

Berkeley USD

Administrative Regulation

District Residency

AR 5111.1

Students

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 resides 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 is an emancipated minor residing within District boundaries. (Education Code 48204)
4. The student lives with a caregiving adult within District boundaries. (Education Code 48204)
5. The student is homeless as defined under the McKinney-Vento Homeless Act, and the District has determined that the student resides in Berkeley.

Proofs of District residency is not required for enrollment in a regional occupational center residential health facility or state hospital if the hospital or other residential health facility is located within District boundaries for treatment of a temporary disability (Education Code 52317, 48204).

The Superintendent or designee shall 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. (Education Code 48980)

Proof of Residency

Prior to admission into District schools, students shall provide proof of residency. Moreover, students transitioning from fifth to sixth, and from eighth to ninth grade must re-submit proofs of residency.

A student can have only one residence for purposes of establishing residency.

All parents/legal guardians must show valid personal identification by providing an original of a current governmental identification (ID) card.

Additionally, for students seeking admission under criteria #1, #3, and #4 above, an original, valid document must be provide of each of the following:

1. Proof of Residency (one item each from Groups A, B, and C below)
2. Declaration of Residency (BUSD Form)

The acceptable current proofs of Berkeley residency documentation must be imprinted with the name and current Berkeley address of the parent/legal guardian. The parent/legal guardian must provide one (1) original item from each of the following three (3) groups of documentation.

Group A: Utility Bill (Must provide entire bill issued within the last two months)

- * PG&E
- * Landline phone (non-cellular)
- * EBMUD
- * Internet
- * Cable

Group B:

- * Current bank statement issued within the last two months (checking or savings only)
- * Action letter from Social Services or government agency issued within the last two months (cannot be property or business).
- * Recent paycheck stub or letter from employer on official company letterhead confirming residency address issued within the last two months.
- * Valid automobile registration in combination with valid automobile insurance
- * Voter registration for the most recent past election for the most recent upcoming election

Group C:

- * Rental property contract or lease, with payment receipt (within 45 days)
- * Renter's insurance policy or homeowner's insurance policy for the current year
- * Current property tax statement or property deed

The Superintendent or designee may update the proof of Berkeley residency requirements as necessary (Education Code 48204.1)

Students residing in the home of a caregiving adult within district boundaries must also submit a notarized affidavit provided by the District that must be executed by the caregiving adult in accordance with Family Code 6552. The caregiver shall also be responsible for providing a personal identification and

the necessary proofs of Berkeley residency.

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 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

The Superintendent or designee shall verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Residency Verification

Depending on the individual student's circumstances, at times it may be necessary to conduct residency verifications to ascertain the student's domicile.

In the event that a family is not able to provide the necessary proofs of residency, the Superintendent or designee may determine whether a home visit is necessary to satisfy the residency requirements.

When the Superintendent or designee reasonably believes that a family has provided false or unreliable documentation, the Superintendent or designee may make reasonable efforts to determine whether the family's domicile is in Berkeley (Education Code 48204.1).

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within ten (10) school days. The Superintendent or designee shall review any new evidence and make a final decision within ten (10) school days.

In the case of an enrolled student, if the Superintendent or designee, after reviewing the new material evidence, upholds the determination that a student's enrollment is based on false or unreliable evidence of residency, or if the parent/guardian does not provide any new material evidence within ten (10) school days the Superintendent or designee shall determine whether to revoke the student's enrollment (i) immediately, (ii) at the end the semester, or (iii) at the end of the school year from Berkeley Unified School District,

depending on the individual student's circumstances. The Superintendent's or designee's decision shall be final and cannot be appealed to the Governing Board.

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 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. The Superintendent or designee may request the actual residence address for the purpose of establishing residency within District boundaries.

Change in Residency

The schools must be notified of changes in residency within ten (10) days of the change. The parent/guardian shall have thirty (30) days to submit the District's Admissions Office with the required proofs of the new residence.

• Proof of residency includes the same documents required for admission to the District schools.

Monitoring

The goal of the admissions process is to efficiently and equitably assist Berkeley parents and guardians when enrolling in Berkeley public schools and ensure that families are providing accurate residency information. Monitoring the effectiveness of the student admission process is an important administrative function. In October of each year, the Superintendent or designee will prepare a report to inform the Board of the admissions and enrollment data from the current year, including a report on address verifications conducted by the Admissions Office. (Government Code 6206, 6207)

(cf. 3580 - District Records)

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 BERKELEY UNIFIED SCHOOL DISTRICT

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