

ADMISSION

The Board of Trustees believes that all children should have the opportunity to receive educational services. Staff shall encourage parents/guardians to enroll all school-aged children in school.

The Superintendent or designee shall maintain procedures which provide for the verification of all entrance requirements specified in law and in Board policies and regulations.

(cf. 5111.1 - District Residency)
(cf. 5111.11 - Residency of Students with Caregiver)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5111.13 - Residency for Homeless Children)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.3 - Health Examinations)
(cf. 5141.31 - Immunizations)

*Legal Reference:*EDUCATION CODE

46600 Agreements for admission of pupils desiring interdistrict attendance
 48000 Minimum age of admission (kindergarten)
 48002 Evidence of minimum age required to enter kindergarten or first grade
 48010 Minimum age of admission (first grade)
 48011 Admission from kindergarten or other school; minimum age
 48050-48053 Nonresidents
 48200 Children between ages of 6 and 18 years (compulsory full-time education)
 48211 Habits and disease
 49076 Access to records by persons without written consent or under judicial order
 49408 Information of use in emergencies

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements
 121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade
 201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

*Management Resources:*CDE MANAGEMENT ADVISORIES

0900.90 Changes in law concerning eligibility for admission to kindergarten

ADMISSION**Age of Admission**

Proof of age shall be required of all enrolling students. The legal evidences of age, in order of desirability, are, a birth certificate, or passport, immigration certificate.

Age of admission and entrance requirements shall include the following:

1. Kindergarten – Students may be admitted to kindergarten provided they are five years of age on or before December 2 for the 2011-12 school year, November 1 for the 2012-13 school year, October 1 for the 2013-14 school year and September 1 for the 2014-15 school year. (Education Code 48010).
2. First Grade – Students entering school for the first time are eligible for first grade if they have reached their sixth birthday on or before December 2 for the 2011/12 school year, November 1 for the 2012/13 school year, October 1 for the 2013/14 school year and September 1 for the 2014/15 school year. A child who is at least five years of age will be admitted to first grade if the child has completed a full year of kindergarten – as defined by the State of California, maintained by a private or public school in California or any other state. Documentary evidence of this completed full year must be presented to the principal or assigned designee. (Education Code 48010)

If the student will not be six years of age before the dates listed above before the start of each school year, the parent is responsible for submitting the following documents to the district office before admission approval:

1. A copy of a document from the state indicating the school has been certified by the state;
2. The daily and yearly attendance requirements for the particular grade;
3. An outline or list of the courses of study for the particular grade;
4. A recommendation from the private school teacher/principal as to the child's readiness for first grade.

The Superintendent and/or designee may also involve appropriate district staff and require additional information before admitting the student into the District. The Superintendent determines all final placement requests.

Early Entry to Kindergarten

A child who becomes five years old after December 2 may be admitted into kindergarten, with parental approval, at any time after his/her fifth birthday during the school year when the Superintendent or designee determines on a case-by-case basis that such admittance is in the child's best interests.

DISTRICT RESIDENCY

Cautionary Notice 2010-13: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under that section. As a result, certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

Criteria for Residency

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

(cf. 5111 - Admission)

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 on a full-time permanent basis, that is, seven days and seven nights.
2. If legal custody of the student is split between two parents, parent/guardian must provide a certified copy of the court order identifying each parent's respective physical and legal custody award. The student must reside within district boundaries for four school days and four school nights. The parent/guardian also must inform the District of any changes to the court order within five (5) days. (Education Code 48200)

(cf. 5111.13 - Residency for Homeless Children)

3. 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 and lives within the district boundaries on a full-time permanent basis, that is, seven days and seven nights. (Education Code 48204)
4. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)

(cf. 5117 - Interdistrict Attendance)

5. The student lives with a care-giving adult within district boundaries on a full-time permanent basis, that is, seven days and seven nights. (Education Code 48204)

(cf. 5111.11 - Residency of Students with Caregiver)

6. The student is an elementary school student whose parent/guardian is employed within district boundaries. However, the district is not required to admit students for this reason. (Education Code 48204)

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

Proof of Residency

The Superintendent or designee shall retain a copy of the document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification to ensure that all students attending schools within the District satisfy applicable laws. All students entering grades K-8 will be required to provide proof of residency with the original documents outlined in the section below entitled "Reasonable Evidence of Residency." Every year thereafter, the **Residency Verification Affidavit** form must be annually completed, signed and submitted with appropriate documentation demonstrating compliance with the law by the parent or guardian (See Cal. Educ. Code §§ 48200).

