

SANTA ANA UNIFIED SCHOOL DISTRICT

AR 5111.1(a)

Students

District Residency

Prior to admission, students living within the district must provide proof of residency. (cf. 5111 - Admission) Proof of district residency shall be established by one of the following:

(1) The parent/guardian provides a valid California driver's license or government-issued photo identification showing a current address in the relevant attendance area; or

(2) The parent/guardian provides one of the following documents, dated within the past two months (unless otherwise indicated), showing a current address in the relevant attendance area:

- (a) Utility Service Contract, Statement, or Payment Receipt (e.g., water, gas, electric, or waste management);
- (b) Telephone Bill (land line or cellular bill);
- (c) Mortgage/Rental Contract, Lease, or Payment Receipt;
- (d) Property Tax Bill or Payment Receipt past year;
- (e) Pay Stub;
- (f) Voter Registration;
- (g) Correspondence from a Government Agency;
- (h) Car Registration (dated within the past year);
- (i) Car Insurance Statement (dated within the past year);
- (j) Bank Statement;
- (k) Federal or State Income Tax Forms (dated within the past year); or
- (l) Declaration from Primary Resident/Owner indicating that student is living with Primary Resident/Owner.

If none of the above documents are submitted, the parent/guardian is required to execute an Affidavit of Residency. However, pursuant to the McKinney-Vento Act, homeless students must be enrolled even if they are unable to produce records normally required for enrollment, such as residency documentation.

A student may establish residency by documenting that he/she has a parent/guardian that lives within the district, is an emancipated minor living in the district, is in the court-appointed care of a licensed foster home, family home, or children's institution within the district, or lives in the home of a care-giving adult within the district. Upon enrollment of a student residing in the home of a care-giving adult within district boundaries, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552. (E.C. 48204) (cf. 5111.11 - Residency of Students with care-giver) (cf. 5111.13 - Residency for Homeless Children)

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including but not limited to all options for meeting residency requirements for school attendance. 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 residence 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. (Govt. Code 6206, 6207)

The district shall retain a copy of the document or written verification offered as proof of residency. In addition, the district may annually verify the student's residency and retain a copy of the document or written statement offered as verification. (Code of Regulations, Title 5, Section 432) (cf. 5125 - Student Records)

If a district employee reasonably believes that a parent/guardian has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student resides in the district.

A student not residing within the district shall be deemed a district resident if the student resides in a state hospital in the district or is confined to a hospital or residential care facility in the district for treatment of a temporary disability. (E.C. 48206.3-48208) (cf. 5117 - Interdistrict Attendance) (cf. 6183 - Home and Hospital Instruction)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (E.C. 52317)

Revocation of Enrollment

If the Superintendent or designee, upon investigation, has determined 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 10 school days, to schedule a meeting with a hearing officer to inspect supporting documents, rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. For good cause, the hearing officer may extend the meeting date for an additional 10 days to permit the parent/guardian to obtain required documentation.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked 11 school days after the date of the notice.

If the above meeting is held, the hearing officer shall prepare a written decision describing his/her findings. If this decision upholds the revocation, the parent/guardian shall be informed of his/her right to appeal to the Governing Board within 10 days. The hearing officer's decision shall be final unless appealed.

A parent/guardian who appeals to the Board shall have the right to have a representative present and to rebut district evidence, question any district witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the Board will not reopen the record to consider evidence or argument which was not presented to the hearing officer. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

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

FAMILY CODE

6550-6552	Caregivers
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CODE OF REGULATIONS TITLE 5

432	Varieties of student records
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CODE OF REGULATIONS TITLE 22

87001	Definitions
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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