

PIEDMONT UNIFIED SCHOOL DISTRICT

Administrative Regulation

Students

AR 5111.1

DISTRICT RESIDENCY

Enrollment Requirements

In order to enroll in Piedmont Schools, students must reside in Piedmont with:

- a. Both parents. The student's entire immediate family must make the change and take with them the household goods and furniture appropriate to the circumstances. For eligibility purposes, a family unit may not maintain two or more residences, or
- b. A parent with joint custody (student must reside with the Piedmont parent for at least 50% of each week *during the school year*) (District may request to see custody papers), or sole, legal physical custody, or
- c. A full-time legal court-appointed guardian, or
- d. A legally defined full time caregiver.
- e. A parent or legal guardian who resides outside of the boundaries of the District but who is employed and lives with the student at the place of his or her employment within the boundaries of the District for a minimum of three (3) days during the school week. (Effective July 1, 2017)

Verification of custody will be required in the form of:

- a. Certified Copy of Birth certificate
- b. Guardianship papers as approved by a court of competent jurisdiction
- c. Court documents establishing physical custody
- d. Other documents as approved by a site administrator

Proofs of Residency

In addition to providing a grant deed, or Alameda County Secured Property Tax Statement showing Fiscal Year and Location of Property, or rental/lease agreement at the time of enrollment, parents/guardians/full-time caregivers must provide three other proofs of Piedmont residency as follows:

- State or Federal tax return, with current imprinted name and address, filed within the past 12 months (figures can be blocked out; business returns do not meet residency requirements)
- Current W-2 Form **or pay stubs** with current imprinted address (figures can be blocked out)
- Current Bank Statement with current imprinted name and address, showing

- transactions within the last 30 days (figures can be blocked out)
- Original copy of entire PGE bill or EBMUD bill within last 30 days which shows "Service to" portion of bill and name and address (copy will be made and original returned), and proof of termination of service from former residence [proof of termination not needed for present property owners]
- One major credit card activity statement with current imprinted name and address portion (figures can be blocked out).
- Voter Registration
- Correspondence from a government agency
- Declaration of Residency executed by the parent or legal guardian of the student.
- Affidavit that student is living with parent at place of employment within the District boundaries for a minimum of three (3) days during the school week. (Effective July 1, 2017)
- The District reserves the right to request any additional proofs of residency as necessary.

In addition, unannounced home visitations or observations by a District Residency Verification Officer may be conducted on an ongoing basis during the student's attendance at Piedmont schools.

NOTE:

- A post office box will not be accepted as an address as proof of residency or on the student emergency card
- A letter from a bank stating an account has been opened will not be considered as a proof of residency
- Telephone bills will not be accepted as a proof of residency, as many are for cell phones which do not determine Piedmont residency
- A driver's license or driver's license ID will not be accepted as a proof of residency

If necessary, the District may request a homeowner to provide a recorded grant deed which may be obtained at the Alameda County Recorder's Office, 1225 Fallon Street, Oakland.

A rental/lease agreement must include the property owner's name and telephone number for verification, and the name of the renters, including all students' names. If a rental or lease agreement is on a month-to-month period or on a six-month basis, or does not indicate current dates, the parent must provide an updated agreement to provide continuous proof of residency.

Renters or Lessees of homes or apartments that are being sublet must provide at the time of enrollment, along with the rental/lease agreement, a signed, notarized statement from the property owner that the property owner does not object to the sublet, and realizes a child(ren) will be living at that address. The property owner's name and number must be provided to obtain telephone verification.

Renters/Lessees must provide, at the time of enrollment, a copy of the property owner's rental license from the City, in order to be considered a bona fide residence.

At the discretion of District officials, a student new to the District may be enrolled *conditionally* with a grant deed or written statement on letterhead from the escrow or title officer, or valid rental/lease agreement and a copy of the property owner's City license to rent/lease their property. Then, within thirty-five (35) working days of move-in, the homeowner or renter/lessee must provide three additional proofs of residency from the list shown above, all with current imprinted name and address. Failure to provide this additional documentation will be grounds for disenrollment from the District.

A student whose parents have purchased a home in Piedmont but are still in escrow can be enrolled *conditionally* with a written statement on letterhead from the escrow officer or title officer, stating the name of the purchasers, address; that escrow has closed on the property and that the parties are on title at the address.

Parents/guardians/full-time caregivers of continuing students who are leasing/renting shall annually verify residency with the above documents upon request of the site administrator or other District officials.

