

Investigation of Residency Policy (SSDA 17)

Intent of Policy

The purpose of this policy is to define the District's procedures for investigating whether a student is, in fact, a legal resident of the District. All investigations for this purpose, whether conducted by a District employee, a private investigator, or any other individual under contract with the District shall be conducted pursuant to this policy and applicable law.

Definition of "Residency Investigation"

For purposes of this policy, a "residency investigation" refers to any efforts by a District employee, or an individual under contract with the District, for the purpose of determining whether a student, in fact, meets the District's residency requirements.

Circumstances When the District May Conduct a Residency Investigation

The District shall only commence a Residency Investigation after the following conditions have been met:

1. The superintendent or designee has the reasonable belief that a parent/guardian has provided false or unreliable evidence regarding their residency in the District; and
2. The superintendent's or designee's reasonable belief is based upon specific, and articulable facts.

District Procedures for Residency Investigations

If the circumstances indicate that the District has a proper basis for conducting a Residency Investigation, the following procedures shall be followed:

1. 5-Days Written Notice

At least 5-days prior to commencing the investigation, the superintendent or designee shall provide the parent with written notice regarding its intent to conduct a Residency Investigation. The notice shall set forth:

- a. A brief summary of the specific evidence supporting the superintendent's or designee's belief that the parent/guardian has provided false or misleading information;
- b. The names and positions of the employees, private investigators, and/or contractors who will be conducting the investigation;
- c. The time line for the investigation; and

- d. A copy of this policy.

2. Preliminary Investigation By District Employee

The District shall make reasonable efforts to determine whether the student resides in the District prior to hiring a private investigator. The preliminary investigation may occur prior to and/or after the District has provided the parent with a 5-days notice of the Residency Investigation.

“Reasonable efforts” include, but are not limited to, any of the following:

- a. A thorough review of any documentation provided by the parent/guardian in support of their child’s residency in the District;
- b. Requests for additional documentation, when a parent has provided incomplete, outdated, conflicting, or otherwise deficient documentation of their residency;
- c. Contacting by phone or e-mail, any government agencies to validate documentation provided by the parents;
- d. With permission of the parent/guardian, contacting employers, landlords, or other individuals to validate information provided by the parent; and/or
- e. Other efforts as appropriate.

3. Investigatory Methods

District employees, private investigators, or other contractors conducting Residency Investigations may utilize the following investigatory methods:

- a. Review any documentation provided by the parent/guardian in support of their residency in the District;
- b. Request additional documentation, when a parent has provided incomplete, outdated, conflicting, or otherwise deficient documentation of their residency;
- c. Contact by phone or e-mail, government agencies to validate documentation provided by the parents;
- d. Announced or unannounced visits to the address where the parent is claiming residency;
- e. Interviews of the student, parent/guardian, or other material witnesses;

- f. Direct observations, photographing, and video-recording of the parent/guardian, student, or a specific location in order to collect evidence or information regarding any of the following:
 - i. The actual or claimed residence of the parent/guardian;
 - ii. The actual or claimed residence of the student and/or the nature and extent of time the student spends at each residence where student resides in more than one location;
 - iii. The occupancy or occupants of the claimed residence;
 - iv. The actual or claimed residency of the student's siblings or other school age children of the parent/guardian;
 - v. The place of employment of the parent/guardian; and
 - vi. Other relevant information as appropriate.
- g. Private investigators hired by the District may shadow or follow parent/guardian in accordance with this policy;
- h. With permission of the parent/guardian, contacting employers, landlords, or other individuals to validate information provided by the parent;
- i. Phone calls to parent/guardian or students claimed place of residence; and
- j. Other methods as appropriate.

4. No Surreptitious Photographing or Video-Recording of Subject Students

It is prohibited for a District employee, a private investigator, or contractor conducting a Residency Investigation on behalf of the District to surreptitiously photograph or video-record the student whose residency is being investigated.

Definition of "Surreptitious Photographing Or Video-Recording"

For purposes of this policy, "surreptitious photographing or video-recording" means the covert collection of photographic or videographic images of persons or places subject to an investigation. Exception: The collection of images is not covert if the technology is used in open and public view.

5. Investigators Shall Identify Themselves

Any District employee, private investigator, or contractor conducting a Residency Investigation on behalf of the District shall truthfully identify themselves to any individuals they make contact with and/or interview during the course of the investigation.

Written Determination of Findings

Following the completion of the Residency Investigation, the superintendent or designee shall make one of the following written findings:

1. The student meets the residency requirements for the District; or
2. The preponderance of the evidence supports the finding that the student does not meet the residency requirements for the District;

Written Findings for Non-Residency Determination

If the superintendent or designee determines that the student does not meet the residency requirements for the District, the superintendent or designee shall provide parents with a written notice including, at minimum, the following;

1. That the District has determined that the student does not meet the residency requirements for the District;
2. A description of the specific factual and/or legal basis for the District's determination of non-residency;
3. The specific date or time frame for student to transfer from the District to his/her legal district of residence; and
4. That the parent/guardian has 30 days to appeal the decision to the Board in accordance with District policy.

Appeals

The parent/guardian has 30 days to appeal a determination that their child does not meet the residency requirements to the Board. All appeals shall be made in writing. The Board shall review the appeal and issue a decision within 45 days of receiving the parent/guardian's appeal. The decisions of the Board shall be the final decision in this matter.