence of intent and ability to establish residency in California. Exceptions and limitations exist. Students may be required to present evidence regarding their residency.

Once students complete and submit the application for admission, the Admissions and Records Office will determine their residency status. Students must be notified of residency determination not later than fourteen calendar days after the beginning of the session for which the student has applied, or fourteen calendar days after the student's application for admission, whichever is later.

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.

Right to Appeal

Students who have been classified as nonresidents have the right to a review of their classification. (Title 5 sections 54010(a), 54060)

The implementation of an appeal route for the purpose of assuring fair and reasonable decisions regarding the determination of residence status must provide the means whereby reviews of the determination are made at successive levels, with particular attention to the method and procedure of the determination. The successive levels are as follows.

MiraCosta Community College District

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Effective Date:	1/19/10, 8/5/16, 2/7/19, 4/2/20
References:	Education Code §68000 et seq., §68130.5, 68075.7, and 68086 Title 5, §54000 et seq. 38 United State Code §3679
Reference Update:	3/19
CCLC Update:	#27, 10/15; #26, 4/15; #32, 4/18; #34, 3/19
Steering:	VPSS / N/A

Original Determination

As required by the California Education Code and Title 5 of the California Code of Regulations, each student must submit a residence statement and supporting evidence as required prior to admission and each reapplication following an absence of more than one regular semester (Fall/Spring). This information is processed by Admissions and Records Office staff.

Right to Appeal

Any student who believes their residence determination is not consistent with the guidelines may make a written appeal to the Director of Admissions and Records within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure

The appeal is to be submitted to the Office of Admissions and Records which will forward it to the Director of Admission and Records (or the Assistant Registrar if the Director of Admissions and Records is unavailable) within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and any evidence or documentation provided by the student will be forwarded with the appeal. The Director of Admissions and Records (or the Assistant Registrar if the Director of Admissions and Records is unavailable) shall review all of the records and have the right to request additional information from the student.

Within 30 calendar days of receipt, the Director of Admissions and Records (or the Assistant Registrar if the Director of Admissions and Records is unavailable) shall send a written determination to the student. The determination shall state the specific facts on which the appeal decision was made.

Second Appeal

If the student continues to believe that they have not been treated reasonably and fairly, they may seek final recourse through the Dean of Admissions and Student Support. A written statement of this appeal will be presented to the Dean of Admissions and Student Support for review. The determination of the second appeal by the Dean of Admissions and Student Support shall be final.

Reclassification

A student previously classified as a nonresident may be reclassified as of any residence-determination date. The residence-determination date shall be the day immediately preceding the first day of a semester for which the student applies to attend.

Petitions are to be submitted to the Admissions and Records Office.

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

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students

who were classified as nonresidents by the University of California, the California State University, or another community college district. (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:

- A. The student has not and will not be claimed as an exemption for state and federal tax purposes by their parent in the calendar year prior to the year the reclassification application is made.
- B. The student 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.

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 Admissions and Records Office will make a determination, based on the evidence and notify the student not later than fourteen (14) days of receipt of the petition for reclassification. Students have the right to appeal according to the procedures above.

Noncitizens

The district will admit any noncitizen who is eighteen (18) years of age or a high school graduate. If noncitizens are present in the United States illegally or with any type of temporary visa, they will be classified as nonresidents and charged nonresident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a noncitizen 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.

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 the following requirements:

- A. 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
- B. Three or more years of full-time high school coursework, 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. Final residency determination is made by the Admissions and Records Office. Students may appeal the decision according to the procedures listed above.

Nonresident Tuition Fee Collection

Community college nonresident fees are due and payable at the time of registration. The fee is based upon the number of units for which a student is enrolled.

Nonresident students who are subject to payment of community college nonresident fees and who have been admitted to a class or classes in error without payment of the fees shall be excluded from such class or classes upon notification pending payment of the fee(s). For the purpose of this rule only, notification consists of oral or written advice to the student from the Admissions and Records Office.

Admission by Falsification

Nonresident students who have been admitted to a class or classes without payment of the fee because of falsification of information submitted by or for them shall be immediately assessed the full, nonresident tuition fee or excluded from such class or classes upon notification. Students excluded because of falsification and fail to make immediate payment shall not be readmitted during the semester, academic quarter, or session from which they were excluded, nor shall they be admitted to any following semester, academic quarter, or session until all previously incurred tuition obligations are paid.