Students  AR 5111.1(a)

DISTRICT RESIDENCY

Criteria for Residency

Prior to admission in district schools, students shall provide proof of residency.

(cf. 5111 - Admission)

Reasonable evidence of residency may be established by documentation. Education Code 48204.1

All applicants must submit one document from the following list as verification of identity.

- A Driver’s License (any photo driver’s license or CA ID Card is permitted) or
- A passport with photo ID, or
- If an agent or representative of social services or foster care agency, appropriate identification.

All applicants must submit two additional documents as verification of residency.

- Current Electric bill (both parts, top & bottom, in English) or verification of electrical service connection
- Current Southern California Gas bill (both parts, top & bottom, in English) or verification of gas service connection
- Current Cable bill (both parts, top & bottom, in English)
- Current Property Tax or Income Tax Documents (from the IRS, State, and/or County)
- Current Water (both parts, top & bottom, in English) or verification of water service connection.
- Current Waste Management Bill (both parts, top & bottom, in English)
- Checking account statement and a sample canceled check (both name and address must appear on the statement and check)
- Current Social Services documents
- If the parent is a renter and does not pay utilities because it is included in the rent, the District requires a letter from the lessor and/or a copy of the rental agreement stating that utilities are included.

In the event a utility service connection is used as proof of residency, then a utility bill (both parts, in English) must be provided within 45 days to assure continued enrollment. Home visitations may be made during the first six months of attendance.

1) Residency Affidavit and Co-Residency Supplemental Forms

If the registering parent lives in the home of another person and cannot produce any document listed above, the parent must complete the Residency Affidavit Form and the homeowner with whom the parent and child resides must provide a notarized copy of the Co-Residency Supplemental Form. Additionally, within 30 days of student registration, the parent must provide one of the residency verification documents from the above list to the school office.

The district shall retain a copy of the documents 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)
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, including home visits, to determine whether the student resides in the district.

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

1. The student's parents/guardians reside within district boundaries. (Education Code 48200)
   
   *(cf. 5111.13 - Residency 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)

3. The student has been admitted through the district's inter-district attendance program. (Education Code 48204)

   *(cf. 5117 - Interdistrict Attendance)*

4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)

5. The student lives with a care-giving adult within district boundaries. (Education Code 48204)

   *(cf. 5111.11 - Residency of Students with Caregiver)*

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

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

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)

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

Victims of Stalking or Domestic Violence - Proof of Residency

When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication and correspondence and in all public records. (Government Code 6207)

(cf. 3580 - District Records)
(cf. 5125 - Student Records)

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. 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 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 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 Board's decision shall be final.

Legal references (next page)
DISTRICT RESIDENCY

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
48204.1 Evidence of residency
48206.3-48208 Students with temporary disability
48980 Notification of parent or guardian
52317 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

CODE OF REGULATIONS, TITLE 22
87001 Definitions

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
SECRETARY OF STATE
Letter re: California Confidential Address Program Implementation (SB 489)
WEB SITES
California Secretary of State: http://www.ss.ca.gov

Regulation FOUNTAIN VALLEY ELEMENTARY SCHOOL DISTRICT
Approved: July 12, 2012
Fountain Valley, California
Fountain Valley School District

RESIDENCY REQUIREMENTS
(for parents/guardians enrolling new students)

PROOF OF RESIDENCY DOCUMENTS – ACCEPTED LIST

☐ Please check the box below indicating the form of verification of identity you will submit as the student’s parent, caregiver, licensed foster agency or group home representative, or California Superior Court-appointed legal guardian:

☐ A Driver’s License (any photo driver’s license or CA ID Card is permitted) or
☐ A passport with photo ID or
☐ If an agent or representative of social services or foster care agency, appropriate identification.

