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## Investigation of Residency Policy 3-101

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### Scope:

The District may investigate a student's residency status if there is a reasonable and articulable basis to believe that the residency documentation provided is false or unreliable. Such investigations shall only be conducted in accordance with law, district policy, and administrative regulation.

The Board affirms the following principles:

1. All investigations shall respect the rights and dignity of families and students.
2. Investigations shall comply with all applicable federal and state laws, including but not limited to FERPA, the Information Practices Act, and the California Education Code.
3. The use of surveillance technologies such as GPS trackers, drones, or covert photography of students is strictly prohibited.

### Purpose

The Governing Board is committed to ensuring that all students enrolled in the District meet legal residency requirements as set forth in California law. While the District recognizes the importance of access to education, it also maintains the responsibility to safeguard the use of public educational resources for resident students.

### Appeal Rights

Parents/guardians shall be provided written notice of any determination of non-residency and shall have the right to appeal such determination within the timelines and procedures outlined in the Administrative Regulations below. Final appeals shall be heard by the Governing Board.

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## **Administrative Regulations**

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### **1. Definition**

A “Residency Investigation” refers to any effort by district staff or a contracted individual to verify the accuracy of a student's claimed residency for enrollment purposes.

### **2. Conditions for Investigation**

An investigation may be initiated only when:

- The site administrator or designee has a reasonable belief that the parent/guardian has submitted false or unreliable evidence of residency
- The belief is supported by specific and articulable facts

### **3. Notification Requirements**

At least five (5) calendar days before the investigation begins, the District shall provide the parent/guardian written notice that includes:

- A summary of the facts supporting the investigation
- The names and titles of individuals conducting the investigation
- The expected duration of the investigation
- A copy of this regulation

### **4. Preliminary Efforts Before Hiring Investigators**

The District may employ a private investigator to conduct or assist with a residency investigation only after the District has made reasonable efforts to determine whether the pupil resides in the District. Such efforts may include:

- Review of submitted documents
- Requests for additional documentation
- Verification with public agencies
- Contact with landlords or employers (with parental consent)

## 5. Investigatory Methods

Permitted methods include:

- Review of documentation
- Requests for clarification or additional evidence
- Contact with public agencies
- Visits to the residence (announced or unannounced)
- Interviews with student, parent/guardian, or witnesses
- Phone calls to residence
- Observation (not including covert surveillance)
- Photography or video **only in open and public view**
- All investigators must truthfully identify themselves

### Prohibited Methods:

- Surreptitious photographing or video-recording of students
- Use of surveillance equipment such as GPS trackers or drones
- Misrepresentation of identity by investigators

## 6. Written Determination

Following the investigation, the administrator shall issue a written determination stating:

- Whether the student meets residency requirements
- If not, the specific facts supporting the conclusion
- A deadline for the student to transfer
- The parent's right to appeal within **14 calendar days**

## 7. Appeals Process

- Appeals must be submitted in writing to the Superintendent or designee within **14 calendar days** of the decision.
- The Governing Board shall consider residency appeals and shall issue a written decision within **30 calendar days**.
- In assessing the appeal, the burden shall be on the appealing party to show why the decision of the school district should be overruled.
- The Governing Board's decision shall be final.

Adopted on: September 1, 2026

Revised on:

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*The policies are developed in collaboration with the Small School Districts' Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.*