

Regulation 5111.1 District Residency

Status: ADOPTED

Original Adopted Date: 02/1995

Last Revised Date: 08/28/2024

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
3. The student is admitted through an interdistrict attendance option (Education Code 46600, 48204, 48301, 48356)
4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)
8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)
9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)
10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her

parent/guardian departure. (Education Code 48204.4)

11. The student has proof that they will be residing in District boundaries in the future.

Residency Based on Parent/Guardian Employment (Allen Bill Transfers)

District residency status may be granted to a student if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week.

No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220. However, the Superintendent or designee may deny enrollment into the district if any of the following circumstances is present: (Education Code 48204)

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan as determined by the Governing Board.
3. Other circumstances exist that are not arbitrary.

Such circumstances may include but are not limited to, overcrowding of school facilities at the relevant grade level.

Once a student establishes residency on this basis, he/she shall not be required to reapply for enrollment in subsequent years. The student may continue to attend school in the district through the highest grade level offered by the district if the parent/guardian so chooses and if at least one parent/guardian of the student continues to be physically employed by an employer situated within district boundaries, subject to the exceptions in items #1-3 above. (Education Code 48204)

The Superintendent or designee may deny a transfer out of the district by a student whose parent/guardian is employed within the boundaries of another district if the difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. (Education Code 48204)

Proof of Residency

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipts
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipts
4. Pay stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the student's parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552
10. Signed contract with a home builder or mortgage agency for the purchase of a home within District boundaries within 90 days

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within district boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

Safe at Home Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the

district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

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 08/10/2005
 11/2006
 05/09/2007
 11/2007
 04/09/2008
 06/22/2016
 03/08/2017
 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

Description

5 CCR 432	<u>Student records</u>
Ed. Code 220	<u>Prohibition of discrimination</u>
Ed. Code 234.7	<u>Student protections relating to immigration and citizenship status</u>
Ed. Code 35160.5	<u>Intradistrict open enrollment</u>
Ed. Code 35351	<u>Assignment of students to particular schools</u>
Ed. Code 46600-46611	<u>Interdistrict attendance permits</u>
Ed. Code 48050-48054	<u>Nonresidents</u>
Ed. Code 48200-48208	<u>Compulsory education law</u>
Ed. Code 48204	<u>Residency requirements</u>
Ed. Code 48204.1-48204.4	<u>Evidence of residency</u>
Ed. Code 48300-48317	<u>Student attendance alternatives; school district of choice program</u>
Ed. Code 48350-48361	<u>Open Enrollment Act</u>

State	Description
Ed. Code 48645.5	<u>Former juvenile court school students; enrollment</u>
Ed. Code 48852.7	<u>Education of homeless students; immediate enrollment</u>
Ed. Code 48853.5	<u>Education of foster youth; immediate enrollment</u>
Ed. Code 48980	<u>Parent/Guardian notifications</u>
Ed. Code 52317	<u>Regional occupational program; admission of persons including nonresidents</u>
Fam. Code 6550-6552	<u>Caregivers</u>
	<u>Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, or child abduction</u>
Gov. Code 6205-6210	
Federal	Description
42 USC 11431-11435	<u>McKinney-Vento Homeless Assistance Act</u>
8 USC 1229c	<u>Immigration and Nationality Act</u>
Management Resources	Description
	<u>Promoting 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 2018</u>
CA Office of the Attorney General Publication	
Court Decision	<u>Katz v. Los Gatos-Saratoga Joint Union High School District (2004) 117 Cal.App.4th 47</u>
Court Decision	<u>Plyler v. Doe, 457 U.S. 202 (1982)</u>
CSBA Publication	<u>Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014</u>
	<u>Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017</u>
CSBA Publication	<u>Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014</u>
U.S. DOJ & DOE Civil Rights Joint Publication	
U.S. DOJ & DOE Civil Rights Joint Publication	<u>Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014</u>
U.S. DOJ & DOE Civil Rights Joint Publication	<u>Dear Colleague Letter: School Enrollment Procedures, May 8, 2014</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Secretary of State, Safe at Home Program</u>
Website	<u>U.S. Department of Justice</u>
5111.1 AR	

Management Resources	Description
Website	<u>California Office of the Attorney General</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>
Website	<u>U.S. Department of Education, Office for Civil Rights</u>
Cross References	
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>
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Code	Description
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>
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>