

DEL MAR UNION SCHOOL DISTRICT

**Administrative Regulation No. 5111.1: District Residency**

**Criteria for Residency:**

A student shall be deemed to have complied with district residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside 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 is an emancipated minor residing within district boundaries. (Education Code 48204)
4. The student lives with a caregiving adult within district boundaries. (Education Code 48204)
5. The student resides in a state hospital located within district boundaries. (Education Code 48204)
6. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)
7. The student's parent/guardian is employed by the school district. (Education Code 48204) Current out of district students, enrolled on the basis of their parent's employment in the district, will be allowed to continue through the sixth grade on an annually approved interdistrict transfer. Full time employment will be required in September 2008 for staff members requesting enrollment for their students in the Del Mar Union School District.

**Proof of Residency:**

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

The superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

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 by the student's parent/guardian
5. Parents who submit signed escrow documents indicating that they will occupy a residence in the Del Mar Union School District by October 15<sup>th</sup> of the current school year, will be allowed to register their children at the school of residence in which the home is located.

Parents who submit signed escrow documents after the start of the school year indicating that they will occupy a residence in the Del Mar Union School District within 6 weeks will be allowed to register their children at the school of residence in which the house is located.

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

### **Safe at Home Program**

When a victim of domestic violence or stalking participating in the Safe at Home Program presents an actual residence address to establish residency within district 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 designated by the Secretary of State for all future communications and correspondence. (Government Code 6207)

### **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.

The parent/guardian shall be informed of his/her right to appeal to the Board within 10 days. A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

**Legal Reference:**

**EDUCATION CODE**

35351 Assignment of students to particular schools  
48050-48054 Nonresidents  
48200-48208 Persons included (compulsory education law)  
48980 Notification of parent or guardian  
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**

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4<sup>th</sup> 47

**Management Resources:**

**CDE 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>