

RANCHO SANTA FE SCHOOL DISTRICT

Board Policy No. 5027: ENROLLMENT OF CHILDREN WHOSE PARENTS OR LEGAL GUARDIANS RESIDE WITHIN THE DISTRICT

- A. The general legal rule as set forth by the California Legislature is that only parents or legal guardians, who actually reside in the District, may enroll their children in the District or continue to enroll their children in the District. There are some limited legal exceptions to this which require the District to allow enrollment. For example, a pupil who lives in the home of a caregiving adult, in compliance with California Family Code section 6550, that is located within the boundaries of the District, shall be enrolled in the District. Commencing January 1, 2016, Education Code section 48204(a)(7) requires the District to enroll a pupil “whose parent or legal guardian resides outside of the boundaries” of the District “but is employed and lives with the pupil at that place of his or her employment within the boundaries” of the District “for a minimum of three days during the school week.”
- B. The District will not allow enrollment of children, or continued enrollment of children, unless it is legally required to do so. There are only two narrow exceptions to this District rule which are explained in Board Policy No. 4111 (Enrollment Of Children Whose Parents Or Legal Guardians Are Permanent Full-Time Certificated Employees Of The District) and Board Policy No. 6028 (Continued Enrollment Of Children Whose Parents Or Legal Guardians Are Temporarily Not Residing In The District).
- C. In accordance with Education Code section 48204.1, the District shall accept from the parent or legal guardian (or adult caregiver) of a pupil “reasonable evidence” that the pupil meets the residency requirements of the law and this Board Policy. Education Code section 48204.1 provides that “reasonable evidence” of residency shall be established by documentation showing the name and address of the parent or legal guardian (or adult caregiver), including, but not limited to, any of the following documentation:
1. Property tax receipts.
 2. Rental property contract, lease, or payment receipts.
 3. Utility service contract, statement, or payment receipts.
 4. Pay stubs.
 5. Voter registration.
 6. Correspondence from a government agency.
 7. Declaration of residency executed by the parent or legal guardian (or adult caregiver) of the pupil.

Education Code section 48204.1(b) provides that the District may not require all of the above items of documentation. The Superintendent within his/her sole discretion shall determine which documentation will be required in each case.

- D. If an employee of the District reasonably believes that the parent or legal guardian (or adult

caregiver) of a pupil has provided false or unreliable evidence of residency, the employee will so notify the Superintendent. The Superintendent in accordance with Education Code section 48204.1(c) and in compliance with Education Code section 48204.2 may make reasonable efforts to determine that the pupil actually meets the legal residency requirements.

- E. Education Code section 48204.2, effective commencing January 1, 2016, provides that if a school district elects to undertake an investigation pursuant to Education Code section 48204.1(c) referenced immediately above in provision D, the governing board of the school district “shall adopt a policy” regarding the investigation of a pupil to determine whether the pupil meets the legal residency requirements. Education Code section 48204.2(b) lists requirements of such a policy which are included in the following provisions of this Board Policy.

This provision E is the District’s Board Policy as authorized and required by Education Code section 48204.2, and which is to be implemented by the Superintendent in compliance with Education Code section 48204.2.

1. The Superintendent may initiate any investigation whenever he/she receives credible information from an employee, citizen, the parent, adult caregiver or the pupil that the parent, legal guardian, or the adult caregiver does not actually reside in the District. Credible information includes admission(s) by the parent, legal guardian or adult caregiver, or the pupil, falsified documents, mail returned from the address provided, conflicting information from the parent, legal guardian or adult caregiver, or the pupil, a written complaint from an employee or a citizen with a specific factual allegation(s) pointing to non residency, and documents which appear to be counterfeit.
2. The Superintendent may authorize an investigation which may include the following methods:
 - a. Verifying supporting documents with issuing individuals, organizations or agencies.
 - b. Interviewing the pupil, parent, legal guardian or adult caregiver, landlord, neighbors and any other individual who may have direct and relevant information.
 - c. Reviewing public information available on the internet, including, but not limited to writings, photographs, and videos on public social media, blogs and websites.
 - d. Conducting visits to the identified residence as long as the inhabitants are advised about the purpose of the visit and any investigation of the interior of a residence is voluntarily granted by the inhabitant(s).
 - e. Open, visible and public use of technology. California Education Code section 48204.2(b) and this Board Policy prohibit any and all surreptitious photographing or video-recording of pupils being investigated.
3. The Superintendent, after consultation with the General Counsel of the District, may utilize the professional services of a private investigator after making reasonable

efforts to determine whether the pupil legally resides in the District.

4. California Education Code section 48204.2(b) and this Board Policy require that employees and contractors, including any private investigator, for the District who engage in any investigations under this Board Policy must identify themselves truthfully to all individuals contacted or interviewed during the course of any investigation under this Board Policy.
5. The determination that a pupil does not actually reside in the District shall be made by the Superintendent in writing and shall list the reason(s) and basis for such determination. The written determination shall be communicated to the parent, legal guardian or adult caregiver by regular mail or by e-mail.
6. If the parent, legal guardian or adult caregiver disagrees with the written determination by the Superintendent that the pupil actually does not reside in the District, the parent, legal guardian or adult caregiver may file a written appeal with the Governing Board. Such written appeal must actually be received by the Office of the Superintendent of the District no later than ten (10) calendar days after the date of the Superintendent's written determination. Any such written appeal must include all the reasons and basis for the appeal. If an appeal is made, the burden shall be on the appealing party to show why the Superintendent's determination should be overruled. The Governing Board will consider the appeal at its next regular meeting in open session or at a special Board meeting within the discretion of the District.

F. Evidence of Minimum Age

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. The District shall accept the following as evidence of a child's age:

1. A certified copy of a birth certificate or a statement by a local registrar or county recorder certifying the date of birth.
2. A duly attested baptism certificate.
3. A passport.
4. When none of the above documents is obtainable, an Affidavit of Birth.

Legal Reference: Education Code sections 48002, 48200, 48204, 48204.1 and 48204.2

Date Policy Adopted By The Board: April 12, 2000

Date Policy Reviewed By The Board: January 13, 2005

Date Policy Revised By The Board: June 5, 2008; March 10, 2016; November 19, 2024