Residence Defined

Residence for the purpose of attendance in public schools shall be determined by the following (based on section 17.1 of the Welfare and Institution Code):

1. The residence of the parents/guardians/full-time caregiver with whom the child maintains his/her place of abode.
2. The residence of any individual who has been appointed legal guardian by a court or competent jurisdiction.
3. The residence of the individual who has been given custody by a court of competent jurisdiction. "Custody" means the legal right to custody of the child unless that right is held jointly by two or more persons, in which case "custody" means the physical custody of the child by one of the persons sharing the right to custody. For purposes of residency for parental joint custody, whichever parent has the student for the greatest percentage of time during the school year will determine residency. For 50/50 joint custody, the student will be eligible to attend Piedmont schools. The District has the legal right to request to review custody papers in order to verify residency.

In determining the place of residence the following rules shall be observed (based on Government Code: Title I, Division 1, Chapter 2, Section 244):

1. It is the place where one remains when not called elsewhere for labor or other

special or temporary purpose, and to which he/she returns in times of repose.

2. There can only be one residence.
3. The residence of the parent/guardian/full-time caregiver with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
4. The residence of an unmarried minor who has a living parent/guardian/full-time caregiver living cannot be changed by his/her own act.

Situations Which Do NOT Constitute Residency within the District's Attendance Area

1. The residence of a person who has an affidavit of responsibility or informal transfer of parental control for a student for the purpose of attending a District school.
2. The residence of a relative or child care person with whom a student lives part-time for the purpose of attending school when the student's parent or legal guardian reside in another District.
3. The work place of a student's parent or legal guardian, other than a school district employee or employee of the City of Piedmont government.
4. Any situation where a student living with a parent, legal guardian or legally-defined caregiver is unable to produce reasonable evidence of residency as required by the District's criteria.

Full-time Caregivers are liable for all aspects of the student's enrollment as it relates to academics, attendance, discipline, medical, and emotional issues.

Property Owners/Caregivers providing false information regarding residency of parents/guardians and their students could be liable for civil and/or criminal penalties up to and including responsibility for the cost of student education.

Residency Investigation

If an employee of the District reasonably believes that the parent or legal guardian of a pupil has provided false or unreliable evidence of residency, the school district may make reasonable efforts to determine whether the student meets the residency requirements.
The District employee shall be able to identify specific, articulable facts supporting the belief that the parent or legal guardian of the pupil has provided false or unreliable evidence of residency.

The District may utilize a variety of investigatory methods in conducting an investigation, including telephone calls, unannounced home visits, information from other agencies/sources (including neighbors), and employing the services of a private

investigator. Before hiring a private investigator, the District shall make reasonable efforts to determine whether the student meets the residency requirements.

The District shall not utilize surreptitious photographing or video-recording of students who are being investigated. "Surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of the person or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.

Employees and contractors of the District engaged in a residency investigation shall identify themselves truthfully to individuals contacted or interviewed during the course of the investigation.

Termination of Enrollment

If questions arise regarding the student's residency, telephone calls, home visits and information from other agencies/sources (including neighbors) will be used to verify the residency. If any of these methods verify that the residence is not occupied by the person who is claiming residency, then the student will not be allowed to continue in the District.

At the principal's discretion, and with notification provided to the Superintendent's office, students improperly registered in the District may be allowed to complete the academic quarter.

Students whose parent(s) move(s) out of the District may be allowed to continue their enrollment until the end of the current semester at the discretion of the site administrator.

Disenrollment Hearing

The Assistant Superintendent of ~~Education Services~~ and/or designee will review all information and provide consensus for disenrollment of a student.

The parent or legal guardian will be informed that s/he has ten days from written notification that a student will be disenrolled. If a case is appealed to the Superintendent's office by written request, the Superintendent will review the case and conduct a hearing within ten (10) days of the receipt of the written appeal. A hearing will be held between the parents/guardians, school site officials, the Assistant Superintendent of Educational Services, and the Superintendent. The parents/guardians must notify the District within five (5) days if they plan to have legal representation at the hearing.

The decision of the Superintendent will be rendered in writing to the parents/guardians within ten (10) days or sooner after the hearing and is final, with the exception that, for disenrollments that are rescinded, if a new questionable residency issue arises from the

same parents/guardians, the District has the right to begin an investigation process again.

See also AR 5117, "Interdistrict Attendance"

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48053 Nonresidents

48200-48204 Persons included (compulsory education law)

48204.5 Districts adjacent to international border

48204.6 Evidence of residency

48206.3-48208 Students with temporary disability

48980 Notification of parent or guardian

52317 Admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

CODE OF REGULATIONS, TITLE 22

87001 Definitions

Management Resources:

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

1115.88 Application of residency requirements for homeless children and youth, LO:5-88

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