

TO: Chief Business Officers
Chief Instructional Officers
Deans of Admissions and Records, Registrar

FROM: Lorena Romero
Director, Fiscal Standards and Accountability
College Finance and Facilities Planning
Office of Institutional Supports & Success

RE: Community Colleges Accepting Residency Determination from Another Community
College District (EC 68101)

The purpose of this memorandum is to provide guidance to districts on the provisions of Education Code section 68101 and outline the process that districts should follow in accepting a student's residence determination made by another district pursuant to Education Code section 68101.

Pursuant to Education Code section 68040, Community college districts are required to classify each student, except noncredit only enrollees, as a California resident or nonresident for tuition purposes. This classification must be done at the time applications for admissions are accepted and whenever a student has not been in attendance for more than one primary term (semester or quarter) (Ed. Code, § 68040; Cal. Code Regs., tit. 5 § 54010(a)).

Effective January 1, 2019, Assembly Bill 3255 (Committee on Higher Education, Chapter 505, Statutes of 2018) amended Education Code section 68101 to allow a community college district to accept a student's residency classification as determined by another community college district pursuant to a process established by the Chancellor's Office.

Prior to the changes made in AB 3255, Education Code section 68101 allowed a community college district participating in the online course exchange of the Online Education Initiative (OEI) Consortium to accept a student's residency classification as determined by another community college district for students enrolling in an online course through the OEI Consortium who meet certain criteria (specified in Ed. Code § 68101 (a) through (e)). AB 3255 expanded this provision. Rather than being limited to students taking classes through the online course exchange, this provision now allows a community college district to accept a student's residency classification as determined by another community college district and applies to students at all districts and colleges.

LOCAL POLICY

Education Code section 68101 allows a community college district to accept a student's residency classification as determined by another community college district but does not require districts to do so. Community college districts should develop local policies, which state whether they accept residency classification as determined by another community college district and any requirements or conditions that must be met. Districts should post this policy to their webpage under the section on student residency classification.

“HOME COLLEGE” VS. “TEACHING COLLEGE”

Education Code section 68101 refers to “home college” and “teaching college”. The home college is the college where the student first matriculated, this college makes the initial residency classification when the student applies for admission. The teaching college is any other California Community College to which the student seeks access. The teaching college has the option of accepting the residency classification made by the home college or any other community college district that has completed a residency classification for the student. Residency classification is district specific, so for multi-college districts, a student who is classified as a California resident at one college maintains that classification when enrolling in courses taught at any of the other colleges within the district.

BURDEN OF PROOF

In classifying a student as a resident or nonresident, the burden of proof is on the student (Cal. Code Regs., tit 5, § 54024). In order for a community college to accept the residency classification made by another community college district, the student should provide proof of their formal residency classification at the home college or prior community college district.

ANNUAL FINANCIAL AND COMPLIANCE AUDIT

California Community Colleges are audited on student residency in the annual financial and compliance audit (test 425). The purpose of this audit test is to ensure students are being classified correctly as either a California resident or nonresident. Additionally, this audit test is intended to verify that districts have internal controls in place to ensure that state apportionment is claimed only for FTES generated by resident students and by certain nonresident students identified in statute as being eligible for state apportionment.

For any students for whom residency classification is accepted from another community college district pursuant to Education Code section 68101, the teaching college will not be subject to any audit finding related to residency classification for that student as long as the teaching college has documentation on file from the community college district that made the initial classification stating that the student was classified as a resident in the current fiscal year. The teaching college should maintain this documentation for audit purposes.

RESIDENCE DETERMINATION DATE

The “Residence Determination Date” is that day immediately preceding the opening day of instruction of the quarter, semester, or other session as set by the district governing board, during which the student proposes to attend a college (Cal. Code Regs., tit 5, § 54002). Residence determination dates vary from district to district depending on the district's academic calendar.

For any students for whom residency classification is accepted from another community college district pursuant to Education Code section 68101, the teaching college is not required to verify whether the student meets the requirements to be classified as a California resident as of the residence determination date of that particular college. As long as the teaching college has documentation on file from the community college district that made the initial classification stating that the student was classified as a resident in the current fiscal year, the resident determination date does not apply.

PROCESS TO BE FOLLOWED IN ACCEPTING RESIDENCY CLASSIFICATION

The following requirements must be met when accepting a student's residency classification from another community college district pursuant to Education Code section 68101.

College Requirements

1. The teaching college should establish a local district policy for accepting residency classification as determined by another community college district.
2. The teaching college must maintain documentation for audit purposes, for any students for whom residency classification is accepted from another community college district. This documentation should be issued by the college that performed the formal residency classification.
3. In the event that information conflicts with a finding of California residence, the teaching college reserves the right to reject the residency classification from the community college district that made the initial classification.

Student Requirements

1. Student must be currently enrolled at a California Community College with a formal residency classification made.
2. Student must meet all admission and eligibility requirements at the teaching college.
3. Student must provide documentation showing their formal residency classification issued by the current college the student is attending. This documentation should show that the student is classified as a resident in the current academic year.

CONTACT

For questions on accepting the residence determination from another community college district please contact Natalie Wagner, Specialist, Fiscal Standards and Accountability, at nwagner@cccco.edu.