

Mill Valley ESD

Administrative Regulation

District Residency

AR 5111.1

Students

Criteria for Residency

Students attending public school must attend school in the school district where their parent/guardian resides, unless expressly authorized to attend school in another district. (Education Code 48200, 48204, 48207.) It is the district's policy to require valid proof of residency for all students and to be vigilant in discovering and terminating enrollment that does not comply with residency laws. The District may use a private investigator, as appropriate, to investigate any suspected violations of school district residency laws.

(cf. 5111 - Admission)

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

1. The student's parent or legal 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)

(cf. 5117 - Interdistrict Attendance)

3. The student is an emancipated minor residing within district boundaries; (Education Code 48204)
4. The student lives with a care-giving adult within district boundaries; (Education Code 48204)

(cf. 5111.11 - Residency Of Students With Caregiver)

5. The student has been approved for interdistrict attendance as set forth in Board Policy 5117, Interdistrict Attendance. This applies to a K-8 school student whose parent/guardian is employed by the district but does not live within the district boundaries. The district is not required to admit students for this reason; (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

6. The student resides in a state hospital located within the district boundaries; or (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)

Proof of Residency

Subject to certain exceptions, prior to admission to district schools, the student's parent, guardian or caregiver shall provide proof of residency.

(cf. 5111 - Admission)

(cf. 5111.11 - Residency Of Students With Caregiver)

(cf. 5111.12 - Residency Based On Parent/Guardian Employment)

(cf. 5111.13 - Residency For Homeless Children)

(cf. 5117 - Interdistrict Attendance)

Required proof of residency shall include the following:

1. Required: A declaration of residency executed under penalty of perjury by the student's parent, guardian or caregiver that provides the name and address of the parent, guardian or caregiver within the district. If the parent, guardian, or caregiver resides in a leased/rented home, the parent, guardian or caregiver must submit the Lessor/Lessee Supplemental Form signed by the landlord/lessor under penalty of perjury; and

(cf. E 5111.1 – District Residency)

(cf. E 5111.11 – Residency Of Students With Caregiver)

2. One Required: At least one of the following documents showing the name and address of the parent, guardian or caregiver within the district: (Education Code 48204.1(a)(1), 48204.1(a)(2))

a. A copy of the deed, or

b. A copy of the most recent mortgage statement, or

c. A fully executed copy of the lease/rental agreement.

3. One Required: In addition to 1 and 2, at least one utility service contract, statement, or payment receipt dated within thirty (30) days of registration documents showing the name and address of the parent, guardian or caregiver within the district. Acceptable bills include: PG & E; Marin Municipal Water District; Mill Valley Refuse/Tamalpais Community Services District/or other local refuse agency serving residences within district boundaries; Comcast (cable TV)/Direct TV; Landline telephone (cell and long-distance service not accepted). (Education Code 48204.1(a)(3))

4. Two Required: In addition to 1, 2 and 3 above at least two of the following documents showing the name and address of the parent, guardian or caregiver within the district: (Education Code 48204.1)

- a. Valid California Driver's License,
- b. Current Vehicle Registration card,
- c. W-2 form dated within the past year,
- d. Property tax bill/payment receipts dated within the past year,
- e. Correspondence from a government agency or Public Assistance documents dated within the past year,
- f. Bank or credit card statement dated within the past forty five (45) days,
- g. Dental or medical bill dated within the past forty five (45) days.

If the student is an unaccompanied youth as defined in Title 42 United States Code section 11434a, a declaration of residency executed by the student may be used as evidence of residency.

The Superintendent or designee may annually verify the student's residency and retain a copy of the verification in the student's mandatory permanent record. (5 CCR 432) Subject to certain exceptions, annual verification shall include, but is not necessarily limited to, a declaration of residency executed by the student's parent, guardian, or caregiver.

The student's parent, guardian, or caregiver shall immediately notify the District/School when his/her residency, or his/her student's residency, has changed either within or outside the District. Failure to do so may result in revocation of enrollment. If a student moves outside of District boundaries, he/she must immediately register in his/her district of residence.

If any district employee reasonably believes that false or unreliable evidence of residency has been provided to the District, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements. Reasonable efforts may include, but are not limited to, home visits, the use of private investigators, and/or the requirement to provide additional documentation of residency.

Any person who believes that false or unreliable evidence of residency has been provided to the District, may make an anonymous report through the District's residency hotline by calling (415) 389-7715 or emailing to residency@mvschools.org.

Safe at Home 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 may request the actual address for the purpose of establishing residency within district boundaries. The Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address for all future communications and correspondence. (Government Code 6206, 6207)

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

Verification of Residency

The district may request verification of residency at any time. After an initial verification, the district may require proof of continued residency at such intervals (e.g., monthly, quarterly, annually) as the Superintendent, in his/her discretion, determines to be appropriate.

(cf. E 5111.1 – District Residency)

(cf. E 5111.11 – Residency Of Students With Caregiver)

(cf. 5111.13 - Residency For Homeless Children)

In circumstances where no documentary evidence exists, or is of questionable authenticity, school officials may assign employees or agents to personally visit the location on one or more occasions to verify residence at that location or presumed residence.

Penalties for Providing False Information/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.

Prior to a final determination on revocation due to false residency reporting, however, the parent, guardian, or caregiver will be provided with written notice of the facts leading to the determination. A copy of this Administrative Regulation will be included with the Notice. The Notice will also provide that the parent, guardian or caregiver has an opportunity to meet with the Superintendent or designee prior to the district's final determination on residency. At the meeting, the parent, guardian or caregiver will have an opportunity to rebut the district's evidence, and to present oral and documentary evidence, including witnesses.

Following the meeting, the Superintendent or designee shall provide a final determination on revocation. The Superintendent or designee's determination shall be final, binding, and effective immediately. There will be no further administrative appeal. If the parent,

guardian, or caregiver fails to schedule or attend the above meeting, the student's enrollment shall be revoked on the 11th school day after the date of the Notice.

The district may refer cases in which false information has been provided under penalty of perjury to the District Attorney's office for further action. The District may also seek to recover all costs incurred as a result of providing false information, including, but not limited to, filing a civil action to recover damages.

(Family Code 6552; Penal Code 118, Penal Code 125, Penal Code 127, Civil Code 1709.) Legal Reference:

CIVIL CODE

1709 Deceit; damages

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48054 Nonresidents

48200-48208 Persons included (compulsory education law)

48980 Notifications at beginning of term

52317 ROP, admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

PENAL CODE

118 Perjury defined; evidence necessary to support conviction

125 Unqualified statement of that not known to be true

127 Subornation of perjury; definition; punishment

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

California Secretary of State, Safe at Home Program: <http://www.ss.ca.gov/safeathome>

Regulation MILL VALLEY SCHOOL DISTRICT

approved: May 1996 Mill Valley, California

revised: March 13, 2002

revised: December 9, 2009

revised: January 12, 2011

revised: February 7, 2013 Mill Valley, California

revised: May 16, 2013 Mill Valley, California