



RESIDENCY DECLARATION

2020-2021

FREMONT UNION HIGH SCHOOL DISTRICT – ENROLLMENT AND RESIDENCY OFFICE

589 West Fremont Avenue · Sunnyvale, CA 94087 · (408) 522-2266

School
Year

THIS FORM MUST BE COMPLETED, SIGNED, AND SUBMITTED WITH PROOF OF RESIDENCY!

PART I: STUDENT AND PARENT/LEGAL GUARDIAN INFORMATION

2020-21

Student's Last Name	Student's First Name	Grade	Date of Birth	FUHSD ID
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Parent/Legal Guardian's Last Name	Parent/ Guardian's First Name	Parent/ Guardian's Email Address
<input type="text"/>	<input type="text"/>	<input type="text"/>

Parent/Legal Guardian's Current Street Address	City	ZIP	Primary Phone
<input type="text"/>	<input type="text"/>	<input type="text"/>	(<input type="text"/>) <input type="text"/>

How long has the student lived full time at the above listed address?	<input type="text"/>	Has the student lived anywhere else in the last 5 years?	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>

PART II: ADDITIONAL ADDRESS HISTORY

Please provide the address of the last 2 places you or your student has lived in the last 5 years (not current address).

Street Address #1 (most recent)	Apt.	City / Country if not in USA	State	ZIP
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Street Address #2 (next most recent)	Apt.	City / Country if not in USA	State	ZIP
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please provide the address of other property you (or spouse) currently own, rent, or lease in the U.S.

Street Address of additional location	Apt.	City	State	ZIP
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

PART III: DECLARATION OF UNDERSTANDING - initial next to each statement (in box) to indicate your understanding

- California Education Code (Section 48200) and District Administrative Regulation 5111.1 require that a student be enrolled in and attend the school that is within the district in which the student's parent(s) or legal guardian(s) reside(s).
- My student resides with me full time (or legally mandated residency of 50% or more) at the address listed above, which is my full time primary residence. I agree to notify the District if the student, or I, move.
- The Fremont Union High School District will actively investigate all cases where it has reason to believe false information has been provided on this statement or to any school/district official. Investigations may include the use of photographs and/or video taken by investigators.
- I understand that home visitation and/or residency verification is part of a periodic process when residency is established in the Fremont Union High School District. I also understand that the District employs Residency Officials to verify residency status, which may include home visits and investigations.
- The District may refer cases in which false information has been provided to the County District Attorney for further action and/or file civil action to recover damages incurred as a result of providing false information.
- Persons who provide or solicit false information are subject to criminal prosecution for perjury, which is punishable by fine and/or prison (up to 4 years) and may be found civilly liable for fraud, negligent misrepresentation, or negligence. [Civil Code § 1709] [Family Code § 6552; Penal Code § 118 and 126]
- Investigations that reveal that students have enrolled on the basis of providing false information will lead to immediate withdrawal from the District.

Parent/Guardian Signature

Date

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



FREMONT UNION HIGH SCHOOL DISTRICT
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CALIFORNIA'S DEFINITION OF RESIDENCY

Students in California wishing to attend public school are required to do so based upon the residency of their parent(s) or legal guardian(s). For the purpose of attending public school, a parent's residency is based upon California Education Code and Court Decisions (case law).

Please inform yourself of the law. Simply owning a residence in the district does not guarantee residency. Some people rent or buy an apartment/home in a district and believe this guarantees their right to attend school in that district.

CALIFORNIA COURT CASES (CASE LAW)

Case law, developed over many years, emphasizes intent as a crucial factor in the legal definition of residency.

In *Eriksen v. Eriksen* (1943) 57 Cal.App.2d 532, 534-535, the court stated:

"In order to affect a change of residence, there must be a concurrence in the act of **abandonment** of one residence with the **intent** to establish a new residence elsewhere."

Similarly, in the case of *Michelman v. Frye* (1965) 238 Cal.App.2d 698, 704, the court stated:

"Absence from one's permanent residence, if all the while he intends the absence only for a special temporary purpose and to be followed by resumption of the former residence, constitutes neither abandonment thereof nor a change of residence."

CALIFORNIA EDUCATION CODE - SECTIONS 68060 - 68062

68060. Every person has, in law, a residence.

68061. Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.

68062. In determining the place of residence the following rules are to be observed:

- (a) There can only be one residence.
- (b) A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- (c) A residence cannot be lost until another is gained.
- (d) The residence can be changed only by the union of act and intent.
- (e) A man or woman may establish his or her residence. A woman's residence shall not be derivative from that of her husband.
- (f) The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of the unmarried minor child. When the minor lives with neither parent his or her residence is that of the parent with whom he or she maintained his or her last place of abode...
- (g) The residence of an unmarried minor who has a parent living cannot be changed by his or her own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.
- (h) An alien, including an unmarried minor alien, may establish his or her residence, unless precluded by the Immigration and Nationality Act (8 U.S.C. 1101, et seq.) from establishing domicile in the United States.
- (i) The residence of an unmarried minor alien shall be derived from his or her parents pursuant to the provisions of subdivisions (f) and (g).

There are several sections of California Education code that regulate residency for special circumstances, such as Foster Youth and Homeless Youth. Please refer to California Education Code for more details.