

District Residency

~~Prior to admission in District schools students shall provide proof of residency.~~

~~A student may establish residency by presenting documentation that he/she lives within the District boundaries Monday through Thursday with a parent, legal guardian, and/or caregiver, or a court-appointed licensed foster family. The Superintendent shall develop the procedures for student residency verification and enrollment. A student not residing within the District may be enrolled if an inter-District attendance agreement is in effect and other required criteria are met as granted under Board Policy 5117.1~~

~~Admission to Non-Residents~~

~~A student who is not a resident of California may be admitted if the Superintendent enters into an agreement with the parent/guardian for academic achievement, attendance, and discipline expectations and receives prior payment of tuition sufficient to reimburse the total cost of educating the student prior to enrollment. The Registrar will not issue I-20 Forms for Non-immigrant F student status.~~

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.

The Superintendent or Designee shall require parent/legal guardian to provide documentation of the student's residency upon prior to admission to a District school. A copy of the document(s) and written statement offered as verification of residency shall be maintained in the student's mandatory permanent record.

The Superintendent or Designee shall annually verify the District residency status of every student newly entering the District and every student entering sixth and ninth grades, and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record.

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Proof of residency within the District may be established by providing documentation in one of the following ways: ~~at a minimum, three documents showing the name and address of the parent/legal guardian within the District, including, but not limited to, any of the following:~~

1. ~~If the student and his/her parent/legal guardian are residing within District boundaries and his/her parent/legal guardian is the property owner/lessee, the parent/legal guardian must provide:~~

~~One current property tax bill, closing statement or current lease agreement (whichever applies); and four different current utility bills – gas, electric, water, trash, cable or landline telephone.~~

2. ~~If the student and his/her parent/legal guardian are living with another resident and the parent's/legal guardian's name does not appear on the property tax bill, the closing escrow statement or the lease, an Affidavit of Residency & Ownership with accompanying proof of Residency Documents are required.~~

a. ~~The property owner/lessee must provide:~~

~~One current property tax bill, closing statement or current lease agreement (whichever applies); and four different current utility bills – gas, electric, water, trash, cable or landline telephone.~~

b. ~~Parent/legal guardian need to provide, at a minimum, three of the following documents showing the name and address of the parent/legal guardian residing within the District:~~

~~California Driver License/Identification Card~~

~~DMV printout of Car Registration~~

~~Car Insurance Invoices/Statement/Proof of Insurance~~

~~Health Insurance Invoices/Statement/Proof of Insurance~~

~~Credit Card or Bank Statement (checking or savings- not checks)~~

~~Correspondence from a government agency~~

~~Pay Stub~~

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Voter Registration

Front Page of the Federal Income Tax Form

A post office box will not be accepted as proof of residency.

3. If the student is an unaccompanied youth as defined in 42 U.S.C 11434a, a Declaration of Residency shall be executed by the student.

4. If the student is residing in the home of a caregiving adult within District boundaries, an affidavit shall be executed under penalty of perjury by the caregiving adult in accordance with Family Code 6552. In addition, the caregiving adult shall establish residency within the District by providing:

One current property tax bill, closing statement or current lease agreement (whichever applies); and four different current utility bills – gas, electric, water, trash, cable or landline telephone.

5. If the student and his/her parent/legal guardian are residing in the home of the employer of the parent/legal guardian for a minimum of three days during the school week, an affidavit shall be executed under penalty of perjury by the employer confirming the parent/legal guardian's residency with a copy of an employment contract that includes a provision that the parent/legal guardian resides at the employer's residence in the San Marino Unified School District. The employer shall establish residency within the District by providing:

One current property tax bill, closing statement or current lease agreement (whichever applies); and four different current utility bills – gas, electric, water, trash, cable or landline telephone.

6. For any other living arrangement not identified above, a Declaration of Residency executed by the parent/legal guardian of a student, provided that enrollment under these circumstances shall be at the discretion of the Superintendent, and subject to review by the Board as set forth below. Residency allowed under this section must be verified annually and more often as deemed necessary by the Superintendent or Designee.

