

DISTRICT RESIDENCY

Residency

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.

1. The Superintendent or designee is authorized to require the parent/legal guardians of students to provide to the district verifiable documentary evidence of residency, to execute affidavits attesting to residency, and to otherwise prove residency to the satisfaction of the district. Proof of residency shall, at a minimum, be required upon a student's initial enrollment in the district, whenever there is a change in residency, and at any time a student's residency with the district is in doubt.
2. Any student enrolled in the district shall immediately notify the district of any change in circumstances, which would affect their residency determination under this policy. **Immediate notification allows staff the opportunity to inform parents/guardians of enrollment options. Failure to do so shall result in disenrollment and disqualification from future enrollment under the Board's Inter-district Transfer Policy.**
3. The Superintendent or designee is authorized to investigate any cases where there may be reason to believe that a student and/or parent/guardian does not reside within the district, has provided false information to the district with respect to residency or where there may be reason to believe that the information provided is no longer current or accurate.
4. If, after the investigation, the Superintendent or designee determines that a student currently enrolled does not meet any criteria for residency in the district ~~is not a resident of the district~~, the student shall be disenrolled from the district, effective the Friday of the week following the determination of nonresidency. If the parent appeals and the appeal is denied, the student will be disenrolled the Friday of the week following the resolution of the appeal.
5. ~~In the event the district becomes aware of any violation of law during the course of enforcing this policy, including violation of fraud or perjury statutes, the Superintendent or designee may refer such matters to the appropriate law enforcement authorities for criminal investigation~~

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district if he/she meets any of the following criteria:

1. The student resides with his/her parent/guardian within district boundaries. (Education Code 48200) In the case of divorced parents/co-parents not residing together, the student would attend school in the district of the parent who has primary physical custody. If the parents/guardian have 50/50 co-custody/share joint physical custody and one parent

lives within the district, the student may be enrolled in Santa Monica-Malibu Unified School District. ~~(Education Code 48200)~~

2. The student is placed within the 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. (Education Code 48204)
3. The student has been admitted through the district's interdistrict attendance program. (Education Code 48204)
4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
5. The student lives with a care-giving adult within district boundaries (Caregiver Affidavit Authorization). (Education Code 48204)
6. The student resides in state hospital located within district boundaries. (Education Code 48204)
7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)
8. The student's parent/guardian resides outside district boundaries, but is employed within district boundaries and lives with the student at the place of employment for a minimum of three days during the school week (Caregiver Affidavit Authorization). (Education Code 48204)
9. The student's parent/guardian, while on active military duty pursuant to an official military order, is transferred or is pending transfer to a military installation within district boundaries. (Education Code 48204.3)

~~District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)~~

~~The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)~~

Proof of Residency

Prior to admission to district schools, students shall establish residency. Evidence of residency shall be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

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
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
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. The district resident shall establish residency by presenting the documents described in #1 and #2 above. The parent/guardian shall present the district resident to the school at the time of enrollment and sign the affidavit of residency in the presence of a school official. Additionally, the parent/guardian shall provide three pieces of current business mail from three different sources.
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. The district resident shall establish residency by presenting the documents described in #1 and #2 above.

For children receiving special education services or receiving accommodations and/or modifications through a Section 504 or accommodation plan, or who are being assessed for special education services including, but not limited to, academic, socio-emotional, speech therapy, occupational therapy, physical therapy, or adapted physical education, the parents/guardian shall inform the school and provide a copy of the most recent Individualized Education Plan (IEP) or Section 504 Accommodation Plan, and all current assessment reports and relevant documents at the time of enrollment.

A parent/guardian who is transferred or pending transfer into a military installation within district boundaries shall provide proof of residence within 10 days after the published arrival date provided on official documentation. For this purpose, he/she may use as his/her address a temporary on-base billeting facility, a purchased or leased home or apartment, or federal government or public-private venture off-base military housing. (Education Code 48204.3)

Any homeless or foster youth or student who has had contact with the juvenile justice system shall be immediately enrolled in school even if he/she is unable to provide proof of residency. (Education Code 48645.5, 48852.7, 48853.5; 42 USC 11432)

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

~~The Superintendent or designee shall annually verify the student's residency and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)~~

~~Pursuant to Education Code 48204, a student shall be deemed a resident of the district if the student lives with a care-giving adult within district boundaries. Family Code 6552 provides an affidavit which authorizes a caregiver 18 years of age or older to enroll a minor in school and~~

