

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 parent/guardian has established residency within district boundaries, as residence is defined in Government Code Section 244.
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 has been admitted through the district's interdistrict attendance program.
4. The student is an emancipated minor residing within district boundaries.
5. The student lives with a caregiving adult, as defined in the Ed Code, within district boundaries. (Ed Code 48204)
6. The student resides in a state hospital located within district boundaries. (Ed Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Ed Code 48207)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance.

Proof of Residency

Prior to admission in district schools, the student's parent or guardian shall provide proof of residency. At least **three** proofs of residency shall be submitted. Documents must be pre-printed with the name and address of the student's parent or guardian.

At least **one** document must be submitted from **each** of the following three categories (California State Law and Board Policy have determined these to be the only acceptable proofs of residency.):

Category One

- Valid California Driver's License
- Valid California Photo Identification Card
- Valid Passport

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- Government-Issued Photo Identification Card

Category Two

- PG&E Statement
 1. Complete statement (all pages)
 2. Within the last 60 days
 3. Utility set-up and 15-day notice letters are NOT acceptable proofs of residency
 4. If you do not have a PG&E statement in your name because you sub-lease and/or live with another individual(s), you are required to submit a notarized affidavit (Exhibit 5111.1). In addition, the individual(s) you live with must provide a PG& E statement.
- Home Telephone Bill
 1. Complete statement (all pages)
 2. Within the last 60 days
 3. Bill must reflect your street address and actual phone calls made from the residence to be acceptable
 4. Cell phone bills are NOT acceptable

Category Three

- Property Tax Payment Receipt
 1. Dated within the past year
- Copy of deed AND record of most recent mortgage payment
 1. Within the last 60 days
- Copy of lease AND record of most recent rent payment
 1. A current dated lease agreement (within the last 60 days) showing the address with the lessor-lessee-realtor names and signatures.
 2. **Not Accepted:** Lease extensions, handwritten or month-to-month leases and grant deeds.
 3. Individual lessors (sub-lease and/or living with another individual) are required to submit a notarized affidavit (Exhibit 5111.1) detailing the lease agreement.

Parents Who Use P.O. Boxes for Mail Delivery

California State Law and Board Policy reflect that your actual street address must appear on any documentation submitted for the purposes of proof of residency. Therefore, a copy of your entire PG&E and/or telephone statement (reflecting the residence served) must be provided even though these bills may be mailed to your P.O. Box.

Annual Verification of Residency

Documentation of residency is subject to **annual verification**. Unannounced home visitations may be conducted by district personnel or designee to verify residency at any time during the student's attendance in the district.

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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.

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine that the student meets residency requirements.

Safe at Home 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. 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 for all future communications and correspondence.

Denial or Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, **within 10 school days**, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an **additional 10 days** to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be **revoked 11 school days after the date of the notice**.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings, within 2 business days. If the hearing officer's decision is upheld, the parent/guardian shall be informed of his/her right to appeal to the Governing Board **within 10 days** of the meeting.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of the appeal.

The Board's decision shall be final.

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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*

GOVERNMENT CODE

6205-6210 *Confidentiality of addresses for victims of domestic violence, sexual assault or stalking*

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.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>

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

(7/04 11/06) 11/07

District: Ross Valley School District, San Anselmo, CA 94960

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