



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.1k

Meeting Date: May 5, 2016

Subject: New Board Policy No. 5111.1: District Residency

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: May 19, 2016)
- Conference/Action
- Action
- Public Hearing

Division: Enrollment Center; Legal Services

Recommendation: Approve new policy on District Residency, BP 5111.1.

Background/Rationale: Education Code Section 48204.2 was revised this past year to require that the District adopt a new policy regarding conducting residency investigations of students or prospective students. The proposed District policy provides that a trained District employee may conduct an investigation. The proposed policy follows the requirements of Ed. Code 48204.2 regarding appropriate conduct of such an investigation prohibiting surreptitious photographing or videotaping and requiring truthful identification of the investigator.

Financial Considerations: NA

LCAP Goal(s): Family and Community Engagement

Documents Attached:

1. Executive Summary
2. Board Policy 5111.1, District Residency

Estimated Time of Presentation: N/A

Submitted by: Raoul Bozio, Manager II, Legal Services, Ken McPeters, Director Enrollment Center

Approved by: José L. Banda, Superintendent

Board of Education Executive Summary

Legal Services Office

New Board Policy 5111.1, District Residency
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I. OVERVIEW / HISTORY

Education Code Section 48204.2 was revised this past year to require that the District adopt a new policy regarding conducting residency investigations of students or prospective students. The proposed District policy provides that a trained District employee may conduct an investigation. The proposed policy follows the requirements of Ed. Code 48204.2 regarding appropriate conduct of such an investigation prohibiting surreptitious photographing or videotaping and requiring truthful identification of the investigator.

The associated AR requires revisions in order to align it with the new policy on various topics. Included in the revised AR is the new requirement of Ed. Code 48204 that qualifies a student for residency if 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. Lastly, the AR clarifies the immediate enrollment for Homeless and Foster Youth.

II. DRIVING GOVERNANCE

Education Code Sections 48204 and 48204.2, govern determinations of District Residency.

III. BUDGET

There are no additional costs associated with this policy.

IV. GOALS, OBJECTIVES, AND MEASURES

The goal is to ensure that District residency requirement and procedures are consistent with California law and District procedures generally.

V. MAJOR INITIATIVES

Compliance with the governing Education Code provisions is consistent with the District's goals of ensuring it is equitably serving its community.

VI. RESULTS

Results will be to ensure that that District residency requirement and procedures are consistent with California law and District procedures generally and hence avoid any unnecessary litigation concerning such matters.

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VII. LESSONS LEARNED / NEXT STEPS

Continued enforcement and monitoring of new and existing requirements regarding conducting residency investigations and District admission requirements.

Sacramento City USD

Board Policy

District Residency

BP 5111.1

Students

The Governing Board desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

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. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status. No student seeking residency shall be denied enrollment based on race, religion, ethnicity, gender, gender identity, gender expression, sexual orientation, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code 220.

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Investigation of Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to

determine that the student meets district residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

Appeal of Enrollment Denial

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent's designee of a determination that district residency requirements were not met, the Superintendent's designee shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's designee's decision shall be final.

Enrollment Not Requiring District Residency

When approved by the Board and the appropriate agency, the district may enroll students from other countries who are in the United States on an F-1 visa or are participating in an international

exchange program under the sponsorship of a government-approved agency.

(cf. 5111.2 - Nonresident Foreign Students)

(cf. 6145.6 - International Exchange)

The district may enroll a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

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)

(cf. 6178.2 - Regional Occupational Center/Program)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.2 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Management Resources:

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
Information on the Rights of All Children to Enroll in School: Questions and Answers for States,
School Districts and Parents, 2012

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

Adopted: