

RESIDENCY REQUIREMENTS

Residency Rules

This section of the catalog provides a general summary of the principal rules on residency and their exceptions. For the detailed rules used by the Admissions & Records Office for residency determination, reference should be made to regulations of the Board of Governors of the California Community Colleges in Sub-Chapter 1 (commencing with Section 54000) of Division 6 of Chapter V of Title 5 of the California Administrative Code, and the regulations and guidelines available at the Admissions and Records Office. These regulations are subject to change without notice by the State Legislature.

Resident/Non-Resident Fees

Each person applying for admission to a California community college is, for purposes of admission and/or tuition fees, classified as a "California resident" or as a "non-resident" according to the Admission Application completed by the potential student. Students classified as California residents will be subject to pay the stated California resident enrollment fees in effect at the time of admission as stated in the corresponding Schedule of Classes. Students classified as non-residents will be subject to pay non-resident tuition in addition to the stated California resident enrollment fees in effect at the time.

A "California resident" is a person who has resided within California for at least one year and one day prior to the first day of the term of enrollment and can provide documentation of his or her intent to make California their permanent residence.

A "non-resident" student is one who does not have residence in the state for more than one year prior to the residence determination date and cannot provide documentation of intent to make California their permanent residence.

Reclassification

Applicants classified as nonresidents will receive notice of their status to the email address provided on the Admission Application.

Students who have been classified as nonresidents are not automatically reclassified as residents. It is the responsibility of the student to request reclassification to residency status.

A Residency Questionnaire along with the required documentation must be submitted to the Admissions & Records Office before the start of the term (not the start date of the course) and by the deadline published in the schedule of classes to be considered for a residency adjustment. Residency Questionnaires submitted after the start of the term may be considered for the next term.

Student must meet the 1 year and 1 day physical presence (Ed.Code 6801, 68070; Title 5 54022) and intent (Ed. Code 68041; Title 5 54024) requirements for residency to be reclassified.

The Residency Questionnaire must be accompanied by documentation verifying the student's physical presence coupled with intent to become a California resident and/or evidence of financial independence. Title 5 54026 clearly states that the burden is on the student to demonstrate both physical presence in California and intent to establish California residence. Failure to provide requested residency information will result in a determination of non-resident.

The Residency Questionnaire Form is available online by logging into the MyCOD Student Portal. Questions regarding residency should be directed to the Admissions & Records Office at enrolls@collegeofthedesert.edu.

If you do not have the required documentation the state requires for residency determination by the College, you will need to pay the out-of-state fees and/or drop your classes before the term begins so you are not responsible to pay the fees. Failure to drop classes before the term begins and/or by the published course deadlines may result in you paying nonresident fees. This is a state audited item and fees cannot be changed. NOTE: If you are applying and enrolling during the first week of the term, you may be responsible for fees due regardless of residency.

Applicants who are not U.S. citizens may need to provide proof of immigration status.

Applicants who are U.S. citizens but have resided in California for less than two years must provide proof of:

- Intent to become a California resident (1 year and 1 day prior to the residence determination date)
- Physical presence in California (1 year and 1 day prior to the residence determination date)
- Financial independence

A student seeking reclassification as a resident, who was classified a nonresident in the preceding term, shall be determined to be financially independent or dependent.

A student who has established financial independence may be classified as a resident if the student has demonstrated clearly physical presence and intent to be a California resident for 1 year and 1 day prior to the residence determination date.

In determining whether the student has objectively manifested intent to establish California residence, financial independence shall weigh in favor of finding California residence, and financial dependence shall weigh against finding California residence.

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

Establishing 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 of making California his or her permanent home. The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence. The following explanations will assist in determining physical presence and intent.

Physical Presence (Education Code 68017, 68070; Title 5 54022)

- A person capable of establishing residence in California must be physically present in California for one year and one day prior to residence determination date to be classified as a resident student.
- A temporary absence for business, education, or pleasure will not result in loss of California residence if, during the absence, the person always intended to return to California and did nothing inconsistent with that intent.

C. Physical presence within the state solely for educational purpose does not constitute establishing California residence regardless of the length of that presence.

Intent

A. Intent to make California the home for other than a temporary purpose may be manifest in many ways. No one factor is controlling.

B. A student who is 19 years of age or over and who has maintained a home in California continuously for the last two years shall be presumed to have the intent to make California home for other than a temporary purpose unless the student has evidenced a contrary intent by having engaged in any of the activities listed in subsection (f) of this section.

C. A student who is under 19 years of age shall be presumed to have the intent to make California home for other than a temporary purpose if both the student has evidenced a contrary intent by having engaged in any of the activities listed in subsection (f) of this section.

D. A student who does not meet the requirements of subsection (b) or subsection (c) of this section shall be required to provide evidence of intent to make California home for other than a temporary purpose as specified in subsection (e) of this section.

E. COD requires a minimum of 3 documents evidencing support for California residence, including filing California state or Federal taxes and California driver's license/state ID. One year and one day evidence must be clearly demonstrated by two of the three documents. Objective manifestations of intent to establish California residence include, but are not limited to:

1. Ownership of residential property or continuous occupancy of rented or leased property in California.
2. Registering to vote and voting in California.
3. Licensing from California for professional practice.
4. Presence of spouse, children, or other close relatives in the state.
5. Showing California as home address on federal income tax form.
6. Payment of California state income tax as a resident.
7. Payment of California state income tax as a resident.
8. Maintaining California motor vehicle license plates/registration.
9. Maintaining a California driver's license or California ID.
10. Maintaining a permanent military address or home of record in California while in the armed forces.
11. Establishing and maintaining active California bank accounts.
12. Being the petitioner of divorce in California.
13. Remaining in California during academic breaks.
14. Registering for the Selective Service in California (indicating California address).