☐ Please check the boxes below indicating the two forms you will submit as verification of residency that reflect your name and the current address you list above:

☐ Current Electric bill (both parts, top & bottom, in English) or verification of electrical service connection**
☐ Current Southern California Gas bill (both parts, top & bottom, in English) or verification of gas service connection**
☐ Current Cable bill (both parts, top & bottom, in English)
☐ Current Property Tax or Income Tax Documents (from the IRS, State, and/or County)
☐ Current Water (both parts, top & bottom, in English) or verification of water service connection**
☐ Current Waste Management Bill (both parts, top & bottom, in English)
☐ Current Payroll Stub (both name and address must appear on payroll stub)
☐ Checking account statement and a sample canceled check (both name and address must appear on the statement and check)
☐ Current Social Services documents
☐ If you are a renter and do not pay utilities because it is included in the rent, we will need a letter from the leaser and/or a copy of the rental agreement stating that utilities are included.

** Note: In the event a utility service connection is used as proof of residency, a utility bill (both parts, in English) must be provided within 45 days to assure continued enrollment. Home visitations are made during the first six months of attendance.

☑ Residency Affidavit Form (For Special Circumstances Only)

☐ Completed Residency Affidavit Form
☐ Completed and notarized Co-Residency Supplemental Form (if applicable)

If a student is found not to reside at the address which is stated during the registration process, District enrollment of that student may be forfeited.

Special Circumstances for parents who live in the home of another person:
If the registering parent lives in the home of another person and cannot produce any document listed above, the Residency Affidavit and Co-Residency Supplemental Forms must be notarized and returned. Additionally, within 30 days of student registration, the parent must provide one of the residency verification documents from the above list to the school office.

(cf: AR 5111.1 – District Residency)
Dear Parents:

The Fountain Valley School District has a long history of providing parents with a choice of schools for their children. The District provides policy and procedure for the transfer of students among our schools as well as between school districts.

Parents who say they reside full-time in the home of another family within the Fountain Valley School District will be asked to provide additional information. The attached Residency Verification Affidavit and Co-Residency Supplemental forms shall be used to enable staff to make decisions regarding these requests. These forms must be completed annually.

Per the requirements of Administrative Regulation 5111.1, “District Residency,” parents and children who reside 100% of the time in the home of another family shall do the following:

1. Complete the Residency Verification Affidavit Form.

2. Present one of the following documents as verification of identity:
   - A Driver’s License (any photo driver’s license or CA ID Card is permitted)
   - Passport with photo ID

3. The homeowner/renter with whom you reside must sign and notarize the Co-Residency Supplemental Form, certifying that you and your child(ren) live in the home. Additionally, the homeowner must provide one form of verification of identity and two forms of verification of residence from the accepted list of proof of residency documents.

4. Within 30 days, the parent must provide the school office with one document as verification of residency from the accepted list of proof of residency documents.

5. If a student is found not to reside at the address which is stated during the registration process, District enrollment of that student will be forfeited.

All documentation will need to be presented to the school by the parent at the time of student registration. At the discretion of the principal, the school may allow additional time for necessary documents to be produced. If the principal reasonably believes that a parent/guardian has provided false evidence of residency, reasonable efforts may be made, including unscheduled home visits, to determine whether the student resides in Fountain Valley School District.
California law requires all persons between the ages of 6 and 18 to attend the school district in which their parents reside unless a specific statutory exception applies. (See Cal. Educ. Code §§ 48200, et seq.) The Fountain Valley School District (“District”) is required to take appropriate steps to ensure that students attending its schools satisfy applicable laws. This Residency Verification Affidavit Form must be completed, signed and submitted with appropriate documentation demonstrating compliance with California’s residency laws. Evidence that false information was provided will result in immediate withdrawal of the student from school and may lead to criminal and/or financial penalties.

Student: ____________________________  Current School: ____________________________  Current Grade: _______

Last Name    First Name

Parent/Guardian: ____________________________  Commencement Date of Residency: __________

Parent/Guardian: ____________________________  Commencement Date of Residency: __________

Address: ____________________________________________

Number  Street  City  Zip Code

NOTE: If legal custody of the student is split between two parents, you must provide a certified copy of the court order identifying each parent’s respective physical and legal custody award. You also must inform the school site of any changes to the court order within (5) days.

