

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

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)

District Residency

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)

1. Property tax payment receipts, deeds or escrow papers

DISTRICT RESIDENCY (continued)

2. Rent payment receipts
3. Utility service payment receipts – Pacific Gas & Electric bill
4. 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>

AFFIDAVIT OF PARENT RESIDENCE

To be completed if residency requirements cannot be provided due to the fact that the parent and child(ren) are sharing or living at a home with another person. **(NON-CAREGIVER)**

All sections must be completed and signatures notarized **DO NOT SIGN THIS FORM IF ANY OF THE STATEMENTS ARE INCORRECT.** Evidence that false information was provided will result in immediate withdrawal of the child(ren) from school.

TO BE COMPLETED BY PARENT(S):

School: _____ Student: _____ Grade: _____
(Last) (First)

School: _____ Student: _____ Grade: _____
(Last) (First)

Parent(s): _____ Phone: _____

Address: _____

The address listed above is my only residence. I agree to notify the Menlo Park City School District if there is any change in the status of my residency. I understand that home visitation and/or residency verification is part of a periodic process when residency is established by an Affidavit of Residence.

I swear (or certify) under penalty of perjury that the foregoing is true and correct.

Signature of Parent Date

TO BE COMPLETED BY PRIMARY RESIDENT:

I, _____, declare I am the primary resident at the above address and the person(s) listed above: (1) resides with me on a full-time basis (seven days a week); (2) lives full-time in my home (seven days a week).

I agree to notify the Menlo Park City School District if there is any change in the status of the residency of the persons listed above. I understand that home visitation and/or residency verification is a part of a periodic process when residency is established by an Affidavit of Residence.

I swear (or certify) under penalty of perjury that the foregoing is true and correct.

Signature of Primary Resident Date

PART III (Notary section) Signature notarized is to be the property owner.

ACKNOWLEDGMENT BY AN INDIVIDUAL (Civil Code Sect. 1189)

State of _____, County of _____

On this day _____ before me personally appeared _____ to be the person whose name is subscribed above verifying residency and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person executed the instrument.

RESIDENCY OF STUDENTS WITH CAREGIVER

Students shall qualify as district residents if placed within the district in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law. (Education Code 48204)

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries seven days per week. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552. Affidavits must be notarized.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades.

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

Caregivers and foster parents shall receive a copy of all school notices.

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

42920-42925 Educational services

48200-48204 Persons included (compulsory education law)

56028 Parent

56050 Surrogate parent

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

7579.5 Surrogate parent

CODE OF REGULATIONS, TITLE 22

87001 Definitions

CODE OF FEDERAL REGULATIONS, TITLE 34

300.517 Surrogate Parent

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 New Law on Establishing Residence 94-09

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____

2. Minor's birth date: _____

3. My name (adult giving authorization): _____

4. My home address: _____

5. I am a grandparent, aunt, uncle, or other qualified relative of the minor (see next page for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California's driver license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

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

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

RESIDENCY FOR HOMELESS CHILDREN

Children living in the district who do not reside in a permanent, fixed residence shall be admitted to district schools upon presentation of any of the following:

1. Hotel or motel receipts
2. A letter from a social service agency verifying that the child lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district with the intent of remaining there

A reasonable effort shall be made to secure an address, phone number and medical release from the parent/guardian when a child is placed in a classroom.

Legal Reference:

EDUCATION CODE

1981 Enrollment of pupils

1981.2 Homeless children defined

1982 Administration; apportionments

2558.2 Use of revenue limits to determine average daily attendance of homeless children

TITLE VII, SUBTITLE B, THE MCKINNEY ACT OF 1987

Management Resources:

CDE LEGAL ADVISORIES

1115.88 Application of residency requirements for homeless children & youth, LO:5-88