

Policy 5111.1 District Residency

Status: ADOPTED

Original Adopted Date: 06/22/2016

Last Revised Date: 08/28/2024

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

When a student reaches the highest grade level in an elementary, K-8, or middle school, the student shall be automatically enrolled for the next school year into the appropriate school based on their primary home address. Students who are granted an open enrollment transfer will have their school of residence updated to reflect this change which will be valid for all subsequent schools based on the new schools matriculation pattern.

On or before October 1 each year, the Superintendent or designee shall notify parents/families with children in the highest grade level of an elementary, K-8, or middle school about their designated school for the next school year, based on their school of residence including or their open enrollment transfer matriculation pattern.

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency.

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts

supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation.

The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent or designee of a determination that district residency requirements were not met, the Superintendent or designee shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent or designee's decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

06/22/2016
06/07/2017
10/10/2018
08/28/2024

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 432
Ed. Code 220

Ed. Code 234.7
Ed. Code 35160.5

Ed. Code 35351
Ed. Code 46600-46611
Ed. Code 48050-48054
Ed. Code 48200-48208
Ed. Code 48204
Ed. Code 48204.1-48204.4

Ed. Code 48300-48317
Ed. Code 48350-48361

Ed. Code 48645.5

Ed. Code 48852.7

5111.1 BP

Description

Student records
Prohibition of discrimination
Student protections relating to immigration and citizenship status
Intradistrict open enrollment
Assignment of students to particular schools
Interdistrict attendance permits
Nonresidents
Compulsory education law
Residency requirements
Evidence of residency
Student attendance alternatives; school district of choice program
Open Enrollment Act
Former juvenile court school students; enrollment
Education of homeless students; immediate enrollment

State

Ed. Code 48853.5

Ed. Code 48980

Ed. Code 52317

Fam. Code 6550-6552

Gov. Code 6205-6210

Federal

42 USC 11431-11435

8 USC 1229c

DescriptionEducation of foster youth; immediate enrollmentParent/Guardian notificationsRegional occupational program; admission of persons including nonresidentsCaregiversConfidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction**Description**McKinney-Vento Homeless Assistance ActImmigration and Nationality Act**Management Resources**CA Office of the Attorney General
Publication

Court Decision

Court Decision

CSBA Publication

CSBA Publication

U.S. DOJ & DOE Civil Rights Joint
PublicationU.S. DOJ & DOE Civil Rights Joint
PublicationU.S. DOJ & DOE Civil Rights Joint
Publication

Website

Website

Website

Website

Website

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Website

DescriptionPromoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018Katz v. Los Gatos-Saratoga Joint Union High School District (2004) 117 Cal.App.4th 47Plyler v. Doe, 457 U.S. 202 (1982)Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014Dear Colleague Letter: School Enrollment Procedures, May 8, 2014CSBA District and County Office of Education Legal ServicesCalifornia Secretary of State, Safe at Home ProgramU.S. Department of JusticeCalifornia Office of the Attorney GeneralCalifornia Department of EducationCSBAU.S. Department of Education, Office for Civil Rights**Cross References**

5111.1 BP

| Code | Description |
|-------------|---|
| 3260 | <u>Fees And Charges</u> |
| 3260 | <u>Fees And Charges</u> |
| 3580 | <u>District Records</u> |
| 3580 | <u>District Records</u> |
| 5021 | <u>Noncustodial Parents</u> |
| 5111 | <u>Admission</u> |
| 5111 | <u>Admission</u> |
| 5111.2 | <u>Nonresident Foreign Students</u> |
| 5112.2 | <u>Exclusions From Attendance</u> |
| 5116 | <u>School Attendance Boundaries</u> |
| 5116.1 | <u>Intradistrict Open Enrollment</u> |
| 5116.1 | <u>Intradistrict Open Enrollment</u> |
| 5117 | <u>Interdistrict Attendance</u> |
| 5117 | <u>Interdistrict Attendance</u> |
| 5119 | <u>Students Expelled From Other Districts</u> |
| 5125 | <u>Student Records</u> |
| 5125 | <u>Student Records</u> |
| 5141 | <u>Health Care And Emergencies</u> |
| 5141 | <u>Health Care And Emergencies</u> |
| 5145.12 | <u>Search And Seizure</u> |
| 5145.12 | <u>Search And Seizure</u> |
| 5145.13 | <u>Response To Immigration Enforcement</u> |
| 5145.13 | <u>Response To Immigration Enforcement</u> |
| 5145.6 | <u>Parent/Guardian Notifications</u> |
| 5145.6-E(1) | <u>Parent/Guardian Notifications</u> |
| 5148 | <u>Child Care And Development</u> |
| 5148 | <u>Child Care And Development</u> |
| 6145.2 | <u>Athletic Competition</u> |
| 6145.2 | <u>Athletic Competition</u> |
| 6158 | <u>Independent Study</u> |
| 6158 | <u>Independent Study</u> |
| 6170.1 | <u>Transitional Kindergarten</u> |

| Code | Description |
|-----------|---|
| 6173 | <u>Education For Homeless Children</u> |
| 6173 | <u>Education For Homeless Children</u> |
| 6173-E(1) | <u>Education For Homeless Children</u> |
| 6173-E(2) | <u>Education For Homeless Children</u> |
| 6173.1 | <u>Education For Foster Youth</u> |
| 6173.1 | <u>Education For Foster Youth</u> |
| 6173.2 | <u>Education Of Children Of Military Families</u> |
| 6173.2 | <u>Education Of Children Of Military Families</u> |
| 6173.3 | <u>Education For Juvenile Court School Students</u> |
| 6175 | <u>Migrant Education Program</u> |
| 6175 | <u>Migrant Education Program</u> |
| 6183 | <u>Home And Hospital Instruction</u> |
| 7160 | <u>Charter School Facilities</u> |
| 7160 | <u>Charter School Facilities</u> |