

Residency Policy

Lake View Charter School

BP 5111.1
Adopted: 10/22/19
Revised: 06/05/24, v10

California law requires that certain residency requirements be established in order for a student to be enrolled in an independent study charter school for which average daily attendance may be claimed. California law requires that a student be a California resident and requires that the student be a resident of the county in which the apportionment claim is reported or of a county immediately adjacent to the county in which the apportionment claim is reported. [EC §§ 47612(b), 51747.3]

The purpose of the Lake View Charter School Governing Board approving this Residency Policy is to accomplish the following:

1. Define Residency
2. Outline Residency for a Student on an Extended Vacation
3. Establish the Location Materials Will Be Mailed To
4. Outline the Procedures When a Student's Residency is in Question
5. Establish Process of Proof of Residency if Document or Student Residency Questionnaire Not Provided at Beginning of the School Year
6. Outline the Parent/Guardian/Education Rights Holder's Right Regarding Determination of Non Residency
7. Outline the Procedures for Military, Homeless, Foster Youth, and Migratory students.

Definition of Residency: A student has residency in the state and county of the residence of the parent/guardian with whom that student maintains their place of abode. Residence denotes any factual place of abode of some permanence that is more than a mere temporary sojourn. Owning a home in California or in a particular county does not qualify a student to attend Lake View Charter School, unless it can be shown that the student is also living in the home at least three school days per week (Monday through Friday) during the academic year.

Residency for a Student on an Extended Vacation: A student who maintains residence in a county served by Lake View Charter but is on an extended vacation not lasting longer than 20 school days, will not be deemed to have lost California residency. During this travel, the student will meet virtually with the teacher and complete assigned work and assessments. The family is responsible for notifying their HST (if applicable, the Education Specialist and any other staff who participate in the education of the student) for the first and last day of the Extended Vacation. If a student has the need for an extension of the 20 school days, the approval of the school's Executive Director or designee is required in a written communication.

The Location Material(s) Will Be Mailed To: The Location Instructional Material(s) Will Be Mailed To:

All instructional materials will be mailed to the address identified in the student's records at the physical address provided in the approved Proof Of Residency document.

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With the Executive Director or designee's approval, the following may be approved:

GUIDELINES-

- P.O. Box within the same county as the physical address
- Address provided by military order
- Property address listed on Student Residency Questionnaire
- Homeschool Teacher's address
- Alternate property address within the same county as the approved POR or a contiguous country served by the charter

If the special circumstance does not fall within the guidelines (as stated above), a request may be made via the POR/Residency Questionnaire form. A decision will be made by the Executive Director or designee.

Student's Residency is in Question: If there is reason to believe that a student's residency is in question, Lake View Charter School may investigate in order to determine the authenticity of the home address. When it is determined that a student lives outside of California and/or an authorized county, Lake View Charter School will provide written notice of the determination of nonresidency within five days of Lake View's intention to disenroll the student.

Proof of Residency Document/Student Residency Questionnaire Not Provided by the Beginning of the School Year:

- A student who has not provided an approved Proof of Residency or Student Residency Questionnaire by the start of their enrollment for each school year will have 5 school days to provide the Proof of Residency or Student Residency Questionnaire.
- If the student has still not provided the Proof of Residency or Student Residency Questionnaire by the fifth day of enrollment, the School will provide written notice of the School's intention to disenroll the student effective five school days later
- If a student moves during the school year, within 1 school day, an updated POR or Residency Questionnaire must be sent to por@sequoiagroveschools.org or the POR survey.
 - If the POR is not submitted after the first day of the new physical address change, the School will provide written notice of the School's intention to disenroll the student effective five school days later.

Parent/Guardian/Education Rights Holder's Right Regarding Determination of Nonresidency: The notice shall contain an explanation of the parent/guardian/education rights holder's right to request a hearing adjudicated by a neutral officer within 5 school days at which the pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine witnesses, and at which the pupil has the right to bring legal counsel or an advocate to dispute the finding of nonresidency. If the parent/guardian/educational rights holder does not request a hearing within five days of receipt of the notice, the right to a hearing is waived, and the

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student will be immediately disenrolled. If the student's parent, guardian, or educational rights holder initiates the hearing, the student shall remain enrolled and shall not be disenrolled until Lake View Charter School issues a final decision.

