

Reed Union ESD

Board Policy

District Residency

BP 5111.1

Students

Criteria for Residency

Prior to admission in district schools and annually in kindergarten, 3rd and 6th grades, students shall provide proof of residency.

(cf. 5111 - Admission)

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

1. The student's parents/guardians reside within district boundaries.
(Education Code 48200)

(cf. 5111.13 - Residency for Homeless Children)

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 has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

4. The student is an emancipated minor residing within district boundaries.
(Education Code 48204)

5. The student lives with a caregiving adult within district boundaries.
(Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student's parent/guardian is employed by the district. The employed parent/guardian must follow Board policy 5117, Interdistrict Attendance.

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

Proof of Residency

The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually in kindergarten, 3rd grade and 6th grade verify the student's residency and retain a copy of the documents or written statement offered as verification. Home ownership documents or a copy of a current, residential lease or rental agreement, and a bill from a utility company (electricity or phone) dated not more than two months prior to the request for admission. Other documents evidencing residency within the district if deemed appropriate by the Superintendent or designee may be considered in place of utility bill. Students will not be enrolled without proper residency verification. (5 CCR 432)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

Parents/guardians or caregivers who lie or falsify residency information will be asked to enroll their child in the district of residence and will be given two weeks to make the adjustment.

Revocation of Enrollment - Appeal Procedures

Any individual whose admission to the district has been denied for lack of residence or failure to produce appropriate proof of residency may appeal to the Board in writing within 15 days after denial of admission. The appeal shall state

the name of the student, the student's place of residence, and include a copy of any and all documents which the individual asserts to evidence current residency within the district. The individual shall also state whether he or she desires an opportunity to be heard by the Board.

The Board shall, at the next meeting, during which the matter may properly be noticed and considered, review the written appeal, accompanying documents, and when so requested, hear the individual's personal presentation of his/her appeal. At or before the regularly scheduled meeting next following, the Board shall promptly notify the Superintendent of its decision, and the Superintendent shall promptly notify the individual, in writing, of the decision.

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>

Policy REED UNION SCHOOL DISTRICT
adopted: January 17, 2006 Tiburon, California
revised: March 3, 2009