Students

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 April 1. 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 April 1, 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 included on waiting lists to return to those schools, along with wait-listed intra/interdistrict attendance candidates, if any.
DISTRICT RESIDENCY (continued)

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, as residence is defined in Government Code section 244.
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.
3. The student has been admitted through the district’s interdistrict attendance process, including a student whose parent or legal guardian is employed by the district or is physically employed within the boundaries of the district.
4. The student is an emancipated minor residing within district boundaries.
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 Family Code.
6. The student resides in a state hospital located within district boundaries.
7. 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

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:

Category One

- Valid California driver’s license
- Valid California photo identification card
- Valid passport
- Government-issued photo identification card
DISTRICT RESIDENCY (continued)

Category Two

Utility service payment receipts (dated within past sixty days):

- PGE bill
- Home telephone bill
- Cable television bill

Category Three

- W-2 form (dated within past year)
- Property tax payment receipt (dated within past year)
- Copy of deed AND record of most recent mortgage payment
- Copy of lease AND record of most recent rent payment
- Payroll stub (dated within past sixty days)

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.

A parent or guardian of a student who was admitted to the district based on the location of the parent or guardian’s employment must initially and annually verify employment within the District’s boundaries. Such verification must include proof of employment of at least twenty hours per week for at least thirty weeks per year. Proof will include a copy of a W-2 form (dated within the past year) supported by written verification by the employer. If the parent or guardian is self-employed, the parent or guardian must provide written verification in the form of a declaration under penalty of perjury.

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.

Denial or Revocation of Enrollment

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the employee shall bring this issue to the attention of the Superintendent or designee. A member of the public who has a similar reasonable belief may bring those concerns to the Superintendent or designee. If the Superintendent or designee, upon investigation, determines that the student’s enrollment or
DISTRICT RESIDENCY (continued)

attempted enrollment is based upon false evidence of residency, s/he shall revoke the student’s enrollment.

Before such revocation, the parent/guardian shall be sent written notice, summarizing the facts and evidence leading to the decision. This notice shall state the parent/guardian’s right to schedule a meeting to take place within ten school days of the date of the notice with the Superintendent or designee. At the meeting, the parent/guardian will be provided an opportunity to rebut the district’s evidence, and to present oral and/or documentary evidence, including witnesses, on the student’s behalf. If the parent/guardian fails to schedule the above meeting, the student’s enrollment shall be terminated eleven school days after the date of the notice.

The Superintendent or designee’s decision shall be final.

Legal References:

EDUCATION CODE
35351 Assignment of students to particular schools
48050-48054 Nonresidents
48200-48208 Persons included (compulsory education law)
48980 Notifications at beginning of term
52317 ROP, admission of persons including nonresidents to attendance area

FAMILY CODE
6550-6552 Caregivers

GOVERNMENT CODE
6205-6211 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5
432 Varieties of student records

UNCODIFIED STATUTES
AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
303.95 Verification of residency, LO: 1-95

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

Regulation
Approved: (February 8, 2010)

SAN RAFAEL CITY SCHOOL DISTRICT
San Rafael, California

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