

**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.
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to the district with respect to residency or where there may be reason to believe that the information provided is no longer current or accurate.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, 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.

**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 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 share joint physical custody and one parent lives within the district, the student may be enrolled in Santa Monica-Malibu Unified School District.
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)
10. The student's parent/guardian was a resident of California who departed the state against his/her will due to a transfer by a government agency that had custody of the parent/guardian, a lawful order from a court or government agency authorizing his/her removal, or removal or departure pursuant to the federal Immigration and Nationality Act, and the student lived in California immediately before moving out of state as a result of his/her parent/guardian's departure. (Education Code 48204.4)

### **Proof of Residency**

The district shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members for the purpose of determining residency within the district. (Education Code 234.7)

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)

### **Safe at Home Program**

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. (Government Code 6206, 6207)

### **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.

**Regulation SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT**  
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