

Students

DISTRICT RESIDENCY

Prior to admission, and annually thereafter, students enrolling in a school within the District must provide proof of residency.

(cf. 5111 - Admission)

Proof of residency can be based on any one accepted document as listed on the Verification of Residency form that contains parent/guardian/caregiver name and address. Education Code 48050 and 48051 require districts to charge tuition for all students who commute from an adjacent foreign country. Immigrant children shall not be denied admission on the basis of citizenship or legal resident status.

A student may establish residency by documenting that he/she lives with a parent/guardian within the District; that he/she is an emancipated minor living in the District; that he/she is in the court-appointed care of a licensed foster home, family home, or children's institution within the District; or that he/she lives full time (seven days per week) in the home of a care-giving adult within the District. (Education Code 48204, amended by SB 592, Ch. 98, Statutes of 1994)

(cf. 5111.11 - Residency of Students with Caregiver)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5111.13 - Residency for Homeless Children)

At the time of admission, and annually thereafter, a copy of current residency documentation shall be retained. (Code of Regulations, Title 5, Section 432)

A student not residing within the District shall be deemed a District resident if the student is confined to a District area hospital or residential care facility for treatment of a temporary disability. (Education Code 48206.3-48208)

(cf. 6183 - Home and Hospital Instruction)

When school and/or District staff has information that a parent may have provided false or unreliable evidence of residency (such as returned mail, anonymous phone calls from the community, inconsistent information by family members, irregular attendance, parent unresponsive to school communications, multiple families in one dwelling, etc.), further investigation by the school and/or district may be initiated. School/District staff may use a variety of means to verify residency, including but not limited to:

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- Requesting additional documentation from parent/guardian
- Conducting a physical inspection in the form of an unannounced home visit with CVESD staff identification clearly visible.

The District will not be employing the services of a private investigator.

There will be no “surreptitious photographing or video-recording” of person(s) or places subject to investigation. Any technology used to gain information for a residency investigation will be used in open and public view.

If the residency is deemed to be false, the parent/guardian may appeal in writing to an Executive Director for review. The appealing party will have the responsibility to provide proof to the District as to why the outcome of the investigation should be overruled.

Legal Reference:

EDUCATION CODE

- 35351 Assignment of students to particular schools
- 48050-48053 Nonresidents
- 48200-48204 Persons included (compulsory education law **inclusive**)
- 48206.3-48208 Students with temporary disability
- 48980 Notification of parent or guardian
- 52317 Admission of persons including nonresidents to attendance area

Legal Reference:

FAMILY CODE

- 6550-6552 Caregivers
- CODE OF REGULATIONS, TITLE 5
- 432 Varieties of student records
- CODE OF REGULATIONS, TITLE 22
- 87001 Definitions

Management Resources:

CDE LEGAL ADVISORIES

- 1115.88 Application of residency requirement for homeless children and youth, LO:5-88

Regulation

- Reviewed: 07/20/95
- Reviewed: 11/16/04
- Reviewed: 01/17/12
- Reviewed: 03/09/16

CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California