District Residency

Adopted: 06/02/1998 **| Last Revised**: 09/23/2026 **| Last Reviewed**: 09/23/2026

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment if they meet any of the following criteria:

1. The student's parents/guardians reside within district boundaries;

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;

3. The student has been admitted through the district's inter-district attendance program;

4. The student is an emancipated minor residing within district boundaries;

5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect;

6. The student resides in a state hospital located within district boundaries;

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability;

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;

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; or

10. The student's parent/guardian was a resident of California who departed the state against their 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 their 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 the parent/guardian's departure.

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

District residency status may be granted to a student if at least one of their 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:

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 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, the student 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 numbers 1-3 above.

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.

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.

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:

1. Property tax payment receipt

2. Rental property contract, lease, or payment receipt

3. Utility service contract, statement, or payment receipt

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

A parent/guardian seeking residency status on the basis of their employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from their 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, the parent/guardian may use their 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.

A student whose parent/guardian's departure from the state occurred against their will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if 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 is provided.

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if the student is unable to provide proof of residency.

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 the future communications and correspondence and shall not include the actual address in the student's file or any other public record.

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.

Legal References:

STATE
CODE OF REGULATIONS
5 CCR 432 Varieties of student records
EDUCATION CODE
220 Prohibition of discrimination
234.7 Student protections relating to immigration and citizenship status
35160.5 Intradistrict open enrollment
35351 Assignment of students to particular schools
46600-46611 Interdistrict attendance permits
48050-48053 Nonresidents
48200-48208 Compulsory education law
48204 Evidence of residency
48204.1-48204.4 Evidence of residency
48300-48317 Student attendance alternatives; school district of choice program
48350-48361 Open Enrollment Act transfers
48645.5 Former juvenile court school students; enrollment
48852.7 Education of homeless students; immediate enrollment
48853.5 Education of foster youth; immediate enrollment
48980 Notification of parent or guardian

52317 Regional occupational program; admission of persons including nonresidents
FAMILY CODE
6550-6552 Caregivers
GOVERNMENT CODE
6205-6210 Confidentiality of residence for victims of domestic violence
FEDERAL
UNITED STATES CODE
42 USC 11431-11435 McKinney-Vento Homeless Assistance Act
8 USC 1229c Immigration and Nationality Act
MANAGEMENT RESOURCES:
CA OFFICE OF THE ATTORNEY GENERAL PUBLICATION
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
COURT DECISIONS
Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal. App. 4th 47
Plyler v. Doe, 457 U.S. 202 (1982)
CSBA PUBLICATIONS
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
U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS
Fact Sheet: Information on the Rights of all Children to enroll in school
Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014
Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
WEBSITES
CSBA http://www.csba.org
California Department of Education http://www.sos.ca.gov/safeathome
U.S. Department of Education, Office for Civil Rights http://www2.ed.gov/ocr
U.S. Department of Justice http://www.justice.goc
CSBA District and County Office of Education Legal Services
https://legalservices.csba.org/#https://legalservices.csba.org/
California Secretary of State, Safe at Home Program
https://www.sos.ca.gov/registries/safehome#http://www.sos.ca.gov/safeathome
California Office of the Attorney General https://oag.ca.gov/#http://oag.ca.gov

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