

AP 5010 Admissions

Reference:

Education Code Section 76000

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 C.F.R. § 668.16(p)

Designated authority and responsibility for the admissions process is the Director of Admissions and Records.

Admission procedures for students over 18 with a high school diploma

Admission criteria and procedures for students over 18 without a high school diploma

Admission procedures for non-resident students that include a determination of residency status (AP 5015 titled Residence Determination)

- ◆ Publication of admissions policies and procedures

The College Registrar or designee shall establish procedures for evaluating the validity of a student's high school completion if the District of the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Approved by the Board of Trustees: August 13, 2002

Amended by the Board of Trustees: August 14, 2012

AP 5010 Admissions

Reference:

Education Code Section 76000

34 Code of Federal Regulations section 668.16(p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended)
ACCJC Accreditation Standard II.C.6

Designated authority and responsibility for the admissions process is the Director of Admissions and Records/Registrar and the Vice President of Student Services.

The Gavilan College District addresses:

- Admission procedures for students over 18 with a high school diploma
- Admission criteria and procedures for students over 18 without a high school diploma
- Admission criteria and procedures for students under 18 without a high school diploma
- Admission procedures for non-resident students that include a determination of residency status (AP 5015 titled Residence Determination)
- Publication of admissions policies and procedures

The Director of Admissions and Records/Registrar and the Vice President of Student Services or designee shall be responsible for evaluating the validity of a student's high school completion if the college District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

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Amended by the Board of Trustees: August 14, 2012

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AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students

Reference:

Education Code Sections 48800; 48800.5; 76001 and 76602

Admission criteria and procedures for younger students enrolling the community college:

- Special part-time students
- Special full-time students
- Summer school students
- Agreements between school District(s) and the District
- Credit granted for courses
- Limits on the number of units for which special part-time students may enroll (see Education Code Section 76001.d for specific language)
- Procedures for denial of request for full-time enrollment, including time constraints (see Education Code Section 76001(b) for specific language)
- Procedures for recording board findings and reasons for denial of a request for admission by a student identified as highly gifted
- Procedures for assigning a low enrollment priority to special part-time or full-time students, except for students attending a middle college high school if the student is seeking to enroll in a course that is required for the student's middle college high school program, to ensure they do not displace regularly admitted students
- Procedures for maintaining records of enrollment of these students for apportionment purposes
- Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:
 - The class is open to the general public
 - The class is advertised as open to the general public in one or more of the following:
 - ✓ The college catalog
 - ✓ The regular schedule of classes
 - ✓ An addenda to the catalog or schedule

If the decision to offer a class on a high school campus is made after publication of the District's regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

If the class is a physical education class, no more than 10 percent of the enrollment of the class may consist of special part-time or full-time students.

To be considered for admittance as a special part-time student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

Admission is subject to seat availability. The student must submit:

- District application for admission;
- Written and signed parental or guardian consent;

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- Written and signed approval of his or her principal (Note: a parent or guardian of a pupil who is not enrolled in a public or private school may petition directly without the signature of a principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,)
- Interview with a Gavilan College counselor:
- Complete a skill level assessment in math and English:
- Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:
- Demonstration that the student is capable of profiting from instruction. The Vice President of Student Services has the authority to make the final decision whether a student can benefit from instruction.

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.05.

Admission is subject to seat availability. The student must submit:

- District application for admission;
- written and signed parental or guardian consent;
- Written and signed acknowledgment of his or her principal. (Note: a pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,);
- Demonstration that the student is capable of profiting from instruction;
- Interview with a Gavilan College counselor:
- Complete a skill level assessment in math and English:
- Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:
- Written approval of the governing board of the school district of attendance. The Vice President of Student Services has the authority to make the final decision whether a student can benefit from instruction.

To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Section 76001. Registration in a summer sessions limited to 4 units.

The student must submit:

- Written and signed parental or guardian consent;
- Written and signed approval of his or her principal that the student has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance; and
- Demonstration that the student has adequate preparation in the disciplines to be studied.
- Interview with a Gavilan College counselor:
- Complete a skill level assessment in math and English:
- Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:
- All required documents shall be sent to the Vice President of Student Services.

High School Students

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For students attending high school, the Vice President of Student Services or Admissions and Records Registrar, counselor (or designee) will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the VP of Student Services (or designee) shall be final. This determination may be done by one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar and/or VP of Student Services
- Consideration of the welfare and safety of the student and others; and/or
- Consideration of local, state and/or federal laws.

