
CLOVIS UNIFIED SCHOOL DISTRICT

STUDENTS

Admissions Residency and School Attendance

DISTRICT RESIDENCY/STUDENT RESIDENCE AND ENROLLMENT

Student Residency

A. 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)
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, such as an interdistrict attendance agreement, "school district of choice" transfer, or Open Enrollment Act transfer. (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 submits an affidavit to that effect. (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. (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 District boundaries. (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

CLOVIS UNIFIED SCHOOL DISTRICT

parent/guardian, a lawful order from a 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)

B. Proof of Residency

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. Property tax payment receipt.
2. Rental property contract, lease, or payment receipt, or escrow papers demonstrating close of escrow within 45 days.
3. Utility service contract, statement, or payment receipt.
4. Pay stub.
5. Voter registration.
6. Correspondence from a government agency.
7. Declaration of residency executed by the student's parent/guardian.
8. If the student is an unaccompanied youth as defined in 42 USC section 11434a, a declaration of residency executed by the student.
9. 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 section 6552.

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

CLOVIS UNIFIED SCHOOL DISTRICT

public school in California immediately before moving outside the state. (Education Code 48204.4)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if the student is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

When a student is presented for enrollment in a school and legal residence of the student is not the residence of the parent, the student or the student and the student's parent, guardian or custodian shall be referred to the Office of Student Services and School Attendance (SSSA) for residence determinations.

Upon referral, the Director of Student Services and School Attendance (Director of SSSA) or designee will meet with the student, or the student and the student's parent, guardian, custodian, social worker or probation officer and review the evidence that placement or commitment is pursuant to law and Board Policy No. 5111.1, Exhibit No. 5111.1(3), Exhibit No. 5111.1 (4), and Exhibit No. 5111.1(5).

C. Confidential Address Program

In extreme cases, when a student or parent/guardian provides documentation that their address needs to be concealed for safety purposes, such as participation in the Safe at Home program, the Superintendent or designee shall request that the District use the substitute address, such as the address designated by the Secretary of State in the Safe at Home program. However, 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)

D. Homeless Students

As stated above, homeless students living in the District will be immediately enrolled in a District school in accordance with state and federal law and District policy, even if the student is unable to produce records normally required for enrollment, such as proof of residency. Alternative proofs of residency may include any of the following:

1. Hotel or motel receipts.
2. A letter from a social service agency or homeless shelter that verifies the student lives within the District's boundaries.
3. An affidavit from the student's parent/guardian that states the family lives within the District's boundaries.

CLOVIS UNIFIED SCHOOL DISTRICT

4. Verification by SSSA Attendance Officers.

Placement determinations for homeless students will be made in accordance with the students' best interests, law, and District policy.

The enrolling school will immediately contact the last school attended by the student to obtain relevant academic and other records. The enrolling school will also refer the parent or guardian of the student to the District's homeless liaison who will assist in obtaining any necessary immunizations for the student or obtaining the student's immunization or medical records.

A reasonable effort will be made to secure an address, phone number, and medical release from the student's parent/guardian when the student is placed in a District classroom.

E. Employment-Based Residency

Pursuant to Education Code section 48204(b), a parent/guardian seeking residency status on the basis of his/her employment within District boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within District boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location. The parent/guardian employment within the boundaries of the District must be, at a minimum, 10 hours per week.

When a student is presented for enrollment and the student's residence is pursuant Education Code section 48204(b), the parent or guardian will complete a Parent/Guardian Annual Request and Employment Verification, Exhibit No. 5111.1(6).

No student seeking residency on this basis shall be denied enrollment based on race, ethnicity, sex, parental income, scholastic achievement, or any of the individual characteristics set forth in Education Code section 220. However, the Superintendent or designee may deny enrollment into the District based on circumstances identified in Education Code section 48204, including where the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer, where there is overcrowding of school facilities at the relevant grade level, and where other circumstances exist that are not arbitrary.