Supporting documentation is only required to verify residence within the District. Any personal information contained in supporting documentation, such as earnings and amount of taxes paid, shall be redacted by the parent/legal guardian.

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Within 10 days after the close of escrow, all regular residency verification documents will be required. Failure to provide this additional documentation may be grounds for disenrollment from the District.

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

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

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/legal guardian in writing, including specific reasons for the denial.

Investigation of Residency

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 Superintendent or District-employed designee shall make reasonable efforts to determine that the student meets District residency requirements.

Specific and articulable facts that a parent/legal guardian has provided false or unreliable evidence of residency include, without limitation and solely as illustrative examples: observations of repeated absences, inconsistent statements about residency or housing status and/or other specific and credible observations based on objective evidence. The District reserves the right to request any additional proofs of residency as necessary. Reasonable efforts to determine residency include, but are not limited to, telephone calls to the home, unannounced home and/or other housing visitations, and use of licensed private investigators.

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.

If necessary, the Superintendent or Designee may employ the services of a private investigator to conduct the investigation. Before hiring a private

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investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the District.

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.

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

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/legal guardian an opportunity to appeal that determination.

The Superintendent or Designee shall send the student's parent/legal guardian written notice specifying the basis for the District's determination. This notice shall also inform the parent/legal 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/legal guardian to show why the District's determination to deny enrollment should be overruled.

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

Legal References

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213	Education Code
214	35351 Assignment of students to particular schools
215	46600 Agreements for admission of pupils desiring inter-District attendance
216	48200-48204 Compulsory full time education
217	49206.2-48208 Students with temporary disability
218	48980 Notification of parent or guardian
219	52317 Admission of persons including non-residents to attendance area
220	
221	Code of Regulations Title 22
222	870001 Definitions
223	
224	Welfare and Instruction Code
225	201 Residence of minor
226	<u>Legal Reference:</u>
227	
228	<u>EDUCATION CODE</u>
229	
230	<u>220 Prohibition of discrimination</u>
231	
232	<u>35160.5 Intradistrict open enrollment</u>
233	
234	<u>35351 Assignment of students to particular schools</u>
235	
236	<u>46600-46611 Interdistrict attendance permits</u>
237	
238	<u>48050-48054 Nonresidents</u>
239	
240	<u>48200-48208 Compulsory education law, especially:</u>
241	
242	<u>48204 Residency requirements</u>
243	
244	<u>48204.1-48204.2 Evidence of residency</u>
245	
246	<u>48300-48316 Student attendance alternatives, school District of choice program</u>
247	
248	<u>48350-48361 Open Enrollment Act transfers</u>
249	
250	<u>48852.7 Education of homeless students; immediate enrollment</u>
251	
252	<u>48853.5 Education of foster youth; immediate enrollment</u>
253	
254	<u>48980 Notifications at beginning of term</u>
255	<u>52317 Regional occupational program, admission of persons including nonresidents</u>

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256 FAMILY CODE
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258 6550-6552 Caregivers
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260 GOVERNMENT CODE
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262 6205-6210 Confidentiality of residence for victims of domestic violence
263
264 CODE OF REGULATIONS, TITLE 5
265
266 432 Retention of student records
267
268 UNITED STATES CODE, TITLE 42
269
270 11431-11435 McKinney-Vento Homeless Assistance Act
271
272 COURT DECISIONS
273
274 Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47
275
276
277 Management Resources:
278
279 CSBA PUBLICATIONS
280
281 Legal Guidance Regarding International Student Exchange Placement Organizations,
282 April 2014
283
284 OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF EDUCATION PUBLICATIONS
285
286 Information on the Rights of All Children to Enroll in School: Questions and Answers for
287 States, School Districts and Parents, 2012
288
289 WEB SITES
290
291 CSBA: <http://www.csba.org>
292
293 California Department of Education: <http://www.cde.ca.gov>
294
295 California Secretary of State, Safe at Home Program:
296 <http://www.sos.ca.gov/safeathome>
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298 U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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