

District Residency

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02	Prior to admission in District schools students shall provide proof
03	of residency.
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06	A student may establish residency by presenting documentation
07	that he/she lives within the District boundaries Monday through
08	Thursday with a parent, legal guardian, and/or caregiver, or a
09	court-appointed licensed foster family. The Superintendent shall
10	develop the procedures for student residency verification and
11	enrollment. A student not residing within the District may be
12	enrolled if an inter-District attendance agreement is in effect and
13	other required criteria are met as granted under Board Policy
14	5117.1
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16	Admission to Non-Residents
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19	A student who is not a resident of California may be admitted if the
20	Superintendent enters into an agreement with the parent/guardian
21	for academic achievement, attendance, and discipline
22	expectations and receives prior payment of tuition sufficient to
23	reimburse the total cost of educating the student prior to
24	enrollment. The Registrar will not issue I-20 Forms for
25	Non-immigrant F student status.
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29	<u>The Governing Board desires to admit all students who reside</u>
30	<u>within District boundaries or who fulfill the District residency</u>
31	<u>requirements through other means as allowed by law. The</u>
32	<u>Superintendent or designee shall develop procedures to facilitate</u>
33	<u>the receipt and verification of students' proof of residency.</u>
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36	<u>The Superintendent or Designee shall require parents/guardians</u>
37	<u>to provide documentation of the student's residency upon</u>
38	<u>admission to a District school. A copy of the document or written</u>
39	<u>statement offered as verification of residency shall be maintained</u>
40	<u>in the student's mandatory permanent record.1. If the student</u>
41	<u>and his/her parents/legal guardian are residing within District</u>
42	<u>boundaries and his/her parents/legal guardian are the property</u>
43	<u>owner/lessee must provide:</u>
44	
45	<u>One current property tax bill, closing statement or current</u>
46	<u>lease agreement (whichever applies); and four different</u>
47	<u>current utility bills = gas, electric, water, trash, cable or</u>
48	<u>landline telephone.</u>
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50	<u>2. If the student and his/her parents/legal guardian are living with</u>
51	<u>another family and parents or legal guardian's name does not</u>
52	<u>appear on the property tax bill, the closing escrow statement or</u>
53	<u>the lease, an Affidavit of Residency & Ownership with</u>
54	<u>accompanying proof of residency documents are required.</u>
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56	<u>a. The property owner/lessee must provide:</u>
57	
58	<u>One current property tax bill, closing statement or current</u>
59	<u>lease agreement (whichever applies); and four different</u>
60	<u>current utility bills = gas, electric, water, trash, cable or</u>
61	<u>landline telephone.</u>
62	
63	<u>b. Parents/legal guardian needs to provide, at a minimum, three</u>
64	<u>documents showing the name and address of the parent/legal</u>
65	<u>guardian within the district, including, but not limited to, any of the</u>
66	<u>following:</u>
67	
68	<u>California Driver License/Identification Card</u>
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70	<u>DMV printout of Car Registration</u>
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73	<u>Car Insurance Invoices/Statement/Proof of Insurance</u>
74	
75	<u>Health Insurance Invoices/Statement/Proof of Insurance</u>
76	
77	<u>Credit Card or Bank Statement (checking or savings- not</u>
78	<u>checks)</u>
79	
80	<u>Correspondence from a government agency</u>
81	
82	<u>Pay Stub</u>
83	
84	<u>Front page of the Federal Income Tax Form</u>
85	
86	3. <u>If the student is residing in the home of a caregiving adult</u>
87	<u>within District boundaries, an affidavit executed under penalty of</u>
88	<u>perjury by the caregiving adult in accordance with Family Code</u>
89	<u>6552. The caregiving adult shall establish residency within the</u>
90	<u>District by providing:</u>
91	
92	<u>One current property tax bill, closing statement or current</u>
93	<u>lease agreement (whichever applies); and four different</u>
94	<u>current utility bills – gas, electric, water, trash, cable or</u>
95	<u>landline telephone.</u>
96	
97	4. <u>If the student and his/her parent/legal guardian are residing in</u>
98	<u>the home of the employer of the parent/legal guardian for a</u>
99	<u>minimum of three days during the school week, an affidavit</u>
100	<u>executed under penalty of perjury by the employer confirming the</u>
101	<u>parent/legal guardian's residency with a copy of an employment</u>
102	<u>contract that includes a provision that the parent/legal guardian</u>
103	<u>resides at the employer's residence in The San Marino Unified</u>
104	<u>School District. The employer shall establish residency within the</u>
105	<u>District by providing:</u>
106	
107	<u>One current property tax bill, closing statement or current</u>
108	<u>lease agreement (whichever applies); and four different</u>

