



# determination of residency

## for Tuition Purposes at Humboldt State University

The following statement of the rules regarding residency determination for nonresident tuition purposes is not a complete discussion of the law but a summary of the principal rules and their exceptions. The law residence determination for tuition purposes by the California State University is found in the California Education Code—sections 68000–68090, 68121, 68123, 68124, 89705–89707.5—and in title 5 of the California Code of Regulations, sections 41900–41912. A copy of the statutes and regulations is available for inspection at Humboldt's Office of Admissions.

**Legal residence may be established by an adult who is physically present in the state and who, at the same time, intends to make California his or her permanent home. At least one year before the residence determination date, a person must demonstrate an intent to make California the permanent home, with concurrent relinquishing of the prior legal residence.**

The steps needed to show an intent vary from case to case. Included among them may be: registering to vote and voting in elections in California; filing resident California state income tax forms on total income; owning residential property or continuously occupying or renting an apartment on a lease basis where one's permanent belongings are kept; maintaining active resident memberships in California professional or social organizations; maintaining California vehicle plates and operator's license; maintaining active savings and checking accounts in California banks; if one is in military service, maintaining permanent military address and home of record in California.

**A student in the state for educational purposes only does not gain resident status regardless of the length of his/her stay in California.**

In general, an unmarried minor (under 18 years of age) derives legal residence from the parent with whom the minor maintains or last maintained his/her place of abode. If an unmarried minor has a living parent, the minor's residence cannot be changed by the minor or the minor's own act, by the appointment of a guardian, or by relinquishment of a parent's right of control.

A married person may establish residence independent of his/her spouse.

An alien may establish residence unless precluded by the Immigration and Nationality Act from establishing domicile in the United States. An unmarried minor alien derives residence from the parent with whom the minor maintains or last maintained his/her place of abode.

**The general rule is that a student must have been a California resident for at least one year immediately preceding the residence determination date in order to qualify as a resident student for tuition purposes.**

**A residence determination date is set for each academic term and is the date from which residence is determined for that term. For Humboldt State University these dates are: Fall Semester, September 20; Spring Semester, January 25; Summer Term, June 1.**

Questions regarding residence determination dates should be directed to Humboldt's Office of Admissions at 707/826-4402.

### Exceptions from the General Residency Rules

1. Persons below age 19 whose parents were residents of California but who left the state while the student, who remained, was still a minor. When the minor reaches age 18, the exception continues for one year to enable the student to qualify as a resident student.
2. Minors who have been present in California with the intent of acquiring residence for more than a year before the residence determination date and entirely self-supporting for that period of time.
3. Persons below the age of 19 who have lived with and been under the continuous direct care and control of an adult, not a parent, for the two years immediately preceding the residence determination date. Such an adult must have been a California resident for the most recent year.
4. Dependent children and spouses of persons in active military service stationed in California on the residence determination date. The exception, once attained, is not affected by retirement or transfer of the military person outside the state.
5. Military personnel in active service stationed in California on the residence determination date for purposes other than education at state-supported institutions of higher education. This exception continues until the military person has resided in the state the minimum time necessary to become a resident.
6. Military personnel in active service in California for more than one year immediately prior to being discharged from the military. Eligibility for this exception runs from the date the student is discharged from the military until the student has resided in the state the minimum time necessary to become a resident.
7. Dependent children of a parent who has been a California resident for the most recent year. This exception continues until the student has resided in the state the minimum time necessary to become a resident, so long as the student maintains continuous attendance at an institution.
8. Graduates of any school located in California that is operated by the U.S. Bureau of Indian Affairs, including, but not limited to, the Sherman Indian High School. The exception continues so long as continuous attendance is maintained by the student at an institution.

9. Certain credentialed, full-time employees of California school districts.

10. Full-time state university employees and their children and spouses; state employees assigned to work outside the state, and their children and spouses. This exception applies only for the minimum time required for the student to obtain California residence and maintain that residence for one year.

11. Certain exchange students. (Time spent at Humboldt while on visitor/exchange status may not be used to demonstrate intent to establish residency in California.)

12. Children of deceased public law enforcement or fire suppression employees who were California residents and who were killed in the course of law enforcement or fire suppression duties.

13. Students who have (a) attended a high school in California at least three years, and (b) graduated (or equivalent) from a California high school. A Special Affidavit must be filed with the Office of Admissions. Nonimmigrant aliens (such as F-1, H-3, or B-2 visa holders) are not eligible for this exemption. This exemption does not confer the status of California resident, although it does waive non-resident tuition.

Following a final campus decision on his/her residence classification, and within 120 days of notification, a person may appeal to: The California State University, Office of General Counsel, 400 Golden Shore, Long Beach, California 90802-4275. The General Counsel may then decide on the issue or send the matter back to the campus for further review.

Students classified incorrectly 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 subject to discipline pursuant to section 41301 of title 5 of the California Code of Regulations.

Resident students who become nonresidents, and nonresident students qualifying for exceptions whose basis for so qualifying changes, must immediately notify Humboldt's Office of Admissions. Applications for changes in classification with respect to previous terms are not accepted.

The student is cautioned that this summation of rules regarding residency determination is by no means a complete explanation of their meaning. Also, changes may occur in the rate of nonresident tuition, in the statutes, and in the regulations between the time of this publication and the relevant residence determination date.

## Financial Independence as it Relates to Residence Reclassification

The financial independence of a nonresident student seeking reclassification as a resident is a mandatory requirement. **This applies only to those students seeking reclassification after having attended as a nonresident student; financial dependence is not a factor in the initial classification of applicants to the California State University.**

During the calendar year the reclassification request is made and during the three preceding calendar years, the student must meet all of the following requirements in order to be considered financially independent:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his or her parent, and
- has not and will not receive more than \$750 per year in financial assistance from his or her parent, and
- has not and will not live for more than six weeks in the home of his or her parent.

If the student does not meet all of these requirements, the residence reclassification request will be denied irrespective of the other factors.

*Humboldt State University adheres to the principle that all persons shall have equal opportunity and access to its educational facilities, activities, and employment without regard to race, color, religion, national origin, sex, sexual preference, marital status, age, disability, disabled veteran's or Vietnam era veteran's status. The California State University is committed to providing equal opportunities to men and women CSU students in all campus programs, including intercollegiate athletics.*