

Palos Verdes Peninsula USD

Administrative Regulation

Residency Based On Parent/Guardian Employment

AR 5111.12

Students

The district Board of Education finds that allowing the children of persons employed by the district to attend district schools is beneficial to the district for a variety of reasons, including, but not limited to, allowing the district to recruit and hire desirable employees and strengthening the relationship between employees and the district. For that reason, district residency status shall be granted to a student if at least one parent/guardian is physically employed within district boundaries by the district pursuant to the “Allen Bill.” (Education Code 48204(b))

Parent/Guardian means the natural or adoptive parent or legal guardian of a dependent child..

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, negative impact on desegregation plans and other permitted grounds. (Education Code 48204(b)(2)-(7)) The district may require verification that at least one parent/guardian is physically employed within the boundaries of the district annually, periodically, or at such other times as the district determines that such verification is warranted. At the time of initial employment, application deadlines may be waived by the Superintendent or designee for the admission of students whose parent/guardian is physically employed by the Palos Verdes Peninsula Unified School District subject to space availability and other non-arbitrary permitted considerations.

District residency status may be granted to a student, on a space available basis, if at least one parent/guardian is physically employed by an employer situated within the attendance boundaries of the district for a minimum of 10 hours per week during the normal school day. For purposes of this regulation, parent/guardian means the natural or adoptive parent or legal guardian of a dependent child and the normal school day shall be 8:00 a.m. - 4:00 p.m., Monday through Friday. (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 physical employment by an employer situated within the attendance boundaries of the District. This evidence shall include all of the following:

- Copy of recent pay stub
- Copy of W2 or 1099 or other applicable tax document
- Letter on the employer's stationery verifying schedule (hours and days) and location of employment
- If self-employed, copy of current business license and lease agreement

Stubs, W2 forms, or letters listing only a post office box as an address shall not be accepted.

The district 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. An application for residency based on parent/guardian employment within the boundaries of the district pursuant to this regulation will not be granted if the program requested by the student is at capacity. "Capacity" is defined as follows:

Each grade level will be considered at capacity for these purposes when the district-wide average for any grade level reaches 1/4 of a student below the grade level ratio established by the district.

Special Education Classes and Programs:

- a. The Resource Specialist Program (RSP) will be considered at capacity for these purposes when district-wide average enrollment in the program reaches a student: teacher ratio of 25:1.
- b. The Special Day Classes (SDC) will be considered at capacity for these purposes when district-wide average enrollment in the program reaches a student: teacher ratio of 8:1.
- c. The Basic Skills (Severe) Program Classes will be considered at capacity for these purposes when district-wide average enrollment in the program reaches a student: teacher ratio of 7:1.

- d. The Speech Services Program will be considered at capacity for these purposes when district-wide average enrollment in the program reaches a student: therapist ratio of 50:1.
- e. Adaptive Physical Education (APE) will be considered at capacity for these purposes when district-wide average enrollment in the program reaches a student: teacher ratio of 45:1.
- f. The Occupational Therapy (OT) program will be considered at capacity for these purposes when district-wide average enrollment in the program reaches a student: therapist ratio of 45:1.

These capacity limits are intended to allow room for growth for district residents who enter the program(s) during the school year. Establishment of these capacity limits are intended to assure that resident students receive the maximum amount of assistance by district staff and that programs are not negatively impacted by the admission of nonresident students or the Board's election of the option to allow the establishment of district residency based on parent/guardian employment within district boundaries. As the district establishes new or different classes or programs or becomes aware of classes or programs for which a capacity limit is not included herein, it may establish an appropriate capacity limit for any such class or program.

