

**DISTRICT RESIDENCY**

**Criteria for Residency**

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

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

1. The student's parents/guardians reside within district boundaries seven days a week. (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)
4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5.
  - (a) The student lives with a caregiving adult within district boundaries. A caregiver affidavit must be completed and on file with the District Office. (Education Code 48204) or
  - (b) The student and parents/guardians are sharing or living at a home with another person who is the primary resident, must complete an affidavit of parent residency.

NOTE: All affidavits must be notarized and renewed annually.

6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is an elementary school student whose parent/guardian is employed within district boundaries. However, the district is not required to admit students for this reason. (Education Code 48204) (See Exhibit 5111.1)
8. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

**DISTRICT RESIDENCY (continued)**

In determining the place of residence the following rules, based on California Government Code Section 244, will be observed:

1. It 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.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
5. The residence of an unmarried minor who has a parent living cannot be changed by his/her own act.
6. The residence can be changed only by the union of act or intent.
7. A married person shall have the right to retain his/her legal residence in the State of California notwithstanding the legal residence of domicile of his/her spouse.

**Proof of Residency**

The Superintendent or designee shall retain a copy of the initial document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency as needed. (5 CCR 432)

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

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 whether the student meets legal residency requirements.

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following: (Education Code 48204.6)

**DISTRICT RESIDENCY (continued)**

1. Current property tax payment receipts, deeds or escrow papers
2. Current lease or rental agreement, including contact information for property manager or owner, and a copy of a receipt or cancelled check for the most recent rental payment.
3. Current utility service bill from Pacific Gas & Electric (mailed to residence, not from the internet) or a letter of Confirmation of Service from PG&E, a current water bill, or a DMV registration card.
4. Driver's License (or other government issued photo ID).
5. Declaration of residency executed by the student's parent/guardian

**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. This notice shall state the parent/guardian's right, within five school days, to schedule an appeal with the school Board.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked six school days after the date of the notice.

A parent/guardian who appeals to the Board shall have the right to have a representative present. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

*Legal Reference: (see next page)*

**DISTRICT RESIDENCY (continued)**

*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>

**Administrative Regulation Revised/Adopted: January 14, 2015**

Previous Adoption: September 19, 2002

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Menlo Park City School District  
Atherton, CA