

Administrative Regulation 5111.1(a)

Students

DISTRICT RESIDENCY

Criteria for Residency

Prior to admission in district schools, students shall provide proof of residency.

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 the district boundaries.
2. The student is an emancipated minor residing within district boundaries.
3. 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.
4. The student has been admitted through the district's interdistrict attendance program.
5. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability.

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

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 verify the student's residency and retain a copy of the document or written statement offered as 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)

If a district employee reasonably believes that a parent/guardian has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the parent/guardian meets legal residency requirements.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed under penalty of perjury by the student's parent/guardian

Administrative Regulation 5111.1(b)

Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within 10 school days, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an additional 10 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 11 school days after the date of the notice.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings. If this decision upholds the revocation, the parent/guardian shall be informed of the right to appeal to the Board within 10 days. The hearing officer's decision shall be final unless appealed.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to make a written or oral statement to the Board. Except in cases where good cause is shown, the Board shall not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of appeal. The Board may accept, reject or remand the hearing officer's decision. The remand would be for further evidence to be taken. The Board's decision shall be final.

Legal Reference

Education Code

- 35351 *Assignment of students to particular schools*
- 48200-4820 *Compulsory education law*
- 48204.6 *Evidence of residency*
- 48206.3-48208 *Students with temporary disability*

Family Code

- 6550-6552 *Caregivers*

Government Code

- 6205-6211 *Confidentiality of residency for victims of domestic violence*

Code of Regulations, Title 5

- 432 *Varieties of student records*

CDE Legal Advisories

- 303.96 *Verification of residency, LO:1-95*
- 1115.88 *Application of residency requirements for homeless children and youth, LO:5-88*

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West Sonoma County UHSD
Sebastopol, California