The district shall place students admitted based on parent/guardian employment within the district at a site or in a class in which there is available space, which may result in the student not being placed in the parent/guardian's choice of school or class. For students who are enrolled pursuant to this Regulation during elementary school, the district school in which the student is initially enrolled shall be deemed the student's elementary school of residence for district purposes. All students initially entering sixth through eighth grade at a district school who attend district schools pursuant to this Regulation shall be placed in any of the district's intermediate schools on a space-available basis at the district's sole discretion. Students enrolled pursuant to this Regulation in the elementary school grades shall be placed in an intermediate school based on parent workplace address and available space and shall have no right or entitlement to attend any particular district intermediate school including on the basis of the elementary school that the student attended; parents/guardians should be aware that this may result in students being placed in intermediate schools that differ from the school(s) attended by the majority of the students with whom they attended elementary school. The intermediate school to which a student enrolled pursuant to this Regulation is initially assigned by the District shall be the student's intermediate school of residence for district purposes. The district does not have residency boundaries for high school attendance. Nothing in this section shall limit the right of any student to apply for intra-district transfer on the same terms as any other student of the district, however, the school of residency shall remain the school as identified herein.

- 4. The student has been expelled from school during any part of the preceding three school years.
- 5. Other circumstances based on which the Superintendent or designee reasonably determines that enrollment should be denied provided, however, that enrollment shall not be denied based on parental income or scholastic achievement or any other arbitrary consideration

prohibited by law. (Education Code 48204)

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 parent/guardians continues to be physically employed by an employer situated within the attendance boundaries of the District, subject to the restrictions specified in law related to excess costs, negative impact on desegregation plans and other permitted grounds. (Education Code 48204(b)(2)-(7)) The district may require verification annually, periodically, or at such other times as the district determines that such verification is warranted, that at least one parent/guardian is physically employed by an employer situated within the attendance boundaries of the District .

Admission Process

The district Board will decide on an annual basis (or more frequently should the Board so choose) whether residency status will be granted to any students pursuant to this Regulation for a given school year, irrespective of the district's available enrollment capacity in one or more specified programs. In approximately January of each year the Board will determine whether residency status pursuant to this Regulation will be granted for the following school year. If such residency status will be granted, then the enrollment caps and enrollment process specified herein will be followed for that school year. For any school year for which the Board determined that residency status would not be granted hereunder, the Board in its discretion may at a later time choose to begin granting residency status for that year, and shall at that time set the dates for applications to be submitted and any necessary enrollment lottery to be held.

~~For any year, in which the Board determines that residency status will be granted pursuant to this Regulation, there shall be an initial application period starting on the Monday following the third Friday in March through and including the second Monday thereafter (the "Initial Application Period"). Any and all applications pursuant to this Regulation which are submitted to the district during this Initial Application Period shall be considered and processed with applications received during the same period pursuant to Regulation 5118 (Open Enrollment) as specified in that Regulation. Any applications pursuant to this Regulation 5111.12 which are submitted subsequent to this Initial Application Period shall be considered following the process set forth below.~~

For any school year for which the Board determines that residency status will be granted pursuant to this Regulation, applications for enrollment hereunder shall be submitted starting on ~~the first business day in the month of April through July 31st~~ ~~April 15th and no later than August 15th~~ prior to each new school year. Applications will be date and time-stamped as received by the district. A determination of space availability by grade level and program, pursuant to the enrollment caps specified above, will be made on or before the Friday of the first full week of school for the year. Admission will be determined based on a random drawing for each affected grade level or program. Should there be additional space pursuant to the enrollment caps in any grade level or program after this initial enrollment period, admission will be permitted on a first come-first served basis. No admission pursuant to this Regulation will be permitted in any school year after the 10th day of the first semester.

Applicants who cannot be enrolled in the initial enrollment period, and any later-received applications, will be kept on a waiting list for the current school year in the order in which the applications were received by the district, until there is an opening for the applicant or the period for enrollment under this Regulation is closed for the current year.

There will be no sibling preference for enrollment pursuant to this Regulation, either at the time of any random drawing or at such time as one sibling is already enrolled in district schools and a subsequent sibling is applying for admission hereunder.

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 district 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 district determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan. (Education Code 48204)

Legal Reference:

EDUCATION CODE

46601 Failure to approve interdistrict attendance
46607 ADA calculation for residency based on parent employment
48200-48284 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>

Regulation PALOS VERDES PENINSULA UNIFIED SCHOOL DISTRICT

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