F. Conduct inconsistent with a claim of California residence includes, but is not limited to:

1. Maintaining voter registration and voting in another state.
2. Being the petitioner for a divorce in another state.
3. Attending an out-of-state educational institution as a resident of that other state.
4. Declaring nonresidence for state income tax purposes; paying taxes in another state or country as a resident of that state or country or not fulfilling tax obligations to the State of California.

Exceptions to 1 Year and 1 Day Residency Requirement

Exceptions to the residency determination as set forth above will be applied to qualifying and document supported situations. If the student would otherwise be classified a non-resident but fits within one of the following exceptions and is able to provide proof of eligibility, he or she will be granted a waiver of non-resident tuition charges and fees and will be charged the CA resident rate while maintaining non-resident classification status.

Examples of some, but not all, exceptions are:

- Military Students Stationed in California (Ed. Code 68075; Title 5 section 54042)
- Dependents of Active Duty Military Members (Ed. Code 68074 and Title 5 section 54041)
- Discharged Members of the Armed Forces (Ed. Code 68075.5 and Title 5 section 54041)
- Nonresident Veterans (Title 38, U.S. Code 3679(c); Ed. Code 68075.5 and 68075.7)
- A student who has been hired by a California public agency as a peace officer as a resident for purposes of enrollment in police academy training courses (Ed. Code 76140.5).
- Foster Youth
- Qualifying surviving spouse or child of a licensed physician/nurse or first responder who died of COVID-19 during the COVID-19 state of emergency in California and was a California resident. (AB 1113)
- Qualifying students residing in the named communities in Nevada attending Lake Tahoe Community College (SB 436)

An eligible AB540 student is exempt from paying nonresident tuition if the student meets all of the following four requirements:

1. The student must have:

- attended a combination of California high school, adult school, and California Community College for the equivalent of three years or more, or
- attained credits earned in California from a California high school equivalent to three or more years of full-time high school course work and attended a combination of elementary, middle and/or high schools in California for a total of three or more years, and

2. The student must have:

- graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam), or
- completed an associate degree from a California Community College, or
- completed the minimum requirements at a California Community College for transfer to the California State University or the University of California, and

3. The student must register as an entering student at, or current enrollment at, an accredited institution of higher education in California, and

4. The student must file an affidavit with the college or university stating that if the student is a non-citizen without current or valid immigration status, the student has filed an application to legalize

immigration status, or will file an application as soon as the student is eligible to do so.

- Students who are nonimmigrants who are victims of trafficking, domestic violence, and other serious crimes who have been granted T or U visa status, under Title 8 of the United States Code, sections 1101(a)(15)(T) or (U) are eligible for this exemption.
- Students who are nonimmigrants, other than those with T or U visa status as noted above, [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.
- A year's equivalence at a California Community College is a minimum of 24 semester units of credit or 36 quarter units of credit. For noncredit courses, a year's attendance is a minimum of 420 hours, 210 hours for a semester, and 140 hours a quarter.
- The accumulation of credit and/or non-credit in any academic year shall be calculated in reference to a year's equivalence. Partial completion in an academic year is allowed. (Example: 12 units of credit courses in an academic year is equal to a semester for purposes of determining eligibility.)
- Attendance in credit courses at a California Community College towards the attendance requirements shall not exceed two years of full-time attendance.
- The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.
- Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
- Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will not be classified as California residents. They continue to be "nonresidents".
- The California Dream Act extends Cal Grant A and B Entitlement awards, Cal Grant C awards, the California Promise Grant (formerly known as the BOG fee waiver), Chaffee grants, and institutional financial aid to students that meet these criteria as well as the applicable criteria for eligibility for specific types of financial aid refer to Financial Aid Office web pages for additional information.
- AB 540 does not provide federal student financial aid eligibility for undocumented students. These students remain ineligible for federal financial aid.
- Exemption is not available for persons who are absent from California and who are taking distance education classes.

Instructions for completing and submitting the AB540 form:

1. Download the California Nonresident Tuition Exemption Request Form
2. Print form and complete all applicable fields

3. Sign form

4. Submit form to Admissions and Records Office located at Cravens Student Services Center, 2nd floor, or email to enrolls@collegeofthedesert.edu.

SB 141 California Nonresident Tuition Exemption Request For Eligible Children of Deported or Voluntarily Deported Parents

Students who are U.S. citizens and who may presently reside in a foreign country will be exempt from nonresident tuition by meeting the following requirements:

- Demonstrates a financial need for the exemption.
- Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- Moved abroad as a result of the deportation or voluntary departure.
- Lived in California immediately before moving abroad.
- Attended a public or private secondary school in California for three or more years.
- Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.

Documentation shall be provided by the student as required by statute as specified in Ed Code section 76140 and 89705.

AB 2210 Nonresident Tuition Exemptions for Refugees with Special Immigrant Visas

Education Code 68075.6 grants an immediate nonresident tuition fee exemption to eligible Special Immigrant Visa (SIV) holders and refugee students who settled in California upon entering the United States. This exemption is granted to one year from the date the student settled in California upon entering the United States.

This exemption applies to the following:

- Iraqi citizens or nationals (and their spouses and children) who were employed by or on behalf of the United States Government in Iraq
- Afghan and Iraqi translators (and their spouses and children) who worked directly with the United States Armed Forces
- Afghanistan nationals who were employed by or on behalf of the U.S. government or in the International Security Assistance Force (ISAF) in Afghanistan
- Refugee students admitted to the United States under Section 1157 of Title 8 of the United States Code