

NOVATO UNIFIED SCHOOL DISTRICT

Administrative Rules and Regulations

Series 5000

AR 5111.12

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

Students

District residency status may be granted to a student whose parent/guardian is employed within district boundaries. (Education Code 48204)

(cf. 5111.1 - District Residency)
(cf. 5117 - Interdistrict 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 employment within district boundaries, such as a paycheck stub or letter from his/her employer. To qualify for employment based district residency, the parent/guardian must be employed within the district boundaries for 20 or more hours per week.

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 relevant considerations exist that are not arbitrary. (Education Code 48204)

The Superintendent or designee shall notify the parent/guardian in writing of the Board's decision to deny the student admission. The notice shall include 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 one or both of the student's parents/guardians

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continue to be employed within district boundaries, subject to the restrictions specified in law related to excess costs and negative impact on desegregation plans. (Education Code 48204).

The parent/guardian must annually provide verification of employment within the district boundaries for 20 or more hours per week.

Students admitted to the district on the basis of parent/guardian employment and their parent/guardian shall be required to sign an Interdistrict Attendance Agreement. (Exhibit 5117.1B) prior to enrollment. Student attendance, behavior, and grades will be reviewed each semester. If terms and conditions of the agreement have not been met, students will be required to return to their district of residence.

District Students Attending Other Districts Based on Parent/Guardian Employment

When a student's parents/guardians request a transfer to another district based on the parent/guardian's employment within that other district, the Board may 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
48200-48204 Compulsory education law

ATTORNEY GENERAL OPINIONS
84 Ops.Cal.Atty.Gen. 198 (2001)

Approved 6/06