

Determination of Residency for Tuition Purposes

University requirements for establishing residency for tuition purposes are independent from those of other types of residency, such as for tax purposes, or other state or institutional residency. These regulations were promulgated not to determine whether a student is a resident or nonresident of California, but rather to determine whether a student should pay University fees on an in-state or out-of-state basis. A resident for tuition purposes is someone who meets the requirements set forth in the Uniform Student Residency Requirements. These laws governing residency for tuition purposes at the California State University are California Education Code sections 68000-68085, 68120-68133, and 89705-89707.5, and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41900- 41916. Residency material can be viewed on the internet by accessing the Determination of California Residency website <http://www.calstate.edu/sas/residency/>.

Each campus's Admissions Office is responsible for determining the residency status of all new and returning students based on the Application for Admission, Residency Questionnaire, Reclassification Request Form, and, as necessary, other evidence furnished by the student. A student who fails to submit adequate information to establish eligibility for resident classification will be classified as a nonresident.

Generally, establishing California residency for tuition purposes requires a combination of physical presence and intent to remain indefinitely. An adult who, at least 366 days prior to the residency determination date for the term in which enrollment is contemplated, can demonstrate both physical presence in the state combined with evidence of intent to remain in California indefinitely may establish California residency for tuition purposes. A minor normally derives residency from the parent(s) they reside with or most recently resided with.

Evidence demonstrating intent may vary from case to case but will include, and is not limited to, the absence of residential ties to any other state, California voter registration and voting in California elections, maintaining California vehicle registration and driver's license, maintaining active California bank accounts, filing California income tax returns and listing a California address on federal tax returns, owning residential property or occupying or renting an apartment where permanent belongings are kept, maintaining active memberships in California professional or social organizations, and maintaining a permanent military address and home of record in California.

Nonresident students seeking reclassification are required to complete a supplemental questionnaire that includes questions concerning their financial independence. Financial independence is required, along with physical presence and intent, to be eligible for reclassification. Financial independence is established if in the calendar year the reclassification application is made and in any of the three calendar years preceding the reclassification application the student:

- has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent;
- has not and will not receive more than seven hundred and fifty dollars (\$750) per year in financial assistance from his/her parent; and
- has not lived and will not live longer than six (6) weeks in the home of his/her parent.

A nonresident student who has been appointed as a graduate student teaching assistant, a graduate student research assistant, or a graduate student teaching associate on any CSU campus and is employed on a 0.49 or more time basis is exempt from the financial independence requirement.

Non-citizens establish residency in the same manner as citizens, unless precluded by the Immigration and Nationality Act from establishing domicile in the United States.

Exceptions to the general residency requirements are contained in California Education Code sections 68070-68085 and California Code of Regulations, Title 5, Subchapter 5, Article 4, sections 41906- 41906.6, 41910 and include, but are not limited to, members of the military and their dependents, certain credentialed employees of school districts and most students who have attended three or more years of high school (grades 9-12) in California or attained credits earned in California from a California high school equivalent to three or 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 a combination of those schools, and graduated from a California high school or attained the equivalent of graduation. Whether an exception applies to a particular student can only be determined after the submission of an application for

admission and, as necessary, additional supporting documentation. Because neither campus nor Chancellor's Office staff may give advice on the application of these laws, applicants are strongly urged to review the material for themselves and consult with a legal advisor.

Residency determination dates are set each term. They are:

Semester Term Campuses

- Fall: September 20
- *Winter: January 5
- Spring: January 25
- Summer: June 1

*Applies only to winter term at CSU Stanislaus

CalState TEACH operates on a trimester system. The residency determination dates for CalState TEACH are as follows:

- Fall: September 20
- Spring: January 5
- Summer: June 1

Students classified as nonresidents may appeal to the Chancellor's Office within 30 calendar days of the issuance of the notification of the final campus decision. The campus decision may be appealed only if at least one of the following applies:

1. The decision was based on:
 - a. a significant error of fact;
 - b. a significant procedural error; or
 - c. an incorrect application of law which, if corrected, would require that the student be reclassified as a resident; and/or,
2. Significant new information, not previously known or available to the student, became available after the date of the campus decision classifying the student as a nonresident and based on the new information, the classification as a nonresident is incorrect.

Students must explain why the appeal meets one or more of the above appeal criteria and provide supporting documentation. For example, a "significant error of fact" could be demonstrated by stating that the campus incorrectly determined that a specific document, such as a driver's license, was untimely and by providing a copy of the document establishing the error. An appeal that only states "a significant error of fact," will be denied.

An appeal will ONLY be accepted from the student and must be submitted through the InfoReady site (see link below). Appeals via email, fax, and U.S. mail will not be accepted. A student with a documented disability that prohibits the student from submitting an appeal through the InfoReady site should contact Student Academic Services at residencyappeals@calstate.edu for assistance.

As of August 1, 2017, appeals should be submitted online at <https://calstate.infoready4.com/#manageCompetitionsDetail/1760156>

The Office of General Counsel can either decide the appeal or send the matter back to the campus for further review. Students incorrectly classified as residents or incorrectly granted an exception from nonresident tuition are subject to reclassification as nonresidents and payment of nonresident tuition in arrears. If incorrect classification results from false or concealed facts, the student is also subject to discipline pursuant to Section 41301 of Title 5 of the California Code of Regulations.

Resident students who become nonresidents or who no longer meet the criteria for an exception must immediately notify the Admissions Office. Changes may have been made in the rate of nonresident tuition and in the statutes and regulations governing residency for tuition purposes in California between the time this information is published and the relevant residency determination date. Students are urged to review the statutes and regulations stated above.

Admission into programs leading to licensure and credentialing does not guarantee that students will obtain a license or credential. Licensure and credentialing requirements are set by agencies that are not controlled by or affiliated with the CSU and requirements can change at any time. For example, licensure or credentialing requirements can include evidence of the right to work in the United States (e.g., social security number or tax payer identification number) or successfully passing a criminal background check. Students are responsible for determining whether they can meet licensure or credentialing requirements. The CSU will not refund tuition, fees, or any associated costs, to students who determine subsequent to admission that they cannot meet licensure or credentialing requirements. Information concerning licensure and credentialing requirements are available from Human Resources, KNDL 220, California State University, Chico, Chico, California 95929, 530-898-5029.