

## **Fresno Unified Administrative Regulation (AR) 5111.1 District Residency**

Prior to admission, students living within the district must provide proof of residency.

*(cf. 5111 - Admission)*

### **Criteria for Residency**

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if the student 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 is admitted through an interdistrict attendance option. (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)*

8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)
9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)

*(cf. 6173.2 - Education of Children of Military Families)*

10. The student's parent/guardian was a resident of California who departed the state against their will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing their removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of their parent/guardian's departure. (Education Code 48204.4)

*(cf. 5145.13 - Response to Immigration Enforcement)*

### **Residency Based on Parent/Guardian Employment (Allen Bill Transfers)**

District residency status may be granted to a student if at least one of their 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 aid 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, they 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 48204)

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

### **Proof of Residency**

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

A student may establish residency by documenting that they live with a parent/guardian within the district; that they are an emancipated minor living in the district; that they are in the court-appointed care of a licensed foster home, family home, or children's institution within the district; or that they live in the home of a care-giving adult within the district. (Education Code 48204)

Reasonable 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 48204.1)

1. Current property tax payment receipts.
2. Rental property contract, lease, or payment receipts.
3. Recent utility service, contract, statement, or payment receipts.
4. Declaration of residency executed by the student's parent/guardian.
5. Pay stub
6. Voter registration
7. Correspondence from government agency
8. Voluntary inspection of resident by school district personnel.
9. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
10. 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

*(cf. 5141 - Health Care and Emergencies)*

A parent/guardian seeking residency status on the basis of their employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from their 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.

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, they may use as their address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

A student whose parent/guardian's departure from the state occurred against their will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if they provide official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if they are unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.3 - Education for Juvenile Court School Students)*

### **Safe at Home/Confidential Address 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 but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

*(cf. 3580 - District Records)*

The district shall retain a copy of the document or written verification offered as proof of residency. In addition, the district shall annually verify the student's residency and retain a copy of the document or written statement offered as verification (5 CCR432).

If a district employee reasonably believes that a parent/guardian has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student resides in the district.

District residency is not required for enrollment in ROC or ROP. (Education Code 52317)

A Caregiver's Authorization Affidavit, a Homeless Affidavit or an Affidavit of Residency may be acquired through the Office of Student Services.

Caregiver affidavits establish district residency only, not a student's school of attendance, which

remains at the discretion of the district. School placement will be based upon space availability and program among other factors.

The possibility of resident checks will be discussed with parents/guardians at the time of registration. The Office of Student Services will conduct resident checks at the request of school site principals or their designees.

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

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

1115.1 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>

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