

# **San Rafael City Schools**

## **Administrative Regulation**

### **District Residency**

AR 5111.1

#### **Students**

##### **Attendance Areas**

In determining the attendance areas for each of the district's schools, the Board of Education shall establish each attendance area in such a way as to effect the best utilization of schools, plants and equipment.

In the elementary district, neighborhood schools shall be established insofar as possible. Attendance boundaries for all schools shall be approved by the Board upon recommendation of the Superintendent or designee.

The Superintendent or designee may assign a student attending school in one attendance area to a school in another due to capacity limitations, to balance class sizes, or to make maximum use of available classroom space. Students will be transferred in the following order:

1. New interdistrict transfers, in the reverse order of the date each application was approved
2. Renewal interdistrict transfers
3. New intradistrict transfers, in the reverse order of the date each application was approved
4. Renewal intradistrict transfers;
5. Students whose parents reside in the attendance area from which transfer is required. These students will be transferred in the following order:

- a. The reverse order of the date that residence was established, if residence was established and the student enrolled after March 15. However, students with a sibling at the site from which transfer is required will be given priority over other residents, if the currently attending sibling will continue to attend that school the following year.

- b. For students whose parents established residence in the attendance area and who enrolled during the school year before March 15, such students will be subject to a residence lottery, to be conducted before June 1, to determine the order in which they will be transferred to another school site. However, students with siblings at the site from which transfer is required will be given priority over other resident students, and will be exempt from the residence lottery, if the currently attending sibling will continue to attend that school the following year. Further, should a student with siblings be allowed to remain at the attendance area site based on the

outcome of a residence lottery, any siblings of that student will be given priority over other resident students, and will be exempt from the residence lottery.

c. Resident students who are transferred from their schools of attendance will be included on waiting lists to return to those schools, along with wait-listed intra/interdistrict attendance candidates, if any.

When it is necessary to transfer students from their schools of attendance due to capacity issues that arise at the beginning of a new school year, such decisions will be made not later than the ninth school day of the school year.

### Criteria for Residency

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

1. The student's parent or guardian has established residence within district boundaries. **(Education Code 48200)**, ~~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, or 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 option, ~~including a student whose parent or legal guardian is employed by the district or is physically employed within the boundaries of the district,~~ **such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (Education Code 46600, 48204, 48301, 48356)**
- (cf. 5117 - Interdistrict Attendance)  
(cf. 5118 - Open Enrollment Act Transfers)
4. The student is an emancipated minor residing within district boundaries.
  5. The student lives with a caregiving adult within district boundaries. The caregiving adult must execute an affidavit under penalty of perjury, pursuant to relevant provisions of the California Family **Education** Code **section 48204**.
  6. The student resides in a state hospital located within district boundaries.
  7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability.
  8. **The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. (Education Code 48204)**

**9. The student is an unaccompanied youth as defined in 42 USC 11434a, and completes a declaration of residency.**

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

Proof of Residency

Prior to admission to district schools, the student's parent, guardian or caregiver 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, guardian, or caregiver.

At least one document must be submitted from each of the following three categories:

1. Category One

- a. Valid California driver's license
- b. Valid California photo identification card
- c. Valid passport
- d. Government-issued photo identification card

2. Category Two

Utility service payment receipts (dated within past sixty days):

- a. PGE bill
- b. Home telephone bill
- c. Cable television bill

3. Category Three

- a. W-2 form (dated within past year)
- b. Property tax payment receipt (dated within past year)
- c. Copy of deed AND record of most recent mortgage payment
- d. Copy of lease AND record of most recent rent payment
- e. Payroll stub (dated within past sixty days)

Families who have difficulty producing documents from these categories should contact the enrollment office for assistance.

Documentation of residency is subject to annual verification. Unannounced home visitations may be conducted to verify residency at any time during the student's attendance in the District.

~~A parent or guardian of a student who was admitted to the district based on the location of the parent or guardian's employment must initially and annually verify employment within the District's boundaries. Such verification must include proof of employment of at least twenty hours per week for at least thirty weeks per year. Proof will include a copy of a W-2 form (dated within the past year) supported by written verification by the employer. If the parent or guardian is self-employed, the parent or guardian must provide written verification in the form of a declaration under penalty of perjury.~~

**The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.**

**However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48852.7, 48853.5; 42 USC 11432)**

**(cf. 6173 - Education for Homeless Children)**  
**(cf. 6173.1 - Education for Foster Youth)**

#### 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 the district's 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 any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the employee shall bring this issue to the attention of the Superintendent or designee. A member of the public who has a similar reasonable belief may bring those concerns to the Superintendent or designee. If the Superintendent or designee, upon investigation, determines that the student's enrollment or attempted enrollment is based upon false evidence of residency, s/he shall revoke the student's enrollment.~~

~~Before such revocation, the parent/guardian shall be sent written notice, summarizing the facts and evidence leading to the decision. This notice shall state the parent/guardian's right to~~

~~schedule a meeting to take place within ten school days of the date of the notice with the Superintendent or designee. At the meeting, the parent/guardian will be provided an opportunity to rebut the district's evidence, and to present oral and/or documentary evidence, including witnesses, on the student's behalf. If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be terminated eleven school days after the date of the notice.~~

~~The Superintendent or designee's decision shall be final.~~

#### Legal Reference:

##### EDUCATION CODE

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law

48356 Open Enrollment Act transfer, fulfillment of residency requirement

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

##### FAMILY CODE

6550-6552 Caregivers

##### GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

##### CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

##### UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

##### 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

##### OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Dear Colleague Letter, May 6, 2011

##### WEB SITES

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

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

Office for Civil Rights, U.S. Department of Education: <http://www2.ed.gov/about/offices/list/ocr>

Regulation SAN RAFAEL CITY SCHOOL DISTRICT

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