Children of Military Families: Lake View Charter School will serve children of military families, as defined by Education Code Section 49701, as follows:

1. Allow the student to continue their education in Lake View Charter School, regardless of change of residence of the military family during that school year, for the duration of the student's status as a child of a military family; or
2. For a student whose status changes due to the end of military service by their parent during a school year, comply with either of the following, as applicable:
 - a. If the student is enrolled in TK through 8th grade, allow the student to continue their education in Lake View Charter School through the duration of that academic school year.
 - b. If the child is enrolled in high school, allow the student to continue their education at Lake View Charter School through graduation.

Once Lake View Charter School is notified that a student is identified as a child of a military family, Lake View Charter School will require the parent/guardian to submit the following documentation:

1. Written proof of the transfer, including the time period for the transfer and location of the transfer
2. A signed affidavit that states that the student is only enrolled in Lake View Charter School and not in any other full-day educational program and that the student qualifies as a child of a military family as defined in Education Code Section 49701.

For high school students, the aforementioned documentation will need to be resubmitted on an annual basis. Lake View Charter School reserves the right to re-verify all of the above at any time throughout the school year.

Homeless Youth: Lake View Charter School will be considered a pupil's school of origin for a homeless youth when the child attended Lake View Charter School when permanently housed or was last enrolled in Lake View Charter School before becoming homeless. Lake View Charter School will serve homeless youth, as defined below, whose residency has changed as follows:

1. Allow the student to continue their education at Lake View Charter School for the duration of homelessness.
2. If the pupil is no longer homeless before the end of the academic year, either of the following applies:
 - a. If the homeless youth is in high school, the Lake View Charter School shall allow

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the formerly homeless child to continue their education at the Lake View Charter School through graduation.

- b. If the homeless youth is in TK through 8th grade, Lake View Charter School shall allow the formerly homeless youth to continue their education at Lake View Charter School through the duration of the academic year.

The term “homeless youth” or “homeless pupil” shall mean individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of 42 USC Section 11302(a)(1)); and includes:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of 42 USC section 11302(a)(2)(C));
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and 4. migratory children (as such term is defined in 20 USC Section 6399) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Foster Youth: Lake View Charter School will be considered a pupil’s school of origin for a foster youth when the child attended Lake View Charter School at the initial detention or placement or any subsequent change in placement of a foster child for the duration of the jurisdiction of the court. Lake View Charter School will serve former foster youth, as defined below, whose residency has changed as follows:

1. If the jurisdiction of the court is terminated before the end of an academic year, the Lake View Charter School shall allow a former foster child who is in TK through 8th grade to continue their education in the school of origin through the duration of the academic school year.
2. If the jurisdiction of the court is terminated while a foster child is in high school, Lake View Charter School shall allow the former foster child to continue their education at Lake View Charter School through graduation. The term foster youth, foster child, or student in foster care means any of the following: (Education Code 42238.01, 48853.5)
3. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 300, whether or not the child has been removed from the child’s home by the juvenile court pursuant to Welfare and Institutions Code 319 or 361.
4. A child who is the subject of a petition filed pursuant to Welfare and Institutions Code 602 has been removed from the child’s home by the juvenile court pursuant to Welfare and

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Institutions Code 727 and is in foster care as defined by Welfare and Institutions Code 727.4(d).

5. A nonminor who is under the transition jurisdiction of a juvenile court, as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01

6. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the court's jurisdiction in accordance with the tribe's law

7. A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code 11400

10. Migratory Youth: Lake View Charter School will be considered a pupil's school of origin for a migratory youth when the child attended Lake View Charter School at the time the pupil's status changed to that of a migratory youth. Lake View Charter School will serve migratory youth, as defined below, whose residency has changed as follows:

1. If the migratory youth is enrolled in TK through 8th grade, allow the pupil to continue their education at Lake View Charter School through the duration of that academic school year.
2. If the migratory youth is enrolled in high school, allow the pupil to continue their education at Lake View Charter School through graduation.

The term "migratory youth" means a child who has moved with a parent, guardian, or other person having custody from one school to another, either within the State of California or from another state, within the 12-month period immediately preceding their identification as such a child, in order that the child, a parent, guardian, or other member of their immediate family might secure temporary or seasonal employment in an agricultural or fishing activity and whose parents or guardians have been informed of the child's eligibility for migrant education services. "Migratory youth" includes a child who, without the parent or guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.