

DISTRICT RESIDENCY

Criteria for Residency

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

1. The student's parent/guardian resides within Yolo County. (Education Code 48200)

(cf. 6173 - Education for Homeless Children)

2. The student is placed within Yolo County 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 has been admitted through the County Office's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

4. The student is an emancipated minor residing within Yolo County. (Education Code 48204)

5. The student lives with a caregiving adult within Yolo County. (Education Code 48204)

6. The student resides in a state hospital located within Yolo County. (Education Code 48204)

7. The student is confined to a hospital or other residential health facility within Yolo County for treatment of a temporary disability. (Education Code 48207)

(cf. 6183 - Home and Hospital Instruction)

In addition, Yolo County residency status may be granted to a student if at least one parent/guardian is physically employed within Yolo County. (Education Code 48204)

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

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

DISTRICT RESIDENCY (continued)

The Yolo County Superintendent of Schools shall annually notify parents/guardians of all existing attendance options available in the County Office, 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 County Office schools or programs, students shall provide proof of residency.

(cf. 5111 - Admission)

The County Superintendent 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 Yolo County, 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, any of the following:

1. Property tax payment receipts
2. Rent payment receipts
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian

If any County Office employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the County Superintendent shall make reasonable efforts to determine that the student meets residency requirements.

If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student

The Superintendent or designee shall make a reasonable effort to secure evidence that a

AR 5111.1(c)

DISTRICT RESIDENCY (continued)

homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's

parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

Safe at Home Program

When a student or parent/guardian participating in the Safe at Home program requests that the County Office use the substitute address designated by the Secretary of State, the County Superintendent may request the actual residence address for the purpose of establishing residency within County Office boundaries. The County Superintendent 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)

Denial or Revocation of Enrollment

If the County Superintendent, upon investigation, determines that a student's enrollment or attempted 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 County Office evidence, question any County Office 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 the hearing officer's decision is upheld, the parent/guardian shall be informed of his/her right to appeal to the Yolo County Board of Education within 10 days.

DISTRICT RESIDENCY (continued)

A parent/guardian who appeals to the County Board shall have the right to have a representative present and to rebut County Office evidence, question any County Office witnesses, and present oral and/or documentary evidence, including witnesses, on the student's behalf. Except in cases where good cause is shown, the County Board shall 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 County Board's decision shall be final.

Legal Reference:

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

6205-6211 *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>

Adopted: August 25, 2015
Revised: December 15, 2015

YOLO COUNTY OFFICE OF EDUCATION
Woodland, California