

DISTRICT RESIDENCY

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries.
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.
3. The student is admitted through the district's interdistrict attendance agreement.
4. The student is an emancipated minor residing within district boundaries.
5. The student lives with a caregiving adult within district boundaries and the caregiving adult submits an affidavit to that effect.
6. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability
7. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or pending transfer to a military installation within district boundaries. Parent is required to provide transfer documentation and to provide proof of residence in the school district within 10 days after the published arrival date provided on official documentation.
8. The student's parent/guardian(s) were residents and have departed California against their will. The pupil will provide official documentation evidencing the departure of parent or guardian and shall provide evidence demonstrating the pupil was enrolled in a public school in California immediately before (SB257 amends EC 48050, 48502, 48204.4)

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT (ALLEN BILL TRANSFERS)

District residency status may be granted to a student if at least one of his/her 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:

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.

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, he/she 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.

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.

DEFINITION OF RESIDENCY

In determining the place of residence, the following rules apply:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of such unmarried minor child.
5. The residence of an unmarried minor who has a parent living cannot be changed by his or her own act.
6. The residence can be changed only by the union of act and intent.
7. If at least one parent/guardian is physically employed by the District full-time and the District provides benefits.

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.

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:

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Pay stub
5. Voter registration

6. Correspondence from a government agency
7. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student.
8. Declaration of residency executed by the student's parent/guardian
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed, under penalty of perjury, by the caregiving adult in accordance with Family Code 6552.

A parent/guardian seeking residency status on the basis of his/her employment within district boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her 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 district boundaries shall provide proof of residence within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her 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.

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency.

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.

If any district employee reasonably believes the parent/guardian of a student has provided false or unreliable evidence of residency, the District employee shall report this information to the Director of Pupil Services or designee. Upon receiving this information, the Director of Pupil Services or designee shall make reasonable efforts to determine if the student meets residency requirements. Reasonable efforts include, but are not limited to, home visits and investigation by a private detective.

In order to verify residency, the principal or designee or law enforcement personnel may make a home visit, require the parent or guardian to sign a statement under penalty of perjury as to the validity of his or her residence, or require additional documents establishing proof of residence.

CHANGE OF RESIDENCY STATUS

Any parent/guardian of a student enrolled in the District shall notify the District prior to or within 24 hours of any change or circumstance and/or a move which would affect their child's residency determination under this policy. Failure to do so shall result in disenrollment.

PROCEDURES FOR DENIAL OR REVOCATION OF ENROLLMENT

If, upon investigation, the District determines that a student's enrollment or attempted enrollment is based on false or insufficient evidence of residency, it shall revoke or deny the student's enrollment. Prior to making this residency determination, the District may extend the enrollment date for an additional 10 school days to permit the parent/guardian to obtain required documentation. Notification of such an extension shall be in writing.

In the event the District denies or revokes a student's enrollment, the parent/guardian shall be sent written notice from the District. The written notice shall include the reason for revoking or denying the student's enrollment. The notice shall also advise the parent/guardian to register the pupil in the proper district of residency as soon as possible, and it shall state the effective date of revocation of enrollment, which shall be 5 school days from the date of the notice.

In addition, the notice shall state the parent/guardian's right, within 5 school days, to schedule a meeting with the Director of Pupil Services to inspect supporting documents, rebut District evidence, question any district witnesses, and present evidence on the student's behalf. The Director of Pupil Services shall prepare a written decision within 10 school days detailing his/her findings. The student shall remain enrolled in the District throughout this process.

The decision of the Director of Pupil Services 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
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GOVERNMENT CODE

6205-6211	Confidentiality of residence for victims of domestic violence
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CODE OF REGULATIONS, TITLE 5

432	Varieties of student records
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UNCODIFIED STATUTES

AB 687, Ch. 309,	Statutes of 1995
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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>