

**DISTRICT RESIDENCY**

**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

**DISTRICT RESIDENCY** (continued)

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)
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. (Education Code 48204)
3. The student has been admitted through the district's interdistrict attendance option 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. (Education Code 48204)
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 Education Code section 48204.
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)

(cf. 6183 - Home and Hospital Instruction)

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)

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

10. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. (Education Code 48204.3)

*(cf. 6173.2 - Education of Children of Military Families)*

11. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

*(cf. 5145.13 - Response to Immigration Enforcement)*

**Proof of Residency**

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

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

**DISTRICT RESIDENCY** (continued)

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)

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #11 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

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, any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

**DISTRICT RESIDENCY** (continued)

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.3 - Education for Juvenile Court School Students)*

The Board recognizes that some families, particularly immigrant families, have hardship in obtaining the necessary documentation. The District wishes to work with these families who reside in the District to assist in verifying and enrolling their children into school.

~~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.

~~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. **(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~~

*Legal References (continued on next page)*

*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>~~

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**SAN RAFAEL CITY SCHOOL DISTRICT**  
San Rafael, California