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109 current utility bills – gas, electric, water, trash, cable or
110 landline telephone.

111
112 5. For any other living arrangement, a declaration of residency
113 executed by the parent/legal guardian of a student, provided that
114 enrollment under these circumstances shall be at the discretion of
115 the Superintendent, and subject to review by the Board as set
116 forth below. If a student is residing in the residence of an adult
117 other than the student's parent/legal guardian, the adult who
118 owns or occupies the residence shall establish residency within
119 the District by providing, at a minimum, three of the documents
120 listed in this Board Policy as well as an affidavit executed under
121 penalty of perjury by the adult who owns or occupies the
122 residence confirming the student's residency at the adult's
123 residence. At a minimum, other living arrangements must be
124 verified annually.

125
126 The District has no desire to see personal information such as
127 earnings and amount of taxes paid. It is preferred that such
128 information be blacked out. Documentation is only required for
129 the verification of residence.

130
131 A post office box will not be accepted as proof of residency. At
132 the discretion of District officials, a student new to the District
133 (child of parent/guardian purchasing a home in San Marino may
134 be enrolled conditionally with a written statement on letterhead
135 from the escrow or title officer if the escrow closing date is within
136 four weeks after the start of school. Within 10 days after the close
137 of escrow, all regular residency verification documents will be
138 required. Failure to provide this additional documentation will be
139 grounds for disenrollment from the District.

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141 The District reserves the right to request verification of residency
142 at any time and to request any additional proof of residency as
143 necessary.

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146 When establishing a student's residency for enrollment purposes,
147 the Superintendent or designee shall not inquire into a student's
148 citizenship or immigration status.

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

156 Investigation of Residency

158 The Superintendent or Designee may assign a trained District
159 employee to conduct the investigation. The investigation may
160 include the examination of records, including public records,
161 and/or interviews of persons who may have knowledge of the
162 student's residency.

164 If necessary, the Superintendent or Designee may employ the
165 services of a private investigator to conduct the investigation.
166 Before hiring a private investigator, the Superintendent or
167 designee shall make other reasonable efforts to determine
168 whether the student resides in the District.

170 The investigation shall not include the surreptitious collection of
171 photographic or videographic images of persons or places
172 subject to the investigation. However, the use of technology is not
173 prohibited if done in open and public view.

175 Any employee or contractor engaged in the investigation shall
176 truthfully identify himself/herself as an investigator to individuals
177 contacted or interviewed during the course of the investigation.

179 Appeal of Enrollment Denial

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184 If the Superintendent or Designee, upon investigation, determines
185 that a student does not meet District residency requirements and
186 denies the student's enrollment in the District, he/she shall
187 provide the student's parent/guardian an opportunity to appeal
188 that determination.

189
190 The Superintendent or Designee shall send the student's
191 parent/guardian written notice specifying the basis for the
192 District's determination. This notice shall also inform the
193 parent/guardian that he/she may, within 10 school days, appeal
194 the decision and provide new evidence of residency.

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196 The burden shall be on the parent/guardian to show why the
197 District's determination to deny enrollment should be overruled.