~~requires the caregiver's attestation that the student lives in his/her home. Of the student stops living with the caregiver, Family Code 6550 requires the caregiver to so notify the school.~~

~~Upon enrollment of a student residing in the home of a care-giving adult within district boundaries, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.~~

~~Valid proof of residency may be established by documentation including, but not limited to, a combination of the following:~~

- ~~1. Picture identification with local address~~
- ~~2. Utility service payment receipts~~
- ~~3. Business mail such as:
 - ~~a. Bank Statement~~
 - ~~b. Credit card statement~~
 - ~~c. Correspondence from doctor, dentist, health care provider, insurance broker~~~~
- ~~4. Income or property tax payment receipt~~
- ~~5. An affidavit of residency completed by a resident with whom the family is living~~

~~A California Department of Education Legal Advisory, dated March 3, 1995, recommended that districts address circumstances in which the district has a reasonable belief that parents/guardians have provided false or unreliable evidence of residency.~~

~~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 that the student meets residency documentation establishing residence, interview with the student, observation of student's residence, door-knock to establish that student is in residence.~~

Safe at Home Program

~~Government Code 6205-6211 authorize the Secretary of State to provide victims of domestic violence or stalking with a substitute address to use in place of their residence, work, or school address in all public records. SB 1062 (Ch. 639, Statutes of 2006) amended Government Code 6205.5 and 6206 to also include victims of sexual assault in this program. Under this program, the Secretary of State receives any mail sent to the substitute address and forwards it to the program participant's confidential address. Pursuant to Government Code 6207, the district must accept and use an address designated by the Secretary of State as a participant's substitute address. An August 27, 1999, letter from the Secretary of State clarifies that the substitute address should be used for all communication and correspondence with program participants. The participant will present a laminated identification card containing his/her substitute address and a four-digit authorization number. The district may verify the enrollment of a student in the program by contacting the Safe At Home program.~~

~~Program participants have been advised by the Secretary of State to provide administrators with their actual residence location only for school-emergency purposes and to establish eligibility for residency.~~

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries, but shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. ~~The Superintendent or designee shall not include the actual address in the student's file or any other public record and shall instead use the substitute address for all future communications and correspondence.~~ (Government Code 6206, 6207)

Denial or Revocation of Enrollment

~~If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted 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 that the school has credible evidence that the student is not a resident of the district. The letter will indicate that the parent has the right, within ten days to provide adequate proof of residence to their child's school of attendance. If the parent/guardian fails to provide satisfactory evidence of residence, the student's enrollment shall be revoked on the Friday following the confirmation of non-residence.~~

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 the District Initiates an Investigation

The need to verify a student's residence may be prompted by:

1. Returned mail
2. High tardiness and/or absenteeism
3. Reports from parents, where the credibility of the report(s) has been assessed and determined to have merit
4. Reports from community members, where the credibility of the report(s) has been assessed and determined to have merit
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.
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
 - 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.
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.

Legal Reference:

EDUCATION CODE

~~220 Prohibition of discrimination~~

~~35160.5 Intradistrict open enrollment~~

~~35351 Assignment of students to particular schools~~

~~46600-46611 Interdistrict attendance permits~~

~~48050-48054 Nonresidents~~

~~48200-48208 Compulsory education law, especially:~~

~~48204 Residency requirements~~

~~48204.1-48204.2 Evidence of residency~~

~~48300-48316 Student attendance alternatives, school district of choice program~~

~~48350-48361 Open Enrollment Act transfers~~

~~48852.7 Education of homeless students; immediate enrollment~~

~~48853.5 Education of foster youth; immediate enrollment~~

~~48980 Notifications at beginning of term~~

~~52317 Regional occupational program, admission of persons including nonresidents~~

FAMILY CODE

~~6550-6552 Caregivers~~

GOVERNMENT CODE

~~6205-6210 Confidentiality of residence for victims of domestic violence~~

CODE OF REGULATIONS, TITLE 5

432 – Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 – McKinney-Vento Homeless Assistance Act

COURT DECISIONS

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

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Fact Sheet: Information on the Rights of All Children to Enroll in School

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

WEB SITES

CSBA: <http://www.csba.org>

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

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

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

U.S. Department of Justice: <http://www.justice.gov>

Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
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