

# **Buckeye Union ESD**

## **Administrative Regulation**

### **District Residency**

AR 5111.1  
**Students**

#### Criteria for Residency

A student shall be deemed to have complied with district 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 an interdistrict attendance option. (Education Code 48204, 48356)
4. The student is an emancipated minor residing within 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 status may be granted to a student if at least one parent/guardian is physically employed within district boundaries. (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 Students)

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 each student's district 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. Utility Bills (water/electric/gas - utility service contract, statement or payment receipts)
2. Property tax payment receipt
3. Rental agreement or notarized copy of escrow papers, lease agreement or payment receipts. (Must be verified by a utility receipt within 30 days of enrollment)
4. Voter Registration
5. Pay stubs
6. Correspondence from a government agency
7. Declaration of residency executed by the parent or legal guardian of a pupil (available in school offices and on district website)
8. 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 Verify 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, including but not limited to, physical residency checks. (Education Code 48204.1)

#### Investigation by District Staff

If district staff 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 that the pupil actually meets the residency requirements. The school district may initiate an investigation whenever staff can identify specific, articulable facts supporting the belief that the parent or legal guardian of the pupil has provided false or unreliable evidence of residency.

#### Conduct of the Investigation

District staff may utilize any reasonable method of confirming the residency of the pupil once an investigation has commenced, including:

- (1) Interview of the pupil.
- (2) Interview of the parent(s) or guardian(s).
- (3) Telephonic contact.
- (4) Search of public and/or official records.
- (5) Query to other public agencies.
- (6) Announced and unannounced home visits.

(7) Retention of a private investigator.

(8) Surveillance

Employees engaged in the investigation shall identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation. District staff shall not surreptitiously photograph or video record pupils who are being investigated. Surreptitious photographing or video-recording means the covert collection of photographic or videographic images of person or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.

#### Contracting for Investigation Services

District staff shall make reasonable efforts to determine whether the pupil resides in the district before contracting for the services of an investigation professional.

The school district may utilize, by contract, the services of investigation professionals for purposes of confirming the residency of pupils as to whom staff have identified specific, articulable facts supporting the belief that false or unreliable evidence of residency has been submitted, once district staff has already taken reasonable efforts to determine whether the pupil resides in the district.

The Superintendent shall ensure that any contracts with investigation professionals include the following provisions:

(1) "The surreptitious photographing or video-recording of pupils who are being investigated is prohibited. For purposes of this agreement, 'surreptitious photographing or video-recording' means the covert collection of photographic or videographic images of person or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view."

(2) "All contractors of the school district engaged in the investigation must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation."

#### Revocation of Enrollment/Appeal of Residency Determination

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 material evidence of residency, in writing, to the Superintendent or designee within 5 school days. The Superintendent or designee shall review any new evidence and make a final decision within 5 school days.

## Safe at Home/Confidential Address 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 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 for the purpose of establishing residency within district boundaries. (Government Code 6206, 6207)

(cf. 3580 - District Records)

### References:

Cal. Educ. Code 48200 (Compulsory Education)  
Cal. Educ. Code 48204 (Residency)  
Cal. Educ. Code 48204.1 (Proof of Residency)  
Cal Educ. Code 48204.2 (Residency Investigation)  
Cal. Fam. Code 6550 (Caretaker Affidavit)

### 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

#### GOVERNMENT CODE

6205-6211 Confidentiality of residence for victims of domestic violence

#### 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

#### SECRETARY OF STATE

Letter re: California Confidential Address Program Implementation (SB 489)

#### WEB SITES

California Secretary of State: <http://www.ss.ca.gov>

Regulation AR 5111.1

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BUCKEYE UNION SCHOOL DISTRICT

El Dorado Hills, California