



# OLR RESEARCH REPORT

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## **CRIMINAL PENALTIES FOR FALSELY CLAIMING RESIDENCY WITHIN A SCHOOL DISTRICT**

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You asked about criminal penalties in other states for lying about residency to send a child to another town's school district.

### **SUMMARY**

We found specific laws addressing false information supplied in the context of residency for school enrollment in six states and D.C. Most of these provide for prison terms and fines for falsely claiming residence for school purposes, and a few explicitly provide for repayment of the costs of student attendance. Other states punish this conduct under crimes that generally apply to falsifying documents.

Criminal prosecutions of the parents involved in the alleged address falsification appear to be rare, but not unprecedented. We found several examples. Charges typically involve falsifying records or theft of services. Currently, a homeless woman from Bridgeport who sent her child to a Norwalk school is charged with first-degree larceny for the value of education her son received from Norwalk.

In 2009, a woman in Rochester, New York allegedly lied about her children's residence to send them to another district and was arrested and charged with two felonies: third-degree grand larceny and first-degree offering a false instrument for filing (Eddy Ramirez, *Schools Crack Down on Boundary Hopping*, March 2, 2009, available at <http://www.usnews.com/education/articles/2009/03/02/schools-crack-down-on-boundary-hopping>).

In January 2011, an Ohio woman who falsified residency records so that her children could attend another school district was convicted on two counts of record tampering. She was sentenced to 10 days in jail, placed on three years' probation, and ordered to perform community service. The judge declared a mistrial on other counts, including grand theft and fraud (Ed Meyer, *Mom Jailed for Records Falsification*, Jan. 19, 2011, available at <http://www.ohio.com/news/114189939.html>).

Many school districts across the nation take various measures to verify students' addresses beyond requiring documents to prove residency. These efforts may include hiring private investigators to ascertain where students live and setting up anonymous tip lines. When districts determine that an out-of-district student is attending a district school without authorization, the district will typically expel the student (see Ramirez article above).

Some school districts have adopted policies regarding residency verification specifying that parents who falsify documents may be referred for prosecution. For example, the Broward County (Florida) School Board's policy states that the district "may provide information to the appropriate county or state agency for prosecution for any fraudulent information knowingly submitted." The policy also cites state statutes on knowingly making a written false statement with intent to mislead a public servant in the performance of official duties (Fla. Stat. § 837.06) and perjury by false written declaration (Fla. Stat. § 92.525) (Broward School Board Policy 5.1, available at <http://www.broward.k12.fl.us/sbbcpolicies/>).

## **PENALTIES RELATED TO FALSELY CLAIMING RESIDENCY**

### ***Arkansas***

Arkansas law provides that anyone who knowingly gives a false residential address for purposes of public school enrollment is guilty of a violation and subject to a fine of up to \$1,000 (Ark. Code Ann. § 6-18-202(f)).

### ***District of Columbia***

In D.C., anyone (including a school official) who knowingly supplies false information to a public official in connection with student residency verification is subject to up to 90 days' imprisonment, retroactive tuition, a fine of up to \$500, or any combination of these (D.C. Code § 38-312).

## ***Illinois***

In Illinois, with certain exceptions (e.g., certain children placed with foster parents), a person who knowingly enrolls or attempts to enroll in a school on a tuition free basis a pupil known by that person to be a nonresident of the school district is guilty of a class C misdemeanor (punishable by up to 30 days' imprisonment, up to a \$1,500 fine, or both).

Anyone who knowingly or willfully presents to any school district false information regarding a pupil's residency to enable that pupil to attend any school in that district without paying nonresident tuition also commits a class C misdemeanor.

Illinois law specifies that these and other residency provisions do not require a homeless child's parent or guardian to pay tuition in connection with or as a result of the homeless child's continued education or enrollment in a school that is chosen in accordance with any of the options provided by law (105 Ill. Comp. Stat. 5/10-20.12b; 105 Ill. Comp. Stat. 45/1-10).

## ***Michigan***

In Michigan, it is a misdemeanor, punishable by up to 20 days' imprisonment, a fine of \$5 to \$50, or both, to do any of the following:

1. to refuse to give a school census enumerator the necessary information for the compiling of the census;
2. to intentionally give the enumerator false information as to the (a) name or age of a school child or (b) names or residence of the parents or guardians of a school child; or
3. for a school census enumerator to (a) perform his or her duties carelessly or negligently or (b) include in the census list names of school children who are not actually residents of the city or district (Mich. Comp. Laws Serv. § 380.1812).

## ***Missouri***

In Missouri, it is a class A misdemeanor (punishable by up to one year's imprisonment, up to a \$1,000 fine, or both) to knowingly submit false information to satisfy student residency requirements or waivers of such requirements. Missouri law also explicitly allows a school district to bring a civil action to recover the costs of school attendance from a parent or guardian who submitted such false information.

In addition to other exceptions, Missouri's residency requirements do not apply to homeless children (Mo. Rev. Stat. § 167.020).

### ***Oklahoma***

In Oklahoma, if a school district policy allows someone to establish residency by affidavit (this applies to certain adults other than parents or legal guardians claiming to have custody of a child), it is a misdemeanor to willfully make a statement in the affidavit which the person knows to be false. Violators face up to a year in prison, up to a \$500 fine, or both (Okl. St. tit. 70, § 1-113(A)).

### ***Pennsylvania***

In Pennsylvania, a child who lives with someone other than a parent can attend school in the caregiver's town of residence if the caregiver provides (1) appropriate legal documentation to show dependency or guardianship or (2) a sworn statement with specified information. Someone who knowingly provides false information in the sworn statement for the purpose of enrolling a child in a school district for which the child is not eligible is guilty of a summary offense. Violators face (1) paying tuition costs; (2) up to 240 hours of community service, a fine of up to \$300, or both; and (3) paying court costs (24 Pa. Cons. Stat. § 13-1302).

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