

DISTRICT RESIDENCY

Regulations

1. Attendance Areas

In order to make efficient use of facilities and to plan for the organization, operation, and administration of the schools, the Board of Trustees establishes attendance boundaries for each elementary, middle, and high school within the District in compliance with the Education Code.

A student must live within the school attendance boundary to be eligible for enrollment in that school. Schools shall accept students living within their defined attendance boundary, with the following exceptions:

A school is at maximum capacity when class size has reached District and/or state regulations for that year. Students in grades kindergarten through eight, who enroll after a school's maximum capacity has been reached, will be assigned to an alternate site if all the classes at the student's grade level are full.

If at any time during the year an opening becomes available at the student's school of residence, the student's parents/legal guardians will be given the option to have the student remain at the alternate school site for the remainder of the school year or return to the student's school of residence within their attendance boundary. Parents/legal guardians of students who remain at an alternate school site until the end of the school year will also be given the option to remain at the alternate school site or return to the school within their attendance boundary for the next school year.

Students identified as eligible for special education services may be administratively assigned to alternate school sites in accordance with recommendations on their Individualized Education Programs (IEPs).

2. Definition of Residence

A student residing within the District may establish residency by documenting that he/she: lives with a parent/legal guardian or documented caregiver within the District; is an emancipated minor living in the District, or is in the court-appointed care of a licensed foster home, family home, or children's institution within the District.

A student not residing within the District shall be deemed a District resident if an inter-district attendance agreement is in effect, or if the student is confined to a District area hospital or residential care facility for treatment of a temporary disability.

District residency is not required for enrollment in the College and Career Advantage Program offered after school hours/outside of bell schedule.

DISTRICT RESIDENCY (Continued)**3. Verification of Parent Identity**

Prior to admission, the parent/legal guardian, licensed foster parent, or California Superior Court-appointed legal guardian may be asked to provide photo identification.

4. Proof of Residence

Prior to admission, students living within the District must provide reasonable evidence of proof of residency. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record.

District personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers. Any information obtained about a student's or parent/guardian's citizenship or immigration status shall not be shared without parent/guardian consent or a lawful judicial order, in accordance with laws pertaining to the confidentiality of student records.

Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, the District personnel shall solicit that documentation or information separately from the school enrollment process.

Residence of a student shall be verified by the Superintendent or designee through two different documents upon enrollment. All documents produced must be current and identify the parent/legal guardian as the resident. Acceptable documents for verification include the following:

- utility bills (i.e. electric, gas , water, sewer)
- mortgage statement
- rental agreement
- property tax bill

If the above-described documents are not available, the parent/legal guardian may offer other documents as proof of residence. However, since these documents may not be as reliable as those listed above, the District may also require additional verification, such as home visits and/or a signed affidavit from the parent/legal guardian as to the validity of their residence. Examples of these documents are:

- bank statements
- moving company receipts
- service letter from a utility company verifying residency
- escrow statement followed by verification of closing documents

Where permitted by law, the Superintendent or designee of the District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those

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alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.

Where residency, age and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this policy, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

A student's enrollment may be denied when the submitted documentation is insufficient to establish District residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

In the event the Superintendent or designee reasonably believes false or unreliable evidence of residency has been provided by a parent/legal guardian, he/she may make reasonable efforts to determine that the student meets District residency requirements. The District may initiate an investigation when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. The Superintendent or designee may hire a private investigator. Investigators must identify themselves truthfully and are prohibited from any photographing or recording as a part of their investigations.

If the District determines that the student does not meet the residency requirements for school attendance in the District, the District shall provide the parent/legal guardian with the basis for the determination in writing. The parent/legal guardian may appeal this determination to the Superintendent or Designee within ten business days of the determination. In the event of an appeal, the burden shall be on the parent/legal guardian to show why the decision of the District should be overruled.

A student who is currently enrolled in the District shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the District shall not be permitted to attend any District school unless his/her appeal is successful.

In an appeal to the Superintendent or designee of a determination that District residency requirements were not met, the Superintendent or designee shall review any evidence provided by the parent/guardian or obtained during the District's investigation and shall make a decision within ten school days of receipt of the parent/guardian's request for the appeal. The Superintendent or designee's decision shall be final.

Students determined to have enrolled in a school by falsifying residency records shall be immediately transferred to their original school of residence.

5. Change of Residency

Parent/legal guardian must notify the school within two weeks of a change of residency within the school calendar year and provide the school with the requisite proof of residence. Failure to notify may result in an immediate transfer to the student's new school of residence. Requests to remain at the

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school site for subsequent school years may be addressed through the School of Choice application process.

6. Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international exchange program under the sponsorship of a government-approved agency.

*Legal Reference:*EDUCATION CODE

200 State policy; purpose

220 Extent of prohibition of discrimination

234.1 Monitoring, review, and assessment of anti-discrimination, anti-harassment, anti-intimidation, and antibullying requirements

234.7 Citizenship or immigration status of pupils or their family members; confidentiality of information; emergency contact information; actions of governing board or body of local educational agency; model policies

35351 Assignment of students to particular schools

48200-48204 Persons included (compulsory education law) 48204 Residency requirements for school attendance

48204.1 Reasonable evidence of residency; false or unreliable evidence; construction with federal law; unaccompanied youth

48204.2 Investigation of residency; policy

49204.1 Reasonable evidence of residency; false or unreliable evidence; unaccompanied youth 48204.2 Pupil school enrollment; residency requirements; policy on investigation

48206.3-48208 Students with temporary disability

48980 Notification of parent or guardian

52317 Admission of persons including nonresidents to attendance area

CODE OF REGULATIONS, TITLE 22

87001 Definitions

CODE OF REGULATIONS, TITLE 5

432 Varieties of pupil records

COURT DECISIONS

Plyler v. Doe, (1982) 457 U.S. 202

DISTRICT RESIDENCY (Continued)

Policy

adopted: August 18, 1997

revised: February 14, 2000

revised: June 28, 2005

revised: January 8, 2007

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revised: September 15, 2009

revised: April 13, 2010

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CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California