

**RESIDENCE DETERMINATION**AP No.  
5015

Board Reviewed: NEW (CCLC) Current Practice

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- I. **Residence Classification - Residency classifications shall be determined for each student at the time when the application for admission are is accepted and whenever a student has not been in attendance for more than one semester (Fall or Spring). Residence classifications are to be made in accordance with the following provisions.**
- **To establish or change a residence a person must be capable of establishing said residence.**
  - ~~A residence determination date is that day immediately preceding the opening day of instruction for the term during which the student proposes to attend.~~ (definition below)
  - **Classification is made based on the established residence at the Residence Determination Date.**
  - **Residence classification is the responsibility of the Director of Admissions and Records or designee.**
- II. **Residence Determination Date - The "Residence Determination Date" is the day immediately preceding the first day of the semester or term.**
- Students will be notified of residence determination within 14 calendar days of submission of application.**
- III. **Rules Determining Residence**  
~~The residence of each student applying for enrollment in any class or classes maintained by this the Rio Hondo Community College District shall be determined in accordance with the Education Code which states that every person by law has a residence. A person can have only one residence. A person's residence is considered to be where that person is most settled and has a permanent connection. It is also the place where a person intends to remain, during absences, and intends to return. One residence cannot be lost until another one is gained. In determining the place of residence, the following rules are to be observed:~~
- ~~guardian, or by relinquishments of a parent's right of control. ??~~
- IV. **Determination of Resident Status**  
**A resident is a student who has been a bona fide resident of the state for one year immediately preceding to the residence determination date and who can demonstrate both physical presence and intent to make California their permanent home, and are not precluded from doing so, shall be entitled to a resident classification.**

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- **The burden is on the student to demonstrate clearly both physical presence in California AND intent to establish residence. T5 54026**

**A bona fide resident is a person whose residence is in California as determined above except:**

- **A student who is unable to demonstrate physical presence AND intent to make California their permanent home for more than one year immediately preceding the Residence Determination Date shall be classified as a non-resident.**
- **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. This student shall be entitled to a resident classification until he/she has resided in the state 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, 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 the 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.**

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- 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, or the 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 ~~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 United States, the student dependent shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.
- A student who is a member of the armed forces of the United States stationed in this state 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 only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her resident classification, so long as he/she remains continuously enrolled in the District.
- 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 his/her dependents, regardless of the veteran's state of residence is entitled to resident classification.

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- 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 his/her parent in the Rio Hondo Community College district ~~a district~~ or territory not in the Rio Hondo Community College district, ~~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 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.
- A student who is a federal civil service employee and his or her natural or adopted dependent children, are entitled to resident classification 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 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 the 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 he/she has resided in the state 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 his state or federal personal income tax return if he/she has sufficient income to have personal income tax liability, shall be entitled to resident classification.

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- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, 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 the state for three or more years, and 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 District stating that he/she intends to establish residency in California as soon as possible.

V. 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 Director of Admissions and Records, may make written appeal to the Vice President of Student Services within 30 calendar days of notification of the final decision by the college regarding classification.

A. Appeal Procedure - The appeal is to be submitted to the Director of Admissions and Records, who 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, **must be submitted as part of the appeal along 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 **or designee** shall review all the records and has the right to request additional information from either the student or the Admissions and Records Office.

Within 30 calendar days of receipt, the Vice President of Student Services **or designee** shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

VI. Reclassification – A student previously classified as a non-resident may be reclassified as of any residence determination date, **per the definition provided in Section II of this procedure.** ~~A residence determination date is that day immediately preceding the opening day of instruction for any 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. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency

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determination date. A student will not receive a non-resident tuition refund after the date of the first census.

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 his or her parent in the calendar year prior to the year the reclassification application is made.
- Has not lived and will not live for more than six weeks in the home of his or her 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, Section 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 than financial dependence against finding satisfying California residence requirements 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 Director of Admissions and Records or designee will make a determination, based on the evidence and notify the student no later than 14 days of receipt of the petition for reclassification.

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

- VII. **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 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.

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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 him or her to live permanently in the United States and she or he meets the California residency requirements, the student ~~can~~ will be classified as a resident.

Any student who is not a nonimmigrant alien, other than those holding a T or U Visa are exempt from paying nonresident tuition (EDC 68062(h), 68130.5; Title 5 54045) if the following provisions are met:

- Attended a high school in California for three or more years or effective January 1, 2015 pursuant to AB 2000, attained credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and attended a total of three or more years in California elementary schools, California secondary schools, or a combination of those schools.
- Graduated with a high school diploma from a California high school or attained the equivalent thereof.
- The filing of an affidavit that the student has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.