198
199 A student who is currently enrolled in the District shall be allowed
200 to remain in attendance at his/her school pending the results of
201 the appeal. A student who is not currently enrolled in the District
202 shall not be permitted to attend any District school unless his/her
203 appeal is successful. In an appeal to the Superintendent or
204 Designee of a determination that District residency requirements
205 were not met, the Superintendent or Designee shall review any
206 evidence provided by the parent/guardian or obtained during the
207 District's investigation and shall make a decision within 10 school
208 days of receipt of the parent/guardian's request for the appeal.
209 The Superintendent's or Designee's decision shall be final.

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212
213 Legal References
214 Education Code
215 35351 Assignment of students to particular schools
216 46600 Agreements for admission of pupils desiring inter-District
217 attendance
218 48200-48204 Compulsory full-time education
219 49206.2-48208 Students with temporary disability

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220	48980 Notification of parent or guardian
221	52317 Admission of persons including non-residents to attendance
222	area
223	
224	Code of Regulations Title 22
225	870001 Definitions
226	
227	Welfare and Instruction Code
228	201 Residence of minor
229	
230	<u>Legal Reference:</u>
231	
232	<u>EDUCATION CODE</u>
233	
234	<u>220 Prohibition of discrimination</u>
235	
236	<u>35160.5 Intradistrict open enrollment</u>
237	
238	<u>35351 Assignment of students to particular schools</u>
239	
240	<u>46600-46611 Interdistrict attendance permits</u>
241	
242	<u>48050-48054 Nonresidents</u>
243	
244	<u>48200-48208 Compulsory education law, especially:</u>
245	<u>48204 Residency requirements</u>
246	
247	<u>48204.1-48204.2 Evidence of residency</u>
248	
249	<u>48300-48316 Student attendance alternatives, school District of choice</u>
250	<u>program</u>
251	
252	<u>48350-48361 Open Enrollment Act transfers</u>
253	
254	<u>48852.7 Education of homeless students; immediate enrollment</u>
255	
256	<u>48853.5 Education of foster youth; immediate enrollment</u>

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258	<u>48980 Notifications at beginning of term</u>
259	
260	<u>52317 Regional occupational program, admission of persons including</u>
261	<u>nonresidents</u>
262	
263	<u>FAMILY CODE</u>
264	
265	<u>6550-6552 Caregivers</u>
266	
267	<u>GOVERNMENT CODE</u>
268	
269	<u>6205-6210 Confidentiality of residence for victims of domestic violence</u>
270	
271	<u>CODE OF REGULATIONS, TITLE 5</u>
272	
273	<u>432 Retention of student records</u>
274	
275	<u>UNITED STATES CODE, TITLE 42</u>
276	
277	<u>11431-11435 McKinney-Vento Homeless Assistance Act</u>
278	
279	<u>COURT DECISIONS</u>
280	
281	<u>Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117</u>
282	<u>Cal.App.4th 47</u>
283	
284	<u>Management Resources:</u>
285	
286	<u>CSBA PUBLICATIONS</u>
287	
288	<u>Legal Guidance Regarding International Student Exchange Placement</u>
289	<u>Organizations, April 2014</u>
290	
291	<u>OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION</u>
292	<u>PUBLICATIONS</u>
293	

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294	<u>Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012</u>	
295		
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297		
298	<u>WEB SITES</u>	
299	<u>CSBA: http://www.csba.org</u>	
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301	<u>California Department of Education: http://www.cde.ca.gov</u>	
302		
303	<u>California Secretary of State, Safe at Home Program:</u>	
304	<u>http://www.sos.ca.gov/safeathome</u>	
305		
306	<u>U.S. Department of Education, Office for Civil Rights:</u>	
307	<u>http://www2.ed.gov/ocr</u>	
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311	Adopted:	03/26/91
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313	Revised:	05/22/01 8/18
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	<u>12/15</u>	