Middle and Lower School Students

• For students attending middle and lower schools, the determination shall be made by Vice President of Student Services (or designee). The school must provide transcripts and a letter signed by the principal indicating how in his or her opinion the student can benefit from instruction. The VP of Student Services (or designee) will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected. The decision of the VP of Student Services (or designee) shall be final. Once a decision has been made, the student, his or her parent or guardian and the school principal shall be informed of the decision. This determination may be done by applying the following criteria one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar, and/or VP of Student Services
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state and/or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor; and/or
- Times the class(es) meet and the effect on the safety of the minor.
- These decisions will be made by the Vice President of Student Services or designee.

Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance. Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Board shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission and the denial shall be submitted to the Board at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

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AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students

Reference:

Education Code Sections 48800; 48800.05; 76001, 76004, and 76602

Admission criteria and procedures for younger students enrolling in community college:

- Special part-time students
- Special full-time students
- Summer school students
- Agreements between school districts(s) and the Gavilan College District
- Credit granted for courses
- Limits on the number of units for which special part-time students may enroll (see Education Code Section 76001.d for specific language)
- Procedures for denial of request for full-time enrollment, including time constraints (see Education Code Section 76001(b) for specific language)
- Procedures for recording Board findings and reasons for denial of a request for admission by a student identified as highly gifted
- Procedures for assigning a low enrollment priority to special part-time or full-time students, except for students attending a middle college high school if the student is seeking to enroll in a course that is required for the student's middle college high school program, to ensure they do not displace regularly admitted students
- Procedures for maintaining records of enrollment of these students for apportionment purposes
- Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:
 - The class is open to the general public
 - The class is advertised as open to the general public in one or more of the following:
 - ✓ The college catalog
 - ✓ The regular schedule of classes
 - ✓ An addenda to the catalog or schedule

If the decision to offer a class on a high school campus is made after publication of the District's regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

If the class is offered on a high school campus, the class may not be held during the time the campus is closed to the general public, as defined by the school board.

If the class is a physical education class, no more than 10 percent of the enrollment of the class may consist of special part-time or full-time students.

Special Part-Time Student

To be considered for admittance as a special part-time student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

Admission is subject to seat availability. The student must submit:

- District application for admission;
- Written and signed parental or guardian consent;
- Written and signed approval of his or her principal (Note: a parent or guardian of a pupil who is not enrolled in a public or private school may petition directly without the signature of a

principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,)

- ~~Interview with a Gavilan College counselor:~~
- Complete a skill level assessment in math and English:
- ~~Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:~~
- Demonstration that the student is capable of profiting from instruction. The Vice President of Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

Special Full-time Student

To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.05.

Admission is subject to seat availability. The student must submit:

- District application for admission;
- Written and signed parental or guardian consent;
- Written and signed acknowledgment of his or her principal. (Note: a pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her school principal. If home schooled, verification that the school is registered with the school district in which it operates must be provided,);
- Demonstration that the student is capable of profiting from instruction;
- ~~Interview with a Gavilan College counselor:~~
- Complete a skill level assessment in math and English:
- ~~Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:~~
- Written approval of the governing board of the school district of attendance. The Vice President of Student Services or designee has the authority to make the final decision whether a student can benefit from instruction.

Special Summer Student

To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.

~~Registration in a summer sessions limited to 4 units.~~

The student must submit:

- Written and signed parental or guardian consent;
- Written and signed approval of his or her principal that the student has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance; and
- Demonstration that the student has adequate preparation in the disciplines to be studied.
- ~~Interview with a Gavilan College counselor:~~
- If applicable, complete a skill level assessment in math and English:
- ~~Provide a transcript from the last school attended verifying a minimum cumulative grade point average of 2.00, good standing and eligibility to continue:~~
- ~~All required documents shall be sent to the Vice President of Student Services.~~

All required documents shall be sent to the Director of Admissions & Records/Registrar.

High School Students

For students attending high school, the Vice President of Student Services or Director of Admissions & Records/Registrar, counselor (or designee) will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the VP of Student Services (or designee) shall be final. This determination may be done by one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar and/or VP of Student Services
- Consideration of the welfare and safety of the student and others; and/or
- Consideration of local, state and/or federal laws.

