

BP 5015 Residence Determination (10+1)

03/28/24



P&P Chapter Lead Recommendation
San Bernardino Community College District

Chapter Lead	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
N Ornelas	8/7/2023	Recommendation Received	2/21/2024

Reason(s) for Review/Changes

- > Legal Update 43: The Service updated this policy to add a reference to the Education Code.
- > Legal Update 42: The Service updated this policy to allow specified athletes to be entitled to classification as residents tuition and fee purposes pursuant to changes in the Education Code.
- > Legal Update 39: The Service updated this policy to add language regarding exceptions to California residency determinations for certain students with military or veteran status, for determining eligibility for in-state tuition. (38 U.S. Code Section 3679) The Service also added a legal citation to the U.S. Code. (2022-23 carryover)

Review Level

Level 3

Anticipated AP2410 Schedule (for info on this process, visit <https://sbccd.edu/ap2410>)

02/26/2024 PPAC Approves Review Level
03/06/2024 Level 3 First Anticipated AS Review
03/11/2024 Level 3 PPAC Reviews Constituent & Initial AS Feedback
04/05/2024 Level 3 Second Anticipated AS Review
04/08/2024 PPAC Reviews Second AS Feedback
05/09/2024 BOT First Reading
06/13/2024 BOT Final Approval

Action Requested

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are shown in red.
3. Legal changes are shown in blue and should only be considered optional if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or kgoodric@sbccd.edu.

RECOMMENDATION STARTS ON NEXT PAGE

Example

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Review Process Notes:

~~(Replaces current SBCCD BP 5015)~~

Except for students seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, students shall be classified at the time of each application for admission or registration as a resident or nonresident student.

A resident is any person who has been a bona fide resident of California for at least one year on the residence determination date. The residence determination date shall be the day immediately preceding the first day of the semester for which the student applies to attend. Notwithstanding this standard for determining bona fide California residency, a student with military or veteran status may be deemed to qualify as a California resident for in-state tuition eligibility, in accordance with state and federal law.

Residence classification shall be made for each student at the time applications for admission are accepted or registration occurs and whenever a student has not been in attendance for more than one semester. A student previously classified as a nonresident may be reclassified as of any residence determination date.

The Chancellor shall enact procedures to assure that residence determinations are made in accordance with Education Code and Title 5 regulations.

References:

Education Code Sections 68040, 68083, 68086, and 76140;
Title 5 Sections 54000 et seq.
(38 U.S. Code Section 3679)

End of Recommendation for BP 5015 Residence Determination

Example