

Policy 5111.1: District Residency

Status:
ADOPTED

Original Adopted Date: 01/10/2019 | **Last Reviewed Date:** 01/10/2019

The Board of Education 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)

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 to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent'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)

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 Governing 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	Student records
Ed. Code 220	Prohibition of discrimination
Ed. Code 234.7	Student protections relating to immigration and citizenship status
Ed. Code 35160.5	Intradistrict open enrollment
Ed. Code 35351	Assignment of students to particular schools
Ed. Code 46600-46611	Interdistrict attendance permits
Ed. Code 48050-48054	Nonresidents
Ed. Code 48200-48208	Compulsory education law

Ed. Code 48204	Residency requirements
Ed. Code 48204.1-48204.4	Evidence of residency
Ed. Code 48300-48317	Student attendance alternatives; school district of choice program
Ed. Code 48350-48361	Open Enrollment Act
Ed. Code 48645.5	Former juvenile court school students; enrollment
Ed. Code 48852.7	Education of homeless students; immediate enrollment
Ed. Code 48853.5	Education of foster youth; immediate enrollment
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 52317	Regional occupational program; admission of persons including nonresidents
Fam. Code 6550-6552	Caregivers
Gov. Code 6205-6210	Confidentiality of addresses for victims of domestic violence, sexual assault, stalking, human trafficking, child abduction, and elder or dependent adult abuse

Federal

Description

42 USC 11431-11435

McKinney-Vento Homeless Assistance Act

8 USC 1229c

[Immigration and Nationality Act](#)

Management Resources

Description

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, December 2024
Court Decision	Katz v. Los Gatos-Saratoga Joint Union High School District (2004) 117 Cal.App.4th 47
Court Decision	Plyler v. Doe (1982) 457 U.S. 202
CSBA Publication	Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014
CSBA Publication	Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017
U.S. DOJ & DOE Civil Rights Joint Publication	Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014
U.S. DOJ & DOE Civil Rights Joint Publication	Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014
U.S. DOJ & DOE Civil Rights Joint Publication	Dear Colleague Letter: School Enrollment Procedures, May 8, 2014
Website	CSBA District and County Office of Education Legal Services
Website	California Secretary of State, Safe at Home Program
Website	U.S. Department of Justice

Website	California Office of the Attorney General
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights

Cross References

Code	Description
3260	Fees And Charges
3260	Fees And Charges
3580	District Records
3580	District Records
5021	Noncustodial Parents
5111	Admission
5111	Admission
5111.2	Nonresident Foreign Students
5112.2	Exclusions From Attendance
5116	School Attendance Boundaries

5116.1	<u>Intradistrict Open Enrollment</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5117	<u>Interdistrict Attendance</u>
5117	<u>Interdistrict Attendance</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 PDF(1)	<u>Parent/Guardian Notifications</u>
5145.6-E PDF(2)	<u>Parent/Guardian Notifications</u>
5148	<u>Child Care And Development</u>

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 PDF(1)	<u>Education For Homeless Children</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>

6183

[Home And Hospital Instruction](#)

7160

[Charter School Facilities](#)

7160

[Charter School Facilities](#)