Middle and Lower School Students

• For students attending middle and lower schools, the determination shall be made by the Vice President of Student Services (or designee). The school must provide transcripts and a letter signed by the principal indicating how in his or her opinion the student can benefit from instruction. The Vice President of Student Services (or designee) will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected. The decision of the Vice President of Student Services (or designee) shall be final. Once a decision has been made, the student, his or her parent or guardian and the school principal shall be informed of the decision. This determination may be done by applying the following criteria one or more of the following options:

- A review of the materials submitted by the student;
- Meeting with the student and his or her parent or guardian;
- Consultation with counseling staff, Registrar, and/or VP of Student Services
- Consideration of the welfare and safety of the student and others;
- Consideration of local, state and/or federal laws;
- Review of the content of the class in terms of sensitivity and possible effects on the minor;
- Requirements for supervision of the minor; and/or
- Times the class(es) meet and the effect on the safety of the minor.

These decisions will be made by the Vice President of Student Services or designee.

~~Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.~~ Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Board shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission and the denial shall be submitted to the Board at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

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AP 5013 Students in the Military

Reference:

***Education Code Sections 68074, 68075, and 68075.5;
Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620
Military and Veterans Code Section 824***

Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California 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. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate 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. Such student shall retain resident classification if he or she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.

A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.

A parent 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 claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (*Title 5, Sections 54041; 54042*)

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW".

Military withdrawal shall not be counted in progress probation or dismissal calculations or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

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Students seeking withdrawal in this circumstance must do so through the Director of Admission and Records.

Reference: AP 4230 AP 4233

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AP 5013 Students in the Military

Reference:

Education Code Sections 68074, 68075, 68075.5, and 68075.7;
Title V Sections 55023, 55024, 54041, 54042, 54050, and 58620
Military and Veterans Code Section 824;
38 U.S. Code Section 3679

Residence Determinations for Military Personnel and Dependents

A student who is a member of the armed forces of the United States stationed in California 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. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.

An undergraduate 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. Such student shall retain resident classification if he or she is thereafter transferred on military orders to a place outside of California, so long as the student 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.

~~A student who was a member of the armed forces of the United States stationed in California on active duty for more than one (1) year immediately prior to being discharged from the armed forces is entitled to resident classification of the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.~~

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 District 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 is entitled to resident classification.

A parent 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 claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person has retired from active duty after the residence determination date. (*Title 5, Sections 54041; 54042*)

Withdrawal Policies for Members of the Military

A student who is a member of an active or reserve United States military service and who receives orders compelling a withdrawal from courses shall be permitted to withdraw upon verification of such orders. A withdrawal symbol may be assigned which may be a "W" or a "MW".

Military withdrawal shall not be counted in progress probation or dismissal calculations or in calculating the permitted number of withdrawals. In no case may a military withdrawal result in a student being assigned an "FW" grade. In no case may a college require a student who is required to report for military duty to withdraw from a course by a specified date in order to receive a full refund of the tuition and fees the student paid to the college for the academic term in which the student was required to report for military service.

Students seeking withdrawal in this circumstance must do so through the Director of Admission and Records/Registrar, Vice President of Student Services or designee.

Reference: AP 4230, AP 4233

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AP 5015 Residence Determination

Reference:

*Education Code Section 68000 et seq.; 68130.5
Title 5, Sections 54000 et seq.*

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 or the Registrar or designee
- Students must be notified of residence determination within 14 calendar days of submission of application.

1.

2. Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a non-resident.

3. The residents of each student enrolled in our applying for enrollment in any class or classes maintained by the District shall be determined in accordance with the Education Code with states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen (18) years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

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5.

6. Determination of Resident Status

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7. A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- 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, shall be entitled resident classification until he or 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 premajority-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 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 student meets any of the following requirements:
 - He or she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He or she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He or 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 that 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 of the California State University, the University of California, or a community college, or 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 the state or retires as an active member of the armed forces of the United States, the student dependent shall not lose his or her resident classification.
- 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

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military orders to a place outside this state, the student shall not lose his or her resident classification, so long as he or she remains continuously enrolled in the district.

- A student who was a member of the armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.
- A student who is a minor and resides with his or her parent in a district or territory not in 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 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 or 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 the 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 or she has sufficient income to have personal income tax liability, shall be entitled to resident classification.

8.

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 Admissions Office, may make written appeal to the Vice President of Student Services or designee within 30 calendar days of notification of final decision by the college regarding classification.

