

Residency Requirements

AP 5005

Determination of residency status and assessment of non-resident tuition are made in accordance with California Education Code and Title 5 of the California Administrative Code. The criterion for establishing residency is determined to be a union of “act and intent” for one full year and one day prior to the opening day of instruction. The one-year residence period which a student must meet to be classified as a resident does not begin to run until the student is both present in California and has manifested clear intent to become a California resident. The burden is on the student to demonstrate clearly both physical presence in California and intent to establish California residence.

Relevant indications of intent according to Title 5, section 54024 include, but are not limited to:

1. Registering to vote and voting in California.
2. Payment of California state income tax as a resident.
3. Possessing a California driver's license.
4. Licensing from California for professional practice.
5. Ownership of residential property or continuous occupancy of rented or leased property in California.
6. Maintaining permanent military address or home or record in California while in the armed forces.

Conduct inconsistent with a claim of California resident 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 institution as a resident of a state other than California.
4. Declaring non-resident for state income tax purposes.

The residence of the parent with whom an unmarried minor child maintains residence is that child's permanent residence. Consideration of the residence of a parent or guardian as the residence of the unmarried minor child is allowed if the parent or legal guardian with whom the child does not reside contributes over one half of the support for the unmarried minor. The exception continues until the student has resided one year in the state and maintained continuous attendance in the District.

A man or woman may establish his or her own residence. A woman's residence shall not be derivative from that of her husband, or vice versa. All students who do not qualify as resident students shall be considered as non-resident students.

*Foothill-De Anza Community College District
Administrative Procedures*

See Board Policy 5005—Residency Requirements

California Education Code § 68000-68100
California Administrative Code Title 5 §54000-54072

Reviewed 1/4/99