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 Admissions and Records Office.

Students must be notified of residency determination not later than fourteen (14) calendar days after the beginning of the session for which the student has applied, or fourteen (14) calendar days after the student’s application for admission, whichever is later.

Right to Appeal

Students who have been classified as nonresidents have the right to a review of their classification. (Title 5 §§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 several levels are the following:

Original Determination

As required by the Education Code and Title V, each student must submit a residence statement and supporting evidence as required prior to admission and each reapplication following an absence of one regular term. This information is processed by members of the Admissions and Records staff.

First Appeal

Any student who believes his residence determination is not consistent with the guidelines may appeal the decision on this basis only to the Director of Admissions and Records, who will hear a verbal appeal, review the residence statement, and explain the applicable portions of the Student Attendance Accounting Manual of the California Community Colleges to the student.
Second Appeal

Should the student either not fully understand the letter or the intent of the guidelines as explained, believe that his or her case has been misunderstood or interpreted incorrectly, or that the guidelines have been improperly interpreted, he/she may request an immediate appeal to the Dean of Admissions, Assessment, and Student Aid. In the absence of the dean, a written statement outlining the basis for the appeal will be taken and will be acted upon as soon as the Dean of Admissions, Assessment, and Student Aid is available.

Third Appeal

If the student continues to believe that he/she has not been treated reasonably and fairly, he/she may seek final recourse through the superintendent/president. A written statement of this appeal will be presented to the Vice President, Student Services, for review. If all of the information is consistent with that previously presented by the student and there appears to be no justification for a reversal of the residence determination, the appeal will be forwarded to the superintendent/president for review. The superintendent/president shall consult with the Vice President, Student Services, to review the factors leading to the decision of the Office of Admissions and Records. The superintendent/president may request an opinion from the County Counsel’s Office. On the basis of the evidence thus presented, the superintendent/president shall either support the decision, modify the decision (with accompanying statement of rationale), or return the appeal to the Office of Admissions and Records (with instructions for its disposal). The Vice President, Student Services, will notify the student of the decision in writing.

Final Appeal to the Board of Trustees

A student has a right to appear before the Board of Trustees and present his/her case. Should a student request this procedure, he/she shall be advised that he/she is permitted access to legal counsel at his/her expense. The appeal to the board may only be made on one of the following:

A. Incorrect interpretation of residence information as presented.

B. Incorrect interpretation of the Education Code or Title V.

C. Incorrect interpretation of the Student Attendance Accounting Manual of the California Community Colleges.

D. Inconsistent application of the factors leading to the determination of residence as applied to other students at MiraCosta College.

The basis for the appeal shall be clearly indicated in the appeal statement and shall include at least one of the above. On the basis of evidence presented, the board shall support the decision of the superintendent/president, modify that decision, or return the appeal to the Office of Admissions and Records with instructions for its disposal.
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 or summer session 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 §68044)

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

A. 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.

B. 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 §§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 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.

A student who is without lawful immigration status may be classified as a resident if he or she meets the following requirements:

A. High school attendance in California for three or more years.
B. Graduation from a California high school or attainment of the equivalent thereof.
C. Registration for classes not earlier than the fall semester or quarter of 2001/02.
D. 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.

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 from the Office of Admissions and Records to the student.

**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.