In addition, beginning 2013-14, all students entering 6th grade will be required to provide proof of residency with the original documents outlined in the section below entitled "Reasonable Evidence of Residency." Every year thereafter, for students in 7th and 8th grade, the **Residency Verification Affidavit** form must be annually completed, signed and submitted with appropriate documentation demonstrating compliance with the law by the parent or guardian (See Cal. Educ. Code §§ 48200).

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)

If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements.

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, negligence and misrepresentation. 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.

Reasonable Evidence of Residency

Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following: (Education Code 48204.6)

1. Property tax bill
2. W-2 or 1099 Statement (Interested in name & address. Resident may block out financial data.)
3. California Driver's License showing resident at that address or I.D. Card (for people who do not drive)
4. Signed rental or lease agreement
5. Rent/lease payment and/or cancelled check
6. Utility service payment receipts (i.e., PG&E and telephone)
7. One other bill showing resident at that address

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 Superintendent or designee 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.

Legal Reference: (see next page)

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48054 Nonresidents

48200-48208 Persons included (compulsory education law)

48980 Notifications at beginning of term

52317 ROP, admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of addresses for victims of domestic violence, sexual assault or stalking

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

UNCODIFIED STATUTES

AB 687, Ch. 309, Statutes of 1995

COURT DECISIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

WEB SITES

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

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

RESIDENCY OF STUDENTS WITH CAREGIVER

Students shall qualify as district residents if placed within the district in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a commitment or placement under Welfare and Institutions Code 200-987 and live within the district boundaries on a full-time permanent basis, that is, seven days and seven nights. The agency placing a student in such a home or institution shall provide evidence to the school that the placement or commitment is pursuant to law. (Education Code 48204)

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

When their whereabouts is known, parents/guardians of students living with a caregiver or in foster care shall receive all parental notifications required by law. They shall be contacted for all major educational decisions concerning enrollment, discipline and final grades.

(cf. 5145.6 - Parental Notifications)

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

(cf. 5141- Health Care and Emergencies)

Caregivers and foster parents shall receive a copy of all school notices.

(cf. 5111.1 - District Residency)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

Legal Reference: (see next page)

RESIDENCY OF STUDENTS WITH CAREGIVER (continued)

AR 5111.11(b)

Legal Reference:

EDUCATION CODE

35351 *Assignment of students to particular schools*

42920-42925 *Educational services*

48200-48204 *Persons included (compulsory education law)*

56028 *Parent*

56050 *Surrogate parent*

FAMILY CODE

6550-6552 *Caregivers*

GOVERNMENT CODE

7579.5 *Surrogate parent*

CODE OF REGULATIONS, TITLE 22

87001 *Definitions*

CODE OF FEDERAL REGULATIONS, TITLE 34

300.517 *Surrogate Parent*

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 *New Law on Establishing Residence 94-09*

Regulation

Approved: March 11, 2003

Revised: February 7, 2012

LOS GATOS UNION SCHOOL DISTRICT

Los Gatos, California

RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

District has discretion to grant residency status to an elementary grade student if the student's parent/guardian works within the district boundaries. (Education Code 48204 (f)). Due to a history of overcrowded schools and overcrowding at specific grade levels, however, the District does not generally admit pupils under EC 48204 (f).

(cf. 5111.1 - District Residency)

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

Applications for Admission

When applying for his/her child's admission to a district school based on employment, the parent/guardian shall provide proof of employment within district boundaries, such as a paycheck stub or letter from the employer.

The Board of Trustees may deny enrollment based on parent/guardian employment for any non-arbitrary reason. Enrollment may not be denied on the basis of race, ethnicity, gender, parental income or scholastic achievement as provided in EC 48204(f).

The student's parent/guardian shall be notified in writing of the Board's decision to deny a transfer request pursuant to EC 48204(f) admission. The notice shall include specific reasons for the denial. The determination, and the specific reasons therefore, shall be accurately recorded in the minutes of the Board meeting in which the determination was made. (Education Code 48204)

(cf. 5145.6 - Parental Notifications)

Students enrolled in the district on the basis of parent/guardian employment shall be required to reapply for enrollment the next school year. They may continue to attend school in the district through the 8th grade, if the parent/guardian so chooses, subject only to restrictions specified in law related to excess costs. (Education Code 48204)

If a parent/guardian whose child has been admitted based on employment subsequently ceases to be employed within district boundaries, the Superintendent or designee may then deny that student's enrollment. It is the parent's responsibility to notify the district within five days, in the event that they cease to be employed within district boundaries.

*Legal Reference:*EDUCATION CODE

48200-48204 Compulsory education law

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 198 (2001)

Regulation

Approved: August 12, 2003

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LOS GATOS UNION SCHOOL DISTRICT

Los Gatos, California