

Pacific Grove Unified School District

Criteria for Residency

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

1. The student's parent/guardian resides within district boundaries. (Education Code 48200) A minor's residence is presumed to be the legal residence of the parent/guardian who has physical custody of the minor. Temporary residence within district boundaries, solely for the purpose of enrolling a student in a district school is insufficient to establish residency for purposes of enrollment. In addition, a person who owns, rents, or leases property within district boundaries, but who does not reside within district boundaries, is not a resident for purposes of enrollment. In order to be enrolled in a district school, the student's primary parent/guardian must continually reside within district boundaries at the time of the student's application for enrollment and throughout the entire period of enrollment in the district. A post office box will not be accepted as proof of residency.
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 is admitted through an interdistrict attendance option. (Education Code 46600, 48204, 48301, 48356)
4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a caregiving adult within district boundaries and the caregiving adult files an affidavit executed under penalty of perjury in accordance with Family Code 6552. The caregiving adult shall establish residency within the district by providing the required documentation specified in this regulation. (Education Code 48204)
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48204, 48207)
8. The student's parent/guardian resides outside district boundaries but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week. The employer shall establish residency within the district by providing the required documentation specified in this regulation and shall confirm the employment of the parent/guardian and the employed residency of parent/guardian and student. (Education Code 48204)
9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within the state. In compliance with AB 2949. (Education Code 48204.3)
10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a

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court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

(cf. 5145.13 - Response to Immigration Enforcement)

11. When there is a shared custody court order or custody agreement, or a split family household, and the student resides within district boundaries for the majority (at a minimum, three) of school weeknights. In cases where there is a court ordered custody agreement of a minor student and only one parent/guardian resides within the district, the student must maintain his/her residence with the parent/guardian who resides in the district for the majority (at a minimum, three) of school weeknights. The parent/guardian shall provide a certified copy of the court order or custody agreement to the district. In the absence of a certified court order or custody agreement, the parent/guardian residing within the district must complete the Custody Declaration section of the PGUSD Residency Affidavit.

Proof of Residency

Prior to admission in district schools, students shall provide proof of residency. A student can only have one residence for purposes of establishing residency. Residency within the district is required and defined as residence within the district for a minimum of three school nights per week. The superintendent or designee will annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record.

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. The most recent copy of the Monterey County property tax bill or a mortgage statement in the name of the parent/guardian; or
2. Rental property contract or lease in the name of the parent/guardian showing residency property address and signatures of lessor/lessee with contact information of landlord or property management company. If the parent/guardian is on a month-to month agreement, he/she shall provide the most recent month's receipt or cancelled check;

AND

3. One of the items below in the name of the parent/guardian:

- a. A **recent current month's** utility service bill, statement, or payment receipt; or

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- b. Pay stub or bank-cancelled check in the name of the parent/guardian for the current month showing residence property address; or
- c. A current voter registration from the Monterey County Registrar of Voters; or
- d. Current correspondence from a government agency, e.g. IRS or Social Security; or
- e. Declaration of residency executed by the student's parent/guardian in a form acceptable to the District;

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

5. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552.

(cf. 5141 - Health Care and Emergencies)

A parent/guardian who is transferred or pending transfer into a military installation within the state shall provide proof of residence in the district within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

A student whose parent/guardian's departure from the state occurred against his/her will pursuant to item #10 in the section "Criteria for Residency" above shall be in compliance with district residency requirements if he/she provides official documentation of the parent/guardian's departure and evidence demonstrating that the student was enrolled in a public school in California immediately before moving outside the state. (Education Code 48204.4)

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to a 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. Furthermore, any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.3 - Education for Juvenile Court School Students)

Safe at Home/Confidential Address Program

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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 but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. (Government Code 6206, 6207)

Investigation of Residency

Pursuant to Board Policy 5111.1, the investigation methods that the district may use to conduct the investigation into the residency of the student, at the discretion of the Superintendent or designee, may include but are not limited to: telephone calls to home, unannounced home visitations, review of social media, verification of employment, search and review of public records, searches of electronic databases, and the use of licensed private investigators. Before hiring a private investigator, the district will first make reasonable efforts to determine whether the student resides in district.

The following requirements apply to a district investigation into the residency of a student:

- a. The private investigator or district employee may not surreptitiously photograph or video-record students who are being investigated. "Surreptitious photographing or video-recording" means the covert collection of photographic or video-graphic images of persons or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.
- b. Employees or contractors of the district engaged in student residence investigations (including private investigators) must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.

If the Superintendent or designee determines that a student currently enrolled in the district is not a resident of the district, the student shall be disenrolled from the district, effective the Friday of the week following the final determination of nonresidency by the Superintendent or designee.

In the event the district becomes aware of any violation of law during the course of enforcing this policy and regulations, including violation of fraud or perjury statues, the Superintendent or designee may refer such matters to the appropriate law enforcement authorities for criminal investigation.