

District Residency BP 5111.1 & AR 5111.1

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The “WHY”

- Children attending public school must attend school in the school district wherein their parent/legal guardian resides, unless explicitly authorized to attend school in another district (Education Code 48200, 48204).
- Accordingly, it is the district's policy to require valid proof of residency for all students and to be vigilant in discovering and terminating enrollment that does not comply with residency laws or meet the conditions identified in the California Education Code.



Legal Requirements Regarding Residency Policy

- In 2015, a new law was passed requiring districts to adopt a policy with specified components.

The policy must:

- (1) identify the circumstances under which the district may initiate an investigation, including, at a minimum, a requirement that the district is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency
- (2) describe the investigatory methods that may be used, including whether the district may employ the services of a private investigator



Legal Requirements Regarding Residency Policy (continued)

The policy must:

- (3) require staff to make reasonable efforts to determine whether the student resides in the district before hiring a private investigator
- (4) prohibit surreptitious photographing or video-recording of students who are being investigated
- (5) provide for an appeals process.



Evidence Required to Prove Residency in SMMUSD

1. Any one of the following documents:
 - a. Property tax payment receipt
 - b. Rental property contract, lease, or payment receipt
 - c. Mortgage statement
2. One utility service contract, statement, payment receipt



Evidence Required (continued)

3. Additionally, the parent/guardian shall provide two of the following:

- a. Utility service contract, statement, or payment receipt
- b. Pay stub
- c. Voter registration
- d. Correspondence from a government agency

4. Declaration of residency executed by the student's parent/guardian

- a. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student



Evidence Required (continued)

5. A parent/guardian may file an Affidavit of Residency declaring that he/she and the student are residing in the residence of an adult who can establish residency within district boundaries.
6. A parent/guardian or a caregiving adult as defined in Family Code 6552 may file a Caregiver Affidavit attesting that the student resides in the home of a person who is a resident of the district.



Investigation of Residency

- When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements.
- An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48201.1, 48204.2).



Circumstances Under Which District Initiates an Investigation

1. Returned mail
2. High tardiness and/or absenteeism
3. Reports from parents
4. Reports from community members
5. Reports from individuals who previously signed affidavits
6. Student self-reports
7. Other specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency



Investigatory Methods

1. Principal or designee meets with parents/guardians to inform them that their residency is in question and asks them to verify residency by providing documentation that substantiates their residency to the satisfaction of the Superintendent or designee.
2. Principal or designee requests a home residency check.



Investigatory Methods (continued)

3. Student Services Department enlists a campus security officer or other appropriate district personnel to conduct a residency check:

- a. Observation of the residency at times when a student is likely to be at home, including before school or after school
- b. Attempt to contact the family in the residence by knocking on doors and/or ringing residency code
- c. Discussions with on-site property manager and/or neighbors



Investigatory Methods (continued)

- d. If necessary, campus security officers or other district personnel may ask to see evidence that a student lives at the residence. Evidence may include checking sleeping quarters or seeing the presence of clothing or other items appropriate for school-age children.
- e. When conducting a residency check, campus security officers or other appropriate district personnel must identify themselves as a Santa Monica-Malibu Unified School District employee, state their purpose, and provide a business card.
- f. Campus security officers or other district personnel are prohibited from surreptitious photographing or video-recording students who are being investigated.



Investigatory Methods (continued)

4. The district may employ the services of a private investigator. Staff shall make reasonable efforts to determine whether the student resides in the district before hiring a private investigator.
5. If a residency check results in the determination that a student does not meet district residency requirements, the student's enrollment in the district shall be revoked as described in this administrative regulation.



Appeals Process

- 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/guardian an opportunity to appeal that determination. (Education Code 48204.2)
- The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 5 school days, appeal the decision and provide new evidence of residency.



Appeals Process (continued)

- The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)
- 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 of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

QUESTIONS?

