DISTRICT RESIDENCY

Criteria for Residency

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

1. The student’s parent/guardian resides within district boundaries. (Education Code 48200)
   
   (cf. 5111.13 - Residency for Homeless Children)
   (cf. 6173 - Education for Homeless Children)

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)
   
   (cf. 6173.1 - Education for Foster Youth)

3. The student has been admitted through an interdistrict attendance option, such as an interdistrict attendant agreement, “school district of choice” transfer or Open Enrollment Act Transfer. (Education Code 46600, 48204, 48301, 48356)
   
   (cf. 5117 - Interdistrict Attendance)
   (cf. 5118 – Open Enrollment Act Transfers)

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)
   
   (cf. 6183 - Home and Hospital Instruction)
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 aide 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.

4. 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 48304)

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.

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

Proof of Residency

Prior to admission in district schools, students shall provide proof of residency.

(cf. 5111 - Admission)

The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

(cf. 5141 - Health Care and Emergencies)

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 48304.1)

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian
5. Pay Stub
6. Voter Registration
7. Correspondence from a government agency.
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 resident in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552.

(cf. 5141 – Health Care and Emergencies)

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine that the student meets legal residency requirements.
DISTRICT RESIDENCY (continued)

The Superintendent or designee shall make a reasonable effort to secure evident that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student’s parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48852.7, 48853.5; USC 11432)

(cf. 6173 – Education for Homeless Children)
(cf. 7173.1 – Education for Foster Youth)

Safe at Home 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. The Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address for all future communications and correspondence. The participant will present a laminated identification card containing his/her substitute address and a four-digit authorization number. The district may verify the enrollment of a student in the program by contacting the Safe At Home Program. (Government Code 6206, 6207)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

Admission of Residents of Other States or Countries

The Superintendent or designee may, with the approval of the County Superintendent of Schools, admit a student living in an adjoining state contiguous with the district, as long as an agreement has been reached with the governing authority of the district in which the student resides and payment is made in accordance with law. (Education Code 48050)

A student whose actual and legal residence is in a foreign country adjacent to California, regardless of whether or not his/her parents/guardians are citizens of the United States, may be admitted to a district school provided that the student is otherwise eligible for admission to a California district and the student regularly returns within a 24-hour period to the foreign country. As a condition to admittance of such a student, the student’s parent/guardian shall agree to pay the district reimbursement of costs in accordance with law. (Education Code 48051, 48052)

(cf. 5111.2 - Nonresident Foreign Students)
DISTRICT RESIDENCY (continued)

Legal Reference:

EDUCATION CODE
35351 Assignment of students to particular schools
48050-48054 Nonresidents
48200-48208 Persons included (compulsory education law)
48980 Notifications at beginning of term
52317 ROP, admission of persons including nonresidents to attendance area

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6211 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Varieties of student records

UNCODIFIED STATUTES
AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
0303.95 Verification of residency, LO: 1-95

WEB SITES
California Department of Education: http://www.cde.ca.gov
California Secretary of State, Safe at Home Program: http://www.ss.ca.gov/safeathome

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(4/12/05) (12/15)