Appeal Procedure

The appeal is to be submitted to Admissions Office, which must forward it to the Vice President of Student Services or designee within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, 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 have the right to request additional information from either the student or the Admissions 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.

Approved by the Board of Trustees: August 13, 2002

Amended by the Board of Trustees: August 14, 2007

Amended by the Board of Trustees: August 14, 2012

Reclassification

A student previously classified as a non-resident may be reclassified as of any residence determination date. 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 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 determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

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 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;

9.

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 Vice President of Student Services or designee will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

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

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.

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 be classified as a resident.

Approved by the Board of Trustees: August 13, 2002

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Amended by the Board of Trustees: August 14, 2012

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not non-immigrants (including those who are undocumented) may be exempt from paying non-resident tuition if they meet the following requirements:

- High school attendance in California for three or more years;
- Graduation from a California high school or attainment of the equivalent thereof;
- Registration or enrollment in a course offered by any college in the district for any term commencing on or after January 2002;
- Completion of a questionnaire form prescribed by the Chancellor and furnished by the district of enrollment, verifying eligibility for this non-resident 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 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. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. The Vice President of Student Services or designee makes final residency determination. Students may appeal the decision.

Approved by the Board of Trustees: August 13, 2002
Amended by the Board of Trustees: August 14, 2007
Amended by the Board of Trustees: August 14, 2012

AP 5015 Residence Determination

Reference:

Education Code Section 68000 et seq.; 68130.5, and 68075.7
Title V5, Sections 54000 et seq.;
38 U.S. Code Section 3679

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 at least two (2) consecutive semesters 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 ~~proceeding~~ 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 or the Registrar or designee

Students must be notified of residence determination within 14 calendar days of submission of application if no additional document from the student required/requested.

The District shall publish the residence determination date and the summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a non-resident.

The residence residents of each student enrolled in ~~our~~ or applying for enrollment in any class or classes maintained by the District shall be determined in accordance with the Education Code with which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or eighteen (18) years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A man or a woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- 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, shall be entitled resident classification until he or 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 or she holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
 - He or she holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
 - He or 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 of the California State University, the University of California, or a community college, or 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 the 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 within 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 or she remains continuously enrolled in the District.

- A veteran who was discharged or released from at least ninety (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 veterans' state of residence is entitled to resident classification.
- 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 at Gavilan College within three years of the Service Member's death in the line of duty following a period of active duty services of ninety (90) days or more.
- ~~A student who was a member of armed forces of the United States stationed in this state on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in this state after being discharged up to the minimum time necessary to become a resident.~~
- A student who is a minor and resides with his or her parent in a district or territory not in 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 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 or 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 (2) preceding years, and the parent resides in the 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 or she has sufficient income to have personal income tax liability, shall be entitled to resident classification.
- 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 that 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/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.

Right To Appeal

Students who have been classified as non-residents have the right to a review of their classification (Title 5V, Section 54010 (a)). Any student, following a final decision of residence

classification by the Admissions & Records/Registrar's Office, may make written appeal to the Vice President of Student Services or designee within thirty (30) calendar days of notification of final decision by the college regarding classification.

Appeal Procedure

The appeal is to be submitted to the Director of Admissions & Records/Registrar's Office, which must forward it to the Vice President of Student Services or designee within five (5) working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, 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 have the right to request additional information from either the student or the Admissions Office.

Within thirty (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.

Reclassification

A student previously classified as a non-resident may be reclassified as of any residence determination date. 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 & Records/Registrar's 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 determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

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 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, 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 Vice President of Student Services or designee 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.

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.

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 be classified as a resident.

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not non-immigrants (including those who are undocumented) may be exempt from paying non-resident tuition if they meet the following requirements:

- High school attendance in California for three or more years;
- Attained credits earned in California from a California high school equivalent to three (3) or more years of full-time high school coursework and a total of three (3) years or more of attendance in California elementary schools, California secondary schools, or a combination of those schools;
- Graduation from a California high school or attainment of the equivalent thereof;
- 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 and furnished by the district of enrollment, verifying eligibility for this non-resident 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 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. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. The Vice President of Student Services or designee makes final residency determination. Students may appeal the decision.

