

Residency Confirmation

The policy of the State of California and this school district is that pupils shall attend the schools provided by the governing board of the school district in which the residency of either the parent or legal guardian is located and each parent, guardian, or other person having control or charge of the pupil shall send the pupil to the public full-time day school designated by the governing board of the school district in which the residence of either the parent or legal guardian is located, unless an exception in the Education Code applies.

The Superintendent is directed to confirm that each pupil complies with the foregoing residency requirements, or an applicable exception, prior to enrolling the pupil in any school of the district, and at any subsequent time when not prohibited by law.

Documentation Prior to Enrollment

The district shall accept from the parent or legal guardian of a pupil reasonable evidence that the pupil meets the residency requirements for school attendance in the school district. Reasonable evidence of residency for a pupil living with his or her parent or legal guardian shall be established by documentation showing the name and address of the parent or legal guardian within the school district, including, but not limited to, any of the following documentation:

- (1) Property tax payment receipts.
- (2) Rental property contract, lease, or payment receipts.
- (3) Utility service contract, statement, or payment receipts.
- (4) Pay stubs.
- (5) Voter registration.
- (6) Correspondence from a government agency.
- (7) Declaration of residency executed by the parent or legal guardian of a pupil, or by an unaccompanied youth as defined in Section 11434a(6) of Title 42 of the United States Code.

Any person who seeks to enroll a pupil on the basis of the pupil living in the home of a caregiving adult that is located within the boundaries of the school district shall provide evidence both of the residency of the caretaking adult and evidence that the pupil actually lives in the home of the caretaker. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver. Evidence of each fact relating to the caretaker affidavit (residency of the affiant, and residency of the pupil) is subject to district verification prior to enrollment. Any evidence that the pupil maintains a residence other than that of the caretaker affiant shall be a valid basis for an investigation by district staff and, where appropriate, an investigation professional. The Superintendent is directed to deny enrollment to a pupil under a caregiver affidavit whenever the evidence shows that the pupil maintains a residency other than that of the caretaker adult.

Investigation by District Staff

If district staff reasonably believe that the parent or legal guardian of a pupil has provided false or unreliable evidence of residency, the school district may make reasonable efforts to determine that the pupil actually meets the residency requirements. The school district may initiate an investigation whenever staff can identify specific, articulable facts supporting the belief that the parent or legal guardian of the pupil has provided false or unreliable evidence of residency.

Conduct of the Investigation

District staff may utilize any reasonable method of confirming the residency of the pupil once an investigation has commenced, including:

- (1) Interview of the pupil.
- (2) Interview of the parent(s) or guardian(s).
- (3) Interview of neighbors or others.

Comment [1]: This is a new policy and based upon recommended language from counsel. The selected policy number is consistent with what other districts adding this new policy language.

Comment [2]: Staff recommends not including this option given that it is optional.

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- (4) Telephonic contact.
- (5) Search of public and/or official records.
- (6) Query to other public agencies.
- (7) Announced and unannounced home visits.
- (8) Surveillance
- (9) Retention of a private investigator.

Employees engaged in the investigation shall identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation. District staff shall not surreptitiously photograph or videorecord pupils who are being investigated. Surreptitious photographing or videorecording means the covert collection of photographic or videographic images of person or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.

Contracting for Investigation Services

District staff shall make reasonable efforts to determine whether the pupil resides in the district before contracting for the services of an investigation professional.

The school district may utilize, by contract, the services of investigation professionals for purposes of confirming the residency of pupils as to whom staff have identified specific, articulable facts supporting the belief that false or unreliable evidence of residency has been submitted, once district staff has already taken reasonable efforts to determine whether the pupil resides in the district.

The Superintendent shall ensure that any contracts with investigation professionals include the following provisions:

- (1) "The surreptitious photographing or video-recording of pupils who are being investigated is prohibited. For purposes of this agreement, 'surreptitious photographing or videorecording' means the covert collection of photographic or videographic images of person or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view."
- (2) "All contractors of the school district engaged in the investigation must identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation."

Appeal of Residency Determination

The determination of a school district as to whether a pupil meets the residency requirements for school attendance in the school district shall specify in writing the basis for that determination, including reference to the evidence relied upon. The determination may be appealed by submission of a written statement of appeal within 30 calendar days of the date of the determination to a closed session of the governing board of the school district, pursuant to Cal. Educ. Code § 35146]. If an appeal is made, the burden shall be on the appealing party to show why the decision of the school district should be overruled. The decision of the governing board] as to the residency shall be final.

References:

- Cal. Educ. Code § 48200 (Compulsory Education)
- Cal. Educ. Code § 48204 (Residency)
- Cal. Educ. Code § 48204.1 (Proof of Residency)
- Cal Educ. Code § 48204.2 (Residency Investigation)
- Cal. Educ. Code § 35146 (Closed Sessions)
- Cal. Fam. Code § 6550 (Caretaker Affidavit)

Deleted: (10) [Insert: All other methods currently in use in your district]

Comment [3]: Staff recommends Option 2

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[**Optional:** A voter registration record indicating the registration of the parent or guardian to vote in elections for the school district shall, standing alone, constitute conclusive evidence of the residency of that parent or guardian. Other forms of evidence may be subject to corroboration by other evidence at the discretion of district staff.] [1]