

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

District residency status may be granted to a student if at least one parent/guardian is physically employed within district boundaries. (Education Code 48204)

(cf. 5111.1 - District Residency)

(cf. 5117 – Inter-district Attendance)

Applications for Admission

When applying for his/her child's admission to a district school based on employment, the parent/guardian shall provide proof of physical employment within district boundaries. This evidence may include a paycheck stub or letter from his/her employer listing an actual address within district boundaries. Stubs or letters listing only a post office box as an address shall not be accepted.

The Governing Board may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)
2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (Education Code 48204)
3. The school facilities are overcrowded at the relevant grade level.
4. Other circumstances exist that are not arbitrary. (Education Code 48204)

If the Board denies the student admission for any of the above reasons, the Superintendent or designee shall notify the parent/guardian in writing of the Board's decision, including specific reasons for the denial.

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade provided by the district if the parent/guardian so chooses and if at least one of the student's parents/guardians continues to be physically employed within district boundaries, subject to the restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204)

District Students Transferring to Other Districts Based on Parent/Guardian Employment

When a student's parent/guardian requests that the student be transferred to another district based on the parent/guardian's physical employment within that other district, the Board may

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deny the request if the percentage of district students admitted to other districts on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204. A transfer may also be denied if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan. (Education Code 48204)

The student's parent/guardian shall be notified in writing of the Board's decision to deny the transfer to the school district in which the parent/guardian's employer is situated. The notice shall include specific reasons for the denial.

Legal Reference:

EDUCATION CODE

46601 Failure to approve inter-district attendance

48200-48204 Compulsory education law; especially:

48204 Residency based on parent/guardian employment

ATTORNEY GENERAL OPINIONS

84 Ops. Cal. Atty. Gen. 198 (2001)

Management Resources:

WEB SITES

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

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