

**DISTRICT RESIDENCY**

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.

*(cf. 5116 - School Attendance Boundaries)*

The Superintendent or designee (e.g., site administrator) 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)

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5117 - Interdistrict Attendance)*

*(cf. 5145.6 - Parental Notifications)*

The Superintendent or designee (e.g., site administrator) 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)

*(cf. 5111 - Admission)*

*(cf. 5125 - Student Records)*

When establishing a student's residency for enrollment purposes, the Superintendent or designee (e.g., site administrator) shall not inquire into a student's citizenship or immigration status.

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 (e.g., site administrator) shall notify the parent/guardian in writing, including specific reasons for the denial.

**Verification of Residency**

When the Superintendent or designee (e.g., site administrator) 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 (e.g., site administrator) 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 site administrator may conduct an 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, and/or a home visit/verification.

**DISTRICT RESIDENCY** (continued)

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 engaged in an 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 (e.g., site administrator), 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) Neighborhood Schools and Enrollment Options or shall be notified.

Neighborhood Schools and Enrollment Options 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 district of a determination that district residency requirements were not met, Neighborhood Schools and Enrollment Options shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall decide within 10 school days of receipt of the parent/guardian's request for the appeal. This 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 and are participating in an international exchange program under the sponsorship of a government-approved agency. The district is not a registered exchange organization and cannot facilitate placement other than through a registered placement organization. The district does not issue I-20 forms and does not admit students with F-1 visas outside of the international exchange program process.

**DISTRICT RESIDENCY (continued)**

(cf. 5111.2 - Nonresident Foreign Students)  
(cf. 6145.6 - International Exchange)

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)

(cf. 6178.2 - Regional Occupational Center/Program)

*Legal Reference:*

EDUCATION CODE

220 Prohibition of discrimination  
35160.5 Intradistrict open enrollment  
35351 Assignment of students to particular schools  
46600-46611 Interdistrict attendance permits  
48050-48054 Nonresidents  
48200-48208 Compulsory education law, especially:  
48204 Residency requirements  
48204.1-48204.2 Evidence of residency  
48300-48316 Student attendance alternatives, school district of choice program  
48350-48361 Open Enrollment Act transfers  
48852.7 Education of homeless students; immediate enrollment  
48853.5 Education of foster youth; immediate enrollment  
48980 Notifications at beginning of term  
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

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

*Management Resources:*

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Policy

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**SAN DIEGO UNIFIED SCHOOL DISTRICT**

San Diego, California