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Section	5000: Students
Title	District Residency
Code	5111. 1 Administrative Regulation
Status	Active
Adopted	March 23, 2005
Last Revised	March 23, 2016

**ADMINISTRATIVE REGULATION 5111.1: DISTRICT RESIDENCY**

***Criteria for Residency***

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

1. The student's parents/guardians reside 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 lives with a care-giving adult within district boundaries. (Education Code 48204)
4. The student resides in a state hospital located within district boundaries. (Education Code 48204)
5. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

***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. (5 CCR 432)  
Upon enrollment of a student residing in the home of a care-giving adult within district boundaries, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts

2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian

### ***Pending Residency Considerations***

When school offices open prior to the start of the new school year, registration forms may be accepted for students whose families have pending residency, based on the following specifications:

1. Parents who submit signed escrow documents indicating that they will occupy a residence in the district by October 15th of the current school year, will be allowed to register their children at the school of residence in which the home is located.

Parents who submit signed escrow documents after the start of the school year indicating that they will occupy a residence in the district within 6 weeks will be allowed to register their children at the school of residence in which the house is located.

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.

### ***Safe at Home Program***

When a victim of domestic violence or stalking participating in the Safe at Home Program presents an actual residence address to establish residency within district boundaries, the Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address designated by the Secretary of State for all future communications and correspondence. (Government Code 6207)

### ***Residency Investigations***

The Superintendent/Designee shall maintain procedures, consistent with applicable laws and regulations, for reasonable evidence that the student meets residence requirements for school attendance on the District. These requirements shall include enrollment requirements regarding foster students and homeless students, including unaccompanied youth. If an employee of the District reasonably believes that the parent or legal guardian of a student has provided false or unreliable evidence of residency, the District may make reasonable efforts to determine that the student meets the residency requirements.

In the event the Superintendent/Designee reasonably believes false or unreliable evidence of residency has been provided by a parent/legal guardian, the following procedures apply:

1. The Superintendent/Designee shall identify the circumstances upon which the District may initiate an investigation, which shall, at a minimum, require the District employee to be able to identify specific, articulable facts supporting the belief that the parent/legal guardian of the student has provided false or unreliable evidence of residency. Examples of such situations include, but are not limited to: altered documents; credible information from the property owner or neighbor that the student does not reside at the address provided; credible information from the student stating s/he does not reside at the address provided; and/or mail sent by the school returned from the address provided.

2. The Superintendent/Designee may use reasonable investigatory methods, as appropriate, to determine residency. The methods may include, but are not limited to:
  - a. Review of documentation;
  - b. Home visit by District personnel;
  - c. Interview with student and parent/legal guardian;
  - d. Contacting the landlord or neighbors regarding whether or not the student resides at the address provided;
  
3. The Superintendent/Designee may hire a private investigator if the investigatory methods described above are inconclusive to determine whether a student resides in the school district.
  
4. For any investigation conducted pursuant to this policy, the District shall
  - a. Prohibit the surreptitious photographing or video-recording of students who are being investigated. For purposes of this policy, "surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of persons or places subject to an investigation. For purposes of this policy, the collection of images is not covert if the technology is used in open and public view.
  - b. Require that the employees and contractors of the District engaged in the investigation must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.
  
5. If the District determines that the student does not meet the residency requirements for school attendance in the District, the District shall provide the parent/legal guardian with the basis of the determination. The parent/legal guardian may appeal this determination to the Director of Student Services by scheduling a meeting within 5 days of the determination. The Director of Student Services will provide the parent/guardian with a written decision within 10 days. If an appeal is made, the burden shall be on the parent/legal guardian to show why the decision of the District should be overturned. The student shall remain enrolled in the District through the appeal process.

**Legal Reference:**

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48054 Nonresidents

48200-48208 Persons included (compulsory education law)

48204 Residency requirements for school attendance

48204.1 Reasonable evidence of residency; false or unreliable evidence; unaccompanied youth

48204.2 Pupil school enrollment; residency requirements; policy on investigations

48980 Notification of parent or guardian

52317 ROP, 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

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4<sup>th</sup> 47

**Management Resources:**

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

WEB SITES

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

California Secretary of State, Safe at Home Program: <http://www.ss.ca.gov/safeathomesafeathome>

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