When the Director of Student Services and School Attendance or designee validates the information on the Parent/Guardian Annual Request and Employment Verification (Exhibit No. 5111.1(6)), the student will be assigned to attend a specific school as a resident of the District. Once assigned to a school and subject to the parent or guardian maintaining and verifying employment within the boundaries of the District each year, placement is valid through the 12th grade in the school's attendance area. The parent or guardian must resubmit a Parent/Guardian Annual Request and Employment Verification (Exhibit No. 5111.1(6)) for the student to continue to have resident status and continue to attend school in the District.

CLOVIS UNIFIED SCHOOL DISTRICT

The Director of Student Services and School Attendance shall identify and communicate in writing to the student's parent/guardian the specific reasons for any denial of admission.

When a student is assigned to attend a specific school as a resident the District due to employment verification (Exhibit No. 5111.1(6)), the student's eligibility for interscholastic athletics will require a separate review based on the requirements, standards and guidelines set forth in Board Policy and Administrative Regulation No. 6145 – Co-Curricular and Extra Curricular Activities. Any appeal of athletic ineligibility will be heard by the CUSD Eligibility Committee. The appeal will follow the hardship guidelines under California Interscholastic Federation (CIF) Bylaws. (See Board Policy and Administrative Regulation No. 6145.)

The Superintendent or designee may deny a transfer out of the District by a student whose parent/guardian is employed within the boundaries of another school district if the difference between the number of students entering and exiting the District on the basis of parent/guardian employment exceeds the limits prescribed in Education Code section 48204. (Education Code 48204)

F. Parent/Guardian and Student Living with Employer

If a student and his/her parent/guardian are residing in the home of an employer of the parent/guardian for a minimum of three days during the school week, the parent/guardian shall submit a Declaration of Legal Residency (Exhibit No. 5111.1(3)) confirming the parent/guardian's residency with a copy of an employment contract that includes a provision that the parent/guardian resides at the employer's residence in the District's boundaries. (Education Code 48204(a)(7))

G. Residency Investigation

If any District employee is aware of specific and articulable facts that the parent/guardian of a student has provided false or unreliable evidence of residency, the Student Services and School Attendance Area Administrator or Guidance and Learning Director/Specialist shall make reasonable efforts to determine that the student meets District residency requirements. Reasonable efforts shall include no more than three address verifications by District Attendance Officers. (Education Code 48204.1, 48204.2)

Specific and articulable facts that a parent/guardian has provided false or unreliable evidence of residency include, without limitation and solely as illustrative example:

1. Returned mail.
2. Anonymous tips.
3. Habitual tardies.

**CLOVIS UNIFIED
SCHOOL DISTRICT**

4. Late pick-ups from school.
5. P.O. Box mailing address.
6. Dual family addresses.
7. Student provided information.
8. Police, court, probation, or welfare reports with different addresses listed.
9. Questionable transfer information.

The District reserves the right to request any additional proof of residency as necessary. Reasonable efforts to determine residency include, but are not limited to, telephone calls to the home, unannounced home visitations, between 6:00 a.m. and 8:00 p.m., use of licensed private investigators, questioning mail carriers, apartment managers, neighbors, or other individuals, interviewing students, contacting previous schools, police and probation officers, social media and public directories, and watching students coming and/or going from school.

When determining a student's residency, the District shall not use a licensed private investigator to assist with an investigation until after the District has made a reasonable effort to determine the student's residency through the Superintendent or designee.

Individuals conducting a student residency investigation are prohibited from surreptitiously photographing or video recording the student being investigated.

Individuals conducting a student residency investigation must truthfully identify themselves to anyone whom they contact or interview in the course of their investigation.

H. Revocation of Enrollment/Appeal Process

If the SSSA Administrator or SSSA Consultant, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment.

1. District Notice of Decision: Before any denial or revocation of student enrollment is final, the SSSA Administrator or SSSA Consultant shall provide a written notice of the decision to the parent/guardian that: (a) includes the rationale for the decision, and (b) informs the parent/guardian that he/she may provide new material evidence of residency, in writing, to the SSSA Administrator or SSSA Consultant within 10 school days of the date of the District's mailing, emailing, or delivery of the notice of the decision.
2. Parent/Guardian Submission of New Material Evidence: If the parent/guardian timely provides new material evidence of residency in writing, the SSSA Administrator or SSSA

**CLOVIS UNIFIED
SCHOOL DISTRICT**

Consultant shall review the evidence and make a decision within 5 business days or as soon thereafter as possible. The student may continue to attend school while awaiting the SSSA Administrator or SSSA Consultant's decision. The SSSA Administrator or SSSA Consultant shall provide a written notice of the decision to the parent/guardian informing the parent/guardian of his/her right to appeal to the Director of SSSA or designee within 10 school days after the District's mailing, emailing, or delivery of the notice of the decision.