Tentative Revision: September 2017

Amended by the Board of Trustees: August 14, 2013

Amended by the Board of Trustees: August 14, 2007

Approved by the Board of Trustees: August 13, 2002

AP 5020 Non Resident Tuition

Reference:

***Education Code Sections 68130.5 and 76140 et seq.
Title 5, Section 54045.5***

- Exemptions, including:
 - Any students, other than non-immigrant aliens under 8 U.S.C. 1101(a)(15) who meet the following requirements:
 - High school attendance in California for three or more years;
 - Graduation from a California high school or attainment of the equivalent thereof;
 - Registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - Completion of a questionnaire form prescribed by the Chancellor verifying eligibility for this non-resident 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 his/her immigration status, or will file an application as soon as he/she is eligible to do so.

A requirement that the nonresident tuition fee be set not later than February 1 of each year
A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual

Exemptions, if any, due to reciprocity with bordering states

Processing fees, if any, for international students

A requirement that the calculation include the expense of education in the preceding fiscal year

A requirement that the calculation reflect fees in contiguous Districts

A requirement that the calculation provide for students enrolled in more or less that 15 units per term

The Vice President of Administrative Services initiates the determination of non-resident tuition procedures.

Non-resident (out-of-state) tuition applicants may be admitted to the College on the same basis as California residents except that they will be required to pay tuition prescribed by the Governing Board to cover the costs of instruction. After a student has been present in California for one year and one day and has manifested clear intent to become a California resident, he/she may apply for reclassification as a California resident. State law requires consideration of financial independence for students seeking reclassification.

Approved by the Board of Trustees: August 13, 2002

Amended by the Board of Trustees: August 14, 2012

AP 5020 Non Resident Tuition

Reference:

Education Code Sections 68130.5 and 76001, 76140, 76114.1, and 78032 (d); Title 5V, Section 54045.5

- Exemptions, including:
 - Any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15) who meet the following requirements:
 - ✓ Either High school attendance in California for three or more years, or attainment of credits earned in California from a California high school equivalent to three of more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools.
 - ✓ Graduation from a California high school or attainment of the equivalent thereof;
 - ✓ Registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - ✓ Completion of a questionnaire form prescribed by the Chancellor verifying eligibility for this non-resident 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 his/her immigration status, or will file an application as soon as he/she is eligible to do so.
 - ✓ Any students who meet the following requirements:
 - ◆ Demonstrates financial need;
 - ◆ Has a parent who has been deported or was permitted to depart voluntarily;
 - ◆ Moved abroad as a result of that 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 or she intends to establish residency in California as soon as possible.
 - Any non-immigrant aliens granted "T" or "U" visa status under Title 8 U.S. Code Section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)(U)(i) or (ii), respectively, who meet the following requirements:
 - ✓ High school attendance in California for three or more years;
 - ✓ Graduation from a California high school or attainment of the equivalent thereof;
 - ✓ Registration of enrollment in a course offered for any term of commencing on or after January 1, 2002; and
 - ✓ Completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this non-resident tuition exemption.
 - A requirement that the non-resident tuition fee be set not later than February 1 of each year
 - A requirement that the calculation reflect the current expense of education calculated according to the Budget and Accounting Manual
 - Exemptions, if any, due to reciprocity with bordering states

- Processing fees, if any, for international students

A requirement that the calculation include the expense of education in the preceding fiscal year

A requirement that the calculation reflect fees in contiguous Districts

A requirement that the calculation provide for students enrolled in more or less than 15 units per term

- Non-resident tuition with these permissive exemptions (Educational Code Section 76140 and 76140.5):
 - All non-resident students enrolling for 6 or fewer units (except for those students with an F-1 visa); or
 - A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5)

Non-resident (out-of-state) tuition applicants may be admitted to the District College on the same basis as California residents except that they will be required to pay tuition prescribed by the Governing Board to cover the costs of instruction. After a student has been present in California for one year and one day and has manifested clear intent to become a California resident, he/she may apply for reclassification as a California resident. State law requires consideration of financial independence for students seeking reclassification.

Individuals qualifying for programs under AB 2364 are considered exempt, non-residential special "part time" students (other than those with non-immigrant status, such as those present in the United States on a B Visitor Visa") from the non-resident tuition fee and expressly allows the District to report their attendance as resident FTES for apportionment purposes.

Tentative Revision: September 2017

Amended by the Board of Trustees: August 14, 2012

Approved by the Board of Trustees: August 13, 2002