

BOARD OF EDUCATION POLICY

Policy No: 5102

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Article 6: **Students**
Section: **Residency**

Residency

A minor's residence is presumed to be the legal residence of the parent(s) or guardian(s) who have physical custody of the minor. In order to be enrolled in SFUSD, the student's parent/legal guardian must continually reside in San Francisco at the time of application and for the entire period of enrollment in SFUSD.

This residency policy does not apply to homeless students.

Definition of Residency

For the purpose of this policy, a resident is an individual who is a full time occupant of a dwelling located in San Francisco and who, on any given day, is likely to be at their stated address when not at work or school. In determining the place of residence the following rules shall be observed:

- a. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he/she returns in seasons of repose.
- b. There can only be one residence.
- c. A residence cannot be lost until another is gained.
- d. The residence of the parent/guardian with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
- e. The residence can be changed only by the union of act and intent.

If the parents are separated and live at different addresses, the pupil must physically reside with the parent in San Francisco for at least 50% of the time during the regular school year.

Temporary residence in San Francisco, solely for the purpose of attending a SFUSD school, shall not be considered residency. A person who owns property in San Francisco, but does not reside in San Francisco, is not considered a resident.

Required Documents

The Superintendent is directed to develop an Administrative Regulation to outline the documents necessary to establish residency to apply for or enroll in a San Francisco public school.

These documents also will be required for any change of address and may be requested for transitional students entering 6th or 9th grade.

Special Situations

A student may also establish residency by providing official documentation deemed sufficient to the District to show that s/he is an emancipated minor living in SF; is in the court-appointed care of a licensed foster home, family home or licensed children's institution within SF; is confined to a hospital or residential care in SF for treatment of a temporary disability; lives with a caregiving adult; or has obtained an interdistrict permit. Enrollment in a particular school may be denied if District staff determine that the student resides with a caregiver rather than the parent solely for the purpose of attending a particular school.

The Superintendent is directed to outline the types of documentation that will be considered sufficient in an Administrative Regulation.

Undocumented Students

Any child whose family resides in San Francisco is guaranteed access to a free public education in SFUSD. No family will be denied access to school because of their immigration status.

Verification of Residency

The Superintendent or designee may annually verify, at the Superintendent's discretion, the student's residency and retain a copy of the document(s) offered as verification of residency in the student's mandatory permanent record.

If the Superintendent or designee reasonably believes or has a reasonable suspicion that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee is authorized to make reasonable efforts to determine whether the student meets District residency requirements.

In order to verify residency, SFUSD reserves the right to request additional documents and/or to conduct an investigation. Because residency can change for students and their families during the school year, SFUSD may verify residency at any time, or may require proof of continued residency at such intervals (e.g. monthly, quarterly, annually) as may be deemed appropriate, including in transitional grades.

The Director of the Education Placement Center is the designee charged with overseeing residency fraud investigations. The EPC Director may utilize District staff or

private investigators to conduct residency investigations as the EPC Director and/or designee deems reasonably appropriate.

Investigations

A residency investigation may be conducted in instances where the Superintendent or designee has a reasonable suspicion that the student has submitted false residency information, or has submitted other false information in the enrollment process, including but not limited to the following situations:

- Families reported through the District's Residency Fraud tip line;
- Families who have submitted incomplete, suspicious or contradictory information, including without limitation proofs of address;
- Families whose District correspondence has been returned by postal authorities due to invalid address and/or expired forwarding orders.

In addition, the District may conduct random residency audits as workload and resources permit, with priority for such audits being any oversubscribed schools.

Students Who Move

If the parent/guardian who has physical custody of the student(s) moves to a new address at any time after submitting the application for enrollment, s/he must submit a Change of Address form to the Education Placement Center within 14 days following the move. Students who move out of San Francisco shall apply for an interdistrict permit in the new district of residence. Interdistrict permits shall be processed in accordance with District procedure.

If the parent/guardian fails to submit a Change of Address form within 14 days of their move, the student's enrollment may be revoked.

Revocation of Enrollment

If the Superintendent or designee reasonably determines in their discretion that a student's enrollment and/or school placement is based on a false claim of residency, address, guardianship/caregiver, or any other false information, the student's enrollment will be revoked.

If the District finds that the student is not a resident of San Francisco, the student will be dropped from enrollment in the District and required to enroll in school in the student's actual district of residence. If the District finds that the student is a San Francisco resident, but has obtained a particular school assignment based on other false information, the student will be dropped from the assigned school and will be re-enrolled in another SFUSD school that has space available for new enrollees at the time of re-enrollment.

Families who are determined to have violated this policy shall be charged for the time and expenses that the District incurs to complete its investigation. If enrollment has been revoked, an interdistrict permit to attend school in San Francisco will not be granted for one year after revocation.

In addition to recovering investigation costs, the District reserves the right to pursue additional civil and criminal legal action against individuals who have submitted false information to the District to obtain enrollment in an SFUSD school, including without limitation prosecution of a claim for violation of Government Code § 12650 et seq. for false claims violations. The Board delegates to the General Counsel the authority to settle false residency claims.

The Education Placement Center shall send the parent/guardian a letter notifying them of the District's preliminary determination that the student does not reside in San Francisco. The letter shall inform the parent/guardian that the student is suspected of living outside of San Francisco; shall list the suspected address outside of San Francisco; and will notify the parent/guardian of their right to challenge this preliminary determination within 7 days.

Challenge of Revocation of Enrollment

If the parent/guardian feels that the District's determination regarding residency was made in error, s/he may submit a letter and supporting evidence to the Educational Placement Center Director within 7 days to challenge the decision. The parent/guardian will receive an informal meeting with the EPC Director or designee to discuss the parent's challenge.

The meeting is the parent/guardian's opportunity to present their evidence of residency, and to respond to the District's questions and evidence regarding the student's residency. The EPC Director or designee may request that the parents submit additional information and residency documentation after the meeting to substantiate their claim.

The EPC Director or designee will respond within a reasonable amount of time to notify the parent/guardian of whether the decision to revoke enrollment has been sustained or reversed. This decision shall be final.

The student may remain in school until the challenge is exhausted.

If the parent/guardian fails to submit a challenge letter within 7 days after receipt of the notification letter, the student's enrollment shall be terminated on the 8th day after receipt of the notice. This decision shall be final.