Please list below the names of additional siblings who attend the same school:

Student: ____________________________  School: ____________________________  Grade: _______

(Last Name)  (First Name)

Student: ____________________________  School: ____________________________  Grade: _______

(Last Name)  (First Name)

Student: ____________________________  School: ____________________________  Grade: _______

(Last Name)  (First Name)

Student: ____________________________  School: ____________________________  Grade: _______

(Last Name)  (First Name)
I acknowledge and agree to the following: (initial each statement below):

______  My child (listed above) resides with me five (5) days per week at the address listed, which is my primary residence.

    NOTE: If your child does not reside with you five (5) days per week at the listed address, please initial here ______. Instead, and attach a written explanation of where and with whom your child resides each day of the week.

______  I agree to notify the District/School within (5) days when I change my residence or that of my child to a new address, either within or outside the District.

______  Home visitation and/or other residency verification is part of a periodic process to confirm current residency status.

______  The District will actively investigate all cases where it has reason to believe that residency status has changed and/or false information has been provided, including the use of private investigators to verify residency status. Verification may include home visits.

______  The District may refer cases in which false information has been intentionally provided under penalty of perjury to the District Attorney’s office for further action and/or file a civil action to recover damages incurred as a result of providing false information.

______  Persons who provide false information under penalty of perjury are subject to criminal prosecution for perjury which is punishable by a fine and/or prison term of up to four years in state prison. (Family Code §6552; Penal Code §118, 125)

______  Persons providing false information under penalty of perjury also may be civilly liable for fraud, negligent misrepresentation, and negligence. Parties found civilly liable may be required to pay all damages caused to the District as a result of providing false information, as well as punitive damages. (Civil Code § 1709)

______  Persons who induce, obtain or otherwise solicit another person to provide false information on an affidavit are subject to the same criminal prosecution, fines, and imprisonment as the person directly committing perjury. (Penal Code §127)

______  Investigations that reveal students have enrolled on the basis of providing false information will lead to disenrollment and/or withdrawal from the District.

I swear (or certify) under penalty of perjury that the foregoing is true and correct, and that any and all copies of documents submitted to verify my residency are true and correct copies of the original documents, and that any and all documents submitted have not been altered except for the crossing out of dollar amounts and account numbers, which is permitted for the purposes of this Residency Verification Affidavit.

Executed on the date below in the County of ________________, California.

_________________________________________  __________________________
Signature of Parent/Guardian  Date

*In order to validate the Residency Affidavit, the parent/legal guardian signature must be witnessed by an adult who is not a family member.

_________________________________________  __________________________
Witness  Date
This Co-Residency Supplemental Form must be completed, notarized, and attached to the Residency Verification Affidavit only for those parents/guardians who share a home with another individual or family member.

The primary resident/owner of the shared home is required to complete this section and attach a copy of the following items below:

- Driver’s License, CA Identification Card, or passport with photo ID
- Two proofs of residency from the accepted list of proof of residency documents.

I, __________________ (primary resident/owner) declare that I am the primary resident/owner of the address listed on Page 1 of this Residency Verification Affidavit and that the person(s) claiming the address on Page 1 reside(s) with me at least five (5) days per week. I further declare that all of the information provided in this Residency Verification Affidavit, including information provided by the parent(s)/guardian(s), is true and correct. I understand that home visitation and/or residency verification is a part of a periodic process to confirm residency established by a Residency Verification Affidavit. I will submit the required pieces of evidence to verify my residency. I agree to notify the Fountain Valley School District if there is any change in the status of the residency of the persons listed on Page 1 or myself.

I swear (or certify) under penalty of perjury that the foregoing is true and correct.

_________________________________________  __________________________
Signature of Primary Resident/Owner*              Date

___________________________
State of _______________________

___________________________
County of _____________________

___________________________
On ___________ before me, ____________________________, a Notary Public, personally appeared ____________________________ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

_________________________________________
Signature of Notary: ___________________________

(seal)