3. Parent/Guardian Notice of Appeal: If the parent/guardian elects not to provide new material evidence, the parent/guardian may instead notify the SSSA Administrator or SSSA Consultant in writing that the parent/guardian seek an appeal before the Director of SSSA or designee. The parent/guardian must provide such notice of appeal, in writing, to the SSSA Administrator or SSSA Consultant within 10 school days of the District's mailing, emailing, or delivery of the notice of decision to the parent/guardian.
4. No New Material Evidence/No Notice of Appeal: If the parent/guardian fails to provide new material evidence of residency in writing or to seek an appeal, the student's enrollment shall be denied or revoked on the 11th school day after the date of the District's mailing, emailing, or delivery of the notice of the decision.

If the parent/guardian fails to notify the SSSA Administrator or SSSA Consultant in writing that they seek an appeal, the student's enrollment shall be denied or revoked on the 11th school day after the date of the District's mailing, emailing, or delivery of the notice of the decision.

5. Parent/Guardian Appeal and District Notice of Final Decision: If the parent/guardian timely seeks an appeal to the Director of SSSA or designee, the Director of SSSA or designee shall provide parent/guardian with written notice informing the parent/guardian that he/she may provide additional material evidence of residency, in writing, to the Director of SSSA or designee within 10 school days of mailing, emailing, or delivery of the notice of the decision. The parent/guardian will have the burden of proof to establish residency in the District during the appeal. The decision of the Director of SSSA or designee on the appeal shall be based solely on the evidence available to the SSSA Administrator or SSSA Consultant when making his/her final decision and any additional written evidence timely provided to the Director of SSSA or designee by the parent/guardian in response to the notice of the Director of SSSA or designee's consideration of the appeal. The student may continue to attend school during the period of the appeal. The Director of SSSA or designee's decision regarding the appeal shall be provided in writing to the parent/guardian. If the Director of SSSA or designee denies the appeal, the student's enrollment shall be denied or revoked effective 5 school days after the date of the Director/designee's decision to deny the appeal. The Director of SSSA or designee's decision shall be final.

CLOVIS UNIFIED SCHOOL DISTRICT

I. Student Enrollment

1. Enrollment Documentation: When a parent/guardian seeks to enroll a student into the District, the parent/guardian shall present proof that the child is of the minimum age set by law for admission thereto. The documentation may be in the form of a birth certificate, a certified copy of a birth record or a statement by the local registrar or a county recorder certifying the date of birth, or baptismal certificate duly attested or a passport or other documentation authorized by law, which provides proof of student's legal name, parents/guardians legal names and date of birth. The parent/guardian must also provide immunization records demonstrating the student is current on all required immunizations, unless the student has an authorized medical exemption. The medical exemption must be provided at the time of enrollment. (Education Code 48002)
2. Inquiry Regarding Citizenship or Immigration Status: When admission for enrollment is sought in the District, staff shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians. After the enrollment documentation requirement has been satisfied, personnel shall not seek or require student to provide additional documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers. Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, staff shall solicit that documentation or information separately from the school enrollment process.

J. Exhibits referred to in this Administrative Regulation

Exhibit No. 5111.1(1) – Declaration of Legal Residency

Exhibit No. 5111.1(2) – Caregiver's Authorization Affidavit

Exhibit No. 5111.1(3) – Annual Employment Verification

Adopted: 03/09/1994

Reviewed: 12/12/2007, 10/03/2008

Amended: 10/12/2005, 07/18/2007, 01/27/2016, 06/13/2018, 06/09/2021 (AR 2202 renumbered as AR 5111.1), 04/15/2024

Doc# 46542-7 (04/2024, 05/2018)