**VIII. References:**

Education Code Sections 68000 et seq., 68130.5, and 68075.7;  
Title 5 Sections 54000 et seq.;;  
38 U.S. Code Section 3679

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- I. An administrator is a person employed by the Board **of Trustees** in a supervisory or management position as defined in Educational Code 87002 and Administrators shall be employed in accordance to Education Code Section 72411, or Education Code 72441.5.
- II. Each year, the Board ~~of Trustees~~ in the exercise of its sole discretion, may conduct a review of the number and types of Administrator positions required for the operation of the ~~college~~ District. The Board reserves the right to reclassify positions by either increasing or decreasing the classification status and increasing or decreasing the number of Administrator personnel as required for the operation of the ~~college~~ District. Consequently, an Administrator shall be subject to reclassification or termination by the Board ~~of Trustees~~ as a result of the annual review ~~above mentioned~~ and the decision of the Board shall be final.
- III. Educational Administrators
  - A. Educational Administrators are those who are employed in an academic position designed by the ~~governing Board of the District~~ as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.
  - B. A person employed in an administrative position that is not part of the classified service who has not previously acquired tenure status as a faculty member in the District and who is not under contract in a program or project to perform services conducted under contract with public or private agencies, or in other categorically funded projects of indeterminate duration shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if all of the following criteria apply.
    - 1) The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed and agreed upon jointly by the Superintendent/President or his/her designee and the Academic Senate and approved by the Board. The Board shall also provide the Academic Senate with an opportunity to present its views to the Board before the Board makes a determination and the written record of the decision, including the view of the Academic Senate shall be available for review pursuant to Educational Code 87458. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

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- 2) The requirements of Education Code Section 87458 (c) and (d), or any successor statute, are met with respect to prior satisfactory service and *the* reason for termination of the administrative assignment. At the time the Board takes action to notify an administrator of the expiration or termination of his or her administrative assignment, the Board shall state whether the action is taken for cause within the meaning of Education Code Section 87458(d).
  - 3) There is an available position for which the administrator possesses minimum qualifications.
- C. Educational Administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Educational Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President, or as may be specifically established in a contract of employment.
  - D. Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, contract, Board ~~these~~ Policies and Administrative Procedures. ~~adopted by the Superintendent/President.~~
  - E. Every educational administrator shall be employed, and all other administrators may be employed, by the governing Board of the District by an appointment or contract of up to four years in duration. The **Superintendent**/President and the Vice Presidents shall be employed by a contract.
  - F. The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term to commence on the effective date of the termination of the existing term of employment.
  - G. For an administrator employed by an appointment or a contract, the term of which is longer than one year, the notice shall be given at least six months in advance of the expiration of the appointment or contract unless the contract or appointment provides otherwise. For every other administrator, notice that the administrator may not be reemployed by appointment or contract in his or her administrative position of the following college year shall be given on or before March 15.

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IV. Classified Administrators

A. ~~Classified administrators are either classified supervisors or classified managers \_\_\_\_\_ who are not employed as educational administrators.~~ **Classified administrators are administrators who are not employed as educational administrators. (CCLC)**

- 1) Classified supervisors are those classified administrators, regardless of job description, having authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or having the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.
- 2) Classified managers are those classified administrators, regardless of job description, having significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

~~B. Classified administrators shall be employed pursuant to appointments or contracts of up to four year.~~

~~B. Classified administrators may be employed in the same manner as the other members of the classified service. If a classified administrator is employed as a regular member of the classified service, employment shall be consistent with other provisions of these policies regarding employment of classified employees. (CCLC)~~

- 3) Classified administrators employed by the District, shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President. Classified administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President, or as may be specifically established in a contract of employment.
- 4) Classified administrators employed by the District, shall be entitled to vacation leave, sick leave, and other leaves as provided by law, contract, Board Policies, and administrative procedures. ~~adopted by the Superintendent/ President.~~
- 5) ~~The Board may, with the consent of the administrator concerned, terminate, effective on the next succeeding first day of July, the terms of employment and any contract of employment with the administrator, and reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator, for a new term~~

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~~to commence on the effective date of the termination of the existing term of employment.~~

- ~~6) For an administrator employed by an appointment or a contract, the term of which is longer than one year, the notice shall be given at least six months in advance of the expiration of the appointment or contract unless the contract or appointment provides otherwise. For every other administrator, notice that the administrator may not be reemployed by appointment or contract in his or her administrative position of the following college year shall be given on or before March 15.~~

**V. Classified Administrators Probationary Period**

- 1. The probationary period of all members of the classified administrators shall be the 12 months of actual service which shall be deemed to include days of absence for illness or injury to which the employee is entitled without loss of pay pursuant to the requirements and authority of Section 88013 of the Education Code.**
- 2. During the probationary period, any classified administrator who is subject to disciplinary action shall not have a right to a hearing with respect thereto reclassification, demotion or termination. (Ed Code 88013)**
- 3. Upon completion of the probationary period by any classified administrator, such person is hereby designated as a permanent employee who shall be subject to disciplinary action only for cause as prescribed in these rules and regulations and subject to reclassification. (Ed Code 88013)**

**VI. In the absence of an express appointment or contract as provided in Education Code Section 72411, every administrator shall serve in his or her administrative assignment at the pleasure of the Board. (Ed Code 72411.5)****VII. Source/Reference  
EC 72411, 72411.5, 87002, 87457-87460, 88013, & 8801,  
Government Code 3540.1(g) and (m)**