

District Residency

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

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13 Admission to Non-Residents

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

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

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

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

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District Residency

41 Proof of residency within the District may be established by providing
42 documentation in one of the following ways: ~~at a minimum, three documents~~
43 ~~showing the name and address of the parent/legal guardian within the District,~~
44 ~~including, but not limited to, any of the following:~~
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47 1. If the student and his/her parent/legal guardian are residing within District
48 boundaries and his/her parent/legal guardian is the property owner/lessee, the
49 parent/legal guardian must provide:

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

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

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61 a. The property owner/lessee must provide:

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

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

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71 California Driver License/Identification Card

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73 DMV printout of Car Registration

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75 Car Insurance Invoices/Statement/Proof of Insurance

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77 Health Insurance Invoices/Statement/Proof of Insurance

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

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81 Correspondence from a government agency

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83 Pay Stub

District Residency

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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.

District Residency

127 Within 10 days after the close of escrow, all regular residency verification
128 documents will be required. Failure to provide this additional documentation
129 may be grounds for disenrollment from the District.
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131 The District reserves the right to request verification of residency at any time
132 and to request any additional proof of residency as necessary.
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134 When establishing a student's residency for enrollment purposes, the
135 Superintendent or designee shall not inquire into a student's citizenship or
136 immigration status.
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138 A student's enrollment may be denied when the submitted documentation is
139 insufficient to establish District residency. In any such case, the Superintendent
140 or designee shall notify the parent/legal guardian in writing, including specific
141 reasons for the denial.
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143 Investigation of Residency
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145 If any District employee is aware of specific and articulable facts that the
146 parent/guardian of a student has provided false or unreliable evidence of
147 residency, the Superintendent or District-employed designee shall make
148 reasonable efforts to determine that the student meets District residency
149 requirements.
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151 Specific and articulable facts that a parent/legal guardian has provided false or
152 unreliable evidence of residency include, without limitation and solely as
153 illustrative examples: observations of repeated absences, inconsistent
154 statements about residency or housing status and/or other specific and credible
155 observations based on objective evidence. The District reserves the right to
156 request any additional proofs of residency as necessary. Reasonable efforts to
157 determine residency include, but are not limited to, telephone calls to the home,
158 unannounced home and/or other housing visitations, and use of licensed private
159 investigators.
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161 The Superintendent or Designee may assign a trained District employee to
162 conduct the investigation. The investigation may include the examination of
163 records, including public records, and/or interviews of persons who may have
164 knowledge of the student's residency.
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166 If necessary, the Superintendent or Designee may employ the services of a
167 private investigator to conduct the investigation. Before hiring a private
168 investigator to conduct the investigation. Before hiring a private
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District Residency

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

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

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

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181 Appeal of Enrollment Denial

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

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

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

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

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

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211 Legal References

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District Residency

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	
227	<u>Legal Reference:</u>
228	
229	<u>EDUCATION CODE</u>
230	
231	<u>220 Prohibition of discrimination</u>
232	
233	<u>35160.5 Intradistrict open enrollment</u>
234	
235	<u>35351 Assignment of students to particular schools</u>
236	
237	<u>46600-46611 Interdistrict attendance permits</u>
238	
239	<u>48050-48054 Nonresidents</u>
240	
241	<u>48200-48208 Compulsory education law, especially:</u>
242	
243	<u>48204 Residency requirements</u>
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245	<u>48204.1-48204.2 Evidence of residency</u>
246	
247	<u>48300-48316 Student attendance alternatives, school District of choice program</u>
248	
249	<u>48350-48361 Open Enrollment Act transfers</u>
250	
251	<u>48852.7 Education of homeless students; immediate enrollment</u>
252	
253	<u>48853.5 Education of foster youth; immediate enrollment</u>
254	
255	<u>48980 Notifications at beginning of term</u>
	<u>52317 Regional occupational program, admission of persons including nonresidents</u>

District Residency

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
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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>
297
298 U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

District Residency

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03/26/91

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