

**EL DORADO UNION HIGH SCHOOL DISTRICT
ADMINISTRATIVE REGULATION**

Students

**DISTRICT RESIDENCY
AR 5111.1**

CRITERIA FOR RESIDENCY

A student shall be deemed to have complied with residency requirements for enrollment in a district school 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 has been admitted through the district's interdistrict attendance program. (*Education Code 48204, 48356*)

(*cf. 5117 - Interdistrict Attendance*)

(*cf. 5118 - Open Enrollment Act Transfers*)

4. The student is an emancipated minor residing within the district boundaries. (*Education Code 48204*)
5. The student lives with a caregiving adult within district boundaries. (*Education Code 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 48207*)

(*cf. 6183 - Home and Hospital Instruction*)

In addition, district residency may be granted to a student if at least one parent/guardian is physically employed within the boundaries of that district for a minimum of 10 hours during the school week. (*Education Code 48204*)

(*cf. 5111.12 - Residency Based on Parent/Guardian Employment*)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (*Education Code 52317*)

(*cf. 6178.2 - Regional Occupational Center/Program*)

The district may admit a nonresident student living in an adjoining state or foreign country in

accordance with Education Code 48050-48052.

(cf. 5111.2 – Nonresident Foreign Student)

The Superintendent or designee shall annually 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*)

(cf. 5145.6 - Parental Notifications)

PROOF OF RESIDENCY

The Superintendent or designee shall annually verify the student’s 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*)

(cf. 5111 - Admission)

(cf. 5125 – Student Records)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (*Education Code 48204.1*)

1. Property tax payment receipt
2. Rental property contract, lease, or payment receipt
3. Utility service contract, statement, or payment receipt
4. Payment stub
5. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the pupil’s parent/guardian
8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552

(cf. 5141 - Health Care and Emergencies)

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)

FAILURE TO VERY RESIDENCY

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. (*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 facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new materials evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days.

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 designed 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 to establish residency within district boundaries. (*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 *Persons included (compulsory education law)*
 48356 *Open Enrollment Act transfer, fulfillment of residency requirement*
 48853.5 *Education of foster youth; immediate enrollment*
 48980 *Notification of parent or guardian*
 52317 *Admission of persons including nonresidents to attendance area*

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:

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

OFFICE FOR CIVIL RIGHTS, US 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.ss.ca.gov/safeathome>

Office for Civil Rights, US Department of Education:

<http://www2.ed.gov/about/offices/list/ocr>