

Students

DISTRICT RESIDENCY

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)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon 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 students' 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)

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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 of the Superintendent's determination that district residency requirements were not met, the Board shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision at its next regularly scheduled meeting following the parent/guardian's request for the appeal. The Board'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)

Legal Reference:

State

5 CCR 432

Description

Student records

Students**DISTRICT RESIDENCY****Legal Reference:****State**

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
 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

Management Resources

CA Office of the Attorney General
 Publication

Court Decision

Court Decision
 CSBA Publication

CSBA Publication

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

Description

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
 Education of foster youth; immediate enrollment
 Parent/Guardian notifications
 Regional occupational program; admission of persons including
 nonresidents
 Caregivers
 Confidentiality of residence for victims of domestic violence

Description

McKinney-Vento Homeless Assistance Act
 Immigration and Nationality Act

Description

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
 Katz v. Los Gatos-Saratoga Joint Union High School District,
 (2004) 117 Cal.App.4th 47
 Plyler v. Doe, 457 U.S. 202 (1982)
 Legal Guidance Regarding International Student Exchange
 Placement Organizations, April 2014
 Legal Guidance on Providing All Children Equal Access to
 Education, Regardless of Immigration Status, February 2017
 Fact Sheet: Information on the Rights of All Children to Enroll
 in School, May 8, 2014
 Information on the Rights of All Children to Enroll in School:
 Questions and Answers for States, School Districts and Parents,
 May 8, 2014

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Legal Reference:

Management Resources

U.S. DOJ & DOE Civil
Rights Joint Publication

Website

Website

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Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

[CSBA District and County Office of Education Legal Services](#)

[California Secretary of State, Safe at Home Program](#)

[U.S. Department of Justice](#)

[California Office of the Attorney General](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

Policy Adopted: July 5, 1990
Revised: January 18, 2024

WESTMINSTER SCHOOL DISTRICT
Westminster, California