

# Santa Barbara Unified School District

## Administrative Regulation

AR 5111.1

### Students

#### DISTRICT RESIDENCY

The Governing Board of the Santa Barbara Unified School District recognizes the basic principle that a student attend a school in the district in which the student resides. In addition, the Governing Board recognizes that a student attends the individual neighborhood school in the geographic region in which the student resides unless the student's parent(s) or legal guardian(s) request and are granted an intra-district transfer, are admitted to an alternative district school, or the student's neighborhood school does not have capacity for additional students.

#### Criteria for Residency

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

1. The student physically resides with his or her parent(s) or legal guardian(s) within the district for at least 50 percent of the school days and nights during the period in which school is in session.

*(cf. 5111.13 - Residency for Homeless Children)*

*(cf. 6173 - Education for Homeless Children)*

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. 6173.1 - Education for Foster Youth)*

3. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
4. The student lives with a caregiving adult within district boundaries. (Education Code 48204)
5. The student resides in a state hospital located within district boundaries. (Education Code 48204)
6. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)

*(cf. 6183 - Home and Hospital Instruction)*

7. Where the student has been admitted under Administrative Regulation 5111.12 because of a parents employment by the Santa Barbara Unified School District. (Education Code 48204)

*(cf. 5117 - Interdistrict Attendance)*

Students granted interdistrict transfers pursuant to Board Policy 5117 are not deemed to be district residents within the meaning of Education Code section 48204(b).

District residency is not required for enrollment in a district charter school or a regional occupational center or program if there are openings in the program or class.

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. (Education Code 48980)

*(cf. 5145.6 - Parental Notifications)*

### **Proof of Residency**

Prior to admission in district schools and at the beginning of each subsequent school year, parent(s) or legal guardian(s) shall provide proof of a student's residency within the district.

*(cf. 5111 - Admission)*

The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Upon enrollment of a student residing in the home of a caregiving adult within district boundaries, the caregiving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

*(cf. 5141 - Health Care and Emergencies)*

Reasonable evidence of residency may be established by documentation including, but not limited to, the following:

1. Most current utility service bill—gas, electric, or water only  
**AND**
2. Current property tax payment receipts or Grant Deed with County Recorder's stamp  
**OR**
3. Rent payment receipts or lease or rental contract  
**OR**
4. Affidavit of district residency sworn by the student's parent/guardian and notarized under penalty of perjury

If any district employee has reason to suspect that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall investigate to determine that the student meets the residency requirements and may require the submission of such additional proof as the district deems necessary to allow it to determine whether the student complies with those requirements.

### **Safe at Home Program**

When a student or parent/guardian participating in the Safe at Home program requests that the district uses 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. (Government Code 6206, 6207)

*(cf. 3580 - District Records)*

*(cf. 5125 - Student Records)*

### **Admission of Residents of Other States or Countries**

The Superintendent or designee may, with the approval of the County Superintendent of Schools, admit a student living in an adjoining state contiguous with the district, as long as an agreement has been reached

with the governing authority of the district in which the student resides and payment is made in accordance with law. (Education Code 48050)

A student whose actual and legal residence is in a foreign country adjacent to California, regardless of whether or not his/her parents/guardians are citizens of the United States, may be admitted to a district school provided that the student is otherwise eligible for admission to a California district and the student regularly returns within a 24-hour period to the foreign country. As a condition to admittance of such a student, the student's parent/guardian shall agree to pay the district reimbursement of costs in accordance with law. (Education Code 48051, 48052)

*(cf. 5111.2 - Nonresident Foreign Students)*

### **Change of Residency During the School Year**

Students meeting district residency requirements who move out of the district during the school year shall be allowed to complete the school year.

### **Denial or Revocation of Enrollment**

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false, inaccurate or misleading 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 Superintendent or designee shall prepare a written decision describing his/her findings within five (5) days of the conclusion of the meeting. If the Superintendent or designee determines that the student does not satisfy the residency requirements, the parent/guardian shall be informed of his/her right to appeal to the Board.

An appeal to the Governing Board must be filed within ten (10) days of issuance of the Superintendent's written denial of residency status and must state in detail the grounds for appeal. No new information shall be considered by the Board outside of that which was considered by the Superintendent or designee. The Board may act to grant or deny an appeal without hearing, and may take up any such appeals in closed session if necessary to protect pupil confidentiality, as long as to do so would not violate the Brown Act.

The Board's decision shall be final.

#### *Legal Reference:*

##### EDUCATION CODE

35351	<i>Assignment of students to particular schools</i>
48050-48054	<i>Nonresidents</i>
48200-48208	<i>Persons included (compulsory education law)</i>
48980	<i>Notifications at beginning of term</i>

52317            *ROP, 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*  
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:    SANTA BARBARA UNIFIED SCHOOL DISTRICT  
Adopted:       November 25, 2008    Santa Barbara, California  
Revised:       August 25, 2009