

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](#))
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](#))
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](#))
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 [48207](#))

In addition, district residency status may be granted to a student if at least one parent/guardian is physically employed by the school district and shall be granted if the parent/guardian's primary place of employment is at a school site.

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](#))

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](#))

Proof of Residency

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

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](#).

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts or property deed.
2. Rent payment receipts or current lease.
3. Utility service payment receipts.
4. Declaration of residency executed by the student's parent/guardian.
5. If the student is an unaccompanied youth as defined in 42 USC [11434a](#), a declaration of residency executed by the student.
6. 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](#).

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 residency requirements. Such efforts must comply with Education Code 48204.1 and 48204.2.

Alternative Enrollment Process for Active-Duty Military Families (Pilot Program)

Consistent with the Interstate Military Compact on Educational Opportunity for Military Children (Education Code 49700-04), the District desires to remove barriers to educational success imposed on children of military families due to the frequent moves and deployment of their parents. The District finds that one such barrier is the difficulty out-of-state military families have in obtaining certain residency documents before their transfers.

Accordingly, children in active-duty military families shall be deemed to have complied with district residency requirements if:

1. The student does not claim residency in any other school district in California.
2. On or after May 1, the student's parent/guardian provides the District with electronic copies of:
 - a. Military orders to assigning the parent/guardian to a military facility in Alameda;
 - b. Military ID;
 - c. Required immunization records for student;
 - d. Transcripts for child; and
 - e. Military Housing Agreement, signed lease, or deed.
3. On or before August 1, the parent/guardian of the student appears in person at the District in order to finalize enrollment. At that time, the parent/guardian must provide the same documentation required of all other enrollees as set forth in the "Proof of Residency" section above.

This alternative enrollment process provision expires on April 30, 2017 and has no force or effect after that date.

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. (Government Code [6206](#), [6207](#))

Denial or Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice. This notice shall state the parent/guardian's right, within five school days, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an additional five days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked six school days after the date of the notice.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings. If the hearing officer's decision is upheld, the parent/guardian shall be informed of his/her right to appeal to the Board of Education within 10 days.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of the appeal.

The Board's decision shall be final.

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

[6205-6210](#) Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

CODE OF REGULATIONS, TITLE 5

[432](#) Varieties of student records

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

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

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>

Regulation ALAMEDA UNIFIED SCHOOL DISTRICT

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