

DISTRICT RESIDENCY

Criteria for Residency

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

(cf. 5111 - Admission)

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

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)

(cf. 5111.13 - Residency 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)

3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

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. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student's parent/guardian is employed by the district. The employed parent/guardian must follow Board policy 5117, Interdistrict Attendance.

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

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)

DISTRICT RESIDENCY (continued)**Proof of Residency**

The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification. Home ownership documents or a copy of a current, residential lease or rental agreement, and a bill from a utility company (electricity or phone) dated not more than two months prior to the request for admission. Other documents evidencing residency within the district if deemed appropriate by the Superintendent or designee may be considered in place of utility bill. (5 CCR 432)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Parents/guardians or caregivers who lie or falsify residency information will be asked to enroll their child in the district of residence and will be given two weeks to make the adjustment.

Revocation of Enrollment – Appeal Procedures

Any individual whose admission to the district has been denied for lack of residence or failure to produce appropriate proof of residency may appeal to the Board in writing within 15 days after denial of admission. The appeal shall state the name of the student, the student's place of residence, and include a copy of any and all documents which the individual asserts to evidence current residency within the district. The individual shall also state whether he or she desires an opportunity to be heard by the Board.

The Board shall, at the next meeting, during which the matter may properly be noticed and considered, review the written appeal, accompanying documents, and when so requested, hear the individual's personal presentation of his/her appeal. At or before the regularly scheduled meeting next following, the Board shall promptly notify the Superintendent of its decision, and the Superintendent shall promptly notify the individual, in writing, of the decision.

Legal Reference: (see next page)

DISTRICT RESIDENCY (continued)

Legal Reference:

EDUCATION CODE

- 35351 Assignment of students to particular schools
- 48050-48053 Nonresidents
- 48200-48204 Persons included (compulsory education law)
- 48204.5 Districts adjacent to international border
- 48204.6 Evidence of residency
- 48206.3-48208 Students with temporary disability
- 48980 Notification of parent or guardian
- 52317 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

CODE OF REGULATIONS, TITLE 22

- 87001 Definitions

Management Resources:

CDE LEGAL ADVISORIES

- 0303.95 Verification of residency, LO: 1-95
- 1115.88 Application of residency requirements for homeless children and youth, LO:5-88

SECRETARY OF STATE

- Letter re: California Confidential Address Program Implementation (SB 489)

WEB SITES

- California Secretary of State: <http://www.ss.ca.gov>