



Residency Policy

California law requires that certain residency requirements are 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 is 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 Affidavit 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.

- 1. Definition of Residency:** A student has residency in the state and county of the residence of the parent/guardian with whom that student maintains his or her place of abode. Residence denotes any factual place of abode of some permanency 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 days per week during the school year.
- 2. 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. The family is responsible for notifying their HST (if applicable, 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, approval of the school's Executive Director or designee is required in a written communication.
- 3. The Location Material(s) Will Be Mailed To:** All materials will be mailed to the address identified in the student's records in his/her proof of residence documentation.
- 4. 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 Charter School's intention to disenroll the student.

- 5. Proof of Residency Document/Affidavit Not Provided by Beginning of School Year:** A student that has not provided an updated Proof of Residency or affidavit by the start of his or her enrollment for each school year, will have 5 school days to provide the Proof of Residency or affidavit. If the student has still not provided the Proof of Residency or affidavit 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.
- 6. 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 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.
- 7. 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 his or her 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 of his or her 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 his or her 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 his or her education in 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.

8. Homeless Youth: Lake View Charter School will be considered to be 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 his or her education in 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 apply:
 - a. If the homeless youth is in high school, the Lake View Charter School shall allow the formerly homeless child to continue his or her education in the Lake View Charter School through graduation.
 - b. If the homeless youth is in TK through 8th grade, the Lake View Charter School shall allow the formerly homeless youth to continue his or her education in 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 section 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).

9. Foster Youth: Lake View Charter School will be considered to be a pupil's school of origin for a foster youth when the child attended the 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 his or her 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 his or her education in Lake View Charter School through graduation.

The term “foster youth” means a child who has been removed from his or her home pursuant to Welfare and Institutions (“W&I”) Code section 309, is the subject of a petition filed under W&I Code sections 300 or 602 or has been removed from his or her home and is the subject of a petition filed under W&I Code sections 300 or 602.

10. Migratory Youth: Lake View Charter School will be considered to be a pupil’s school of origin for a migratory youth when the child attended the Lake View Charter School at the time the pupil’s status changed to a pupil who is 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 in 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 in 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 his or her identification as such a child, in order that the child, a parent, guardian or other member of his or her 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.