

ADMINISTRATIVE REGULATION 5017

SOUTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

STUDENT SERVICES

RESPONDING TO INQUIRIES OF IMMIGRATION STATUS, CITIZENSHIP STATUS, AND NATIONAL ORIGIN INFORMATION

- A. Unless required by federal or state law, District employees shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall any employee seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.
- B. Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, Irvine Valley College or Saddleback College employees shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.
- C. Irvine Valley College and Saddleback College are not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.
- D. If Irvine Valley College or Saddleback College learn of a student's immigration status through its application process, Irvine Valley College and Saddleback College shall create procedures and protocols to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The colleges shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.
- E. Where permitted by law, the Vice Presidents for Student Services of the colleges shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.
- F. Examples of documents that can be used as proof of residency include but are not limited to:
 - a. Motor vehicle registration in California;
 - b. California driver's license or California identification card;
 - c. California state income tax return;

- d. Listing a California address on a federal income tax return;
 - e. Listing a permanent military address or home of record in California;
 - f. A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
 - g. Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union); and
 - h. Maintaining an active bank account at a California bank.
- G. Where the District is permitted by law to request a minor student's parent's residency information in order to determine tuition or aid, the educational institution shall only require documentation or information that is available to persons regardless of immigration status (as noted above).
- H. Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the colleges' processes and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.
- I. Specifically, where Irvine Valley College and Saddleback College must determine a student's residency for purposes of in-state tuition, the colleges shall not inquire about a parent/ guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the colleges shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).

References:

Education Code Sections 66093 and 66093.3