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## INVESTIGATION OF RESIDENCE POLICY

The Board of Directors of the California Pacific Charter Schools (“CPCS” or the “Charter School” recognizes that Education Code Section 47612 requires all CPCS students to reside in the State of California and that further, Education Code Section 51747.3 requires all enrolled students to reside within the county in which the charter is authorized or an immediately adjacent county. Accordingly, CPCS admissions and enrollment policies require enrolling students to provide documentation of residency criteria and enrolled students to provide continued documentation of residency criteria. In furtherance of this objective, the Board adopts this Policy to govern procedures for the verification of residency of students enrolling in or enrolled in CPCS and for investigation where reasonably appropriate to confirm compliance with residency requirements.

### Definitions

- “*Residence*” refers to the place where one remains when not called elsewhere for labor or another special or temporary purpose and to which he or she returns in seasons of repose. **Temporary residency outside of the CPCS service boundaries may not exceed 20 school days.**
- “*Homeless youth*” means individuals who lack a fixed, regular and adequate nighttime residence and includes children and youth who (42 U.S.C. § 11434(a)(2)(B):
  1. 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 adequate alternative accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
  2. Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
  3. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and/or
  4. Migratory children and unaccompanied youth (youth not in the physical custody of a parent or guardian) may be considered homeless if they meet the above definition of “homeless.”
- “*Foster youth*” means a child who has been removed from their home pursuant to California Welfare and Institutions Code section 309 and/or is the subject of a petition filed under Welfare and Institutions Code section 300 or 602. This includes children who are the subject of cases in dependency court and juvenile justice court.
- “*Child of a military family*” refers to a student who resides in the household of an active duty military member.

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- “*Currently Migratory Child*” refers to a child who, within the last 12-months, has moved with a parent, guardian, or other person having custody to the Charter School from another Local Educational Agency (“LEA”), either within California or from another state, so that the child or a member of the child’s 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. “Currently Migratory Child” includes a child who, without the parent/guardian, has continued to migrate annually to secure temporary or seasonal employment in an agricultural or fishing activity.
- “*Unaccompanied Youth*” refers to a homeless child or youth not in the physical custody of a parent or guardian.
- “*School of origin*” means the school that a homeless or foster youth attended when permanently housed or the school in which the foster youth was last enrolled or the school in which a migratory child or child of a military family is enrolled at the time that a change in residence occurs.
- “*Surreptitious photographic or video-recording*” refers to the covert collection of photographic or video graphic images of persons or places subject to an investigation. For purposes of this paragraph, the collection of images is not covert if the technology is used in open and public view.

### CPCS Residency Requirements

CPCS operates three charter schools that serve students across the state of California. Each CPCS school actively recruits a diverse student population. Admission will be open to any California resident who resides within the charter authorizing county and its adjacent counties, and all students will be considered for admission without regard to race, ethnicity, national origin, gender, disability, or any other characteristic listed in Education Code Section 220 (or association with an individual who has any of those characteristics). Pursuant to Education Code Section 51747.3, the legally prescribed services areas for each CPCS school are as follows:

- **CPCS- San Diego:** Authorizer: Warner Unified School District (WUSD); Attendance boundary: San Diego County and its adjacent counties.
- **CPCS- Sonoma:** Authorizer: Guerneville Unified School District (GESD); Attendance boundary: Sonoma County and its adjacent counties.
- **CPCS- Los Angeles:** Authorizer: Acton-Agua Dulce Unified School District (AADUSD); Attendance boundary: Los Angeles County and its adjacent counties.

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An applicant or student complies with CPC's residency requirements as described above when any of the following is true:

1. The student's parent or legal guardian has established residence within the boundary of the CPCS service area.
2. The student is a foster child, homeless youth, migratory child, or child of a military family, and CPCS is the student's school of origin.
3. The student is placed within CPCS service area, in a regularly established licensed children's institution or a licensed foster home as defined in Section 56155.5, or a family home pursuant to a commitment or placement under Chapter 2 (commencing with Section 200) of Part 1 of Division 2 of the Welfare and Institutions Code.
4. The student physically resides with a caregiving adult within the CPCS service area. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the caregiving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.

**Acceptable Proof of Residency**

CPCS shall accept from the parent or legal guardian of a student reasonable evidence that the student meets the residency requirements as stated above. Reasonable evidence of residency for a student living with their parent or legal guardian shall be established by documentation showing the name and address of the parent or legal guardian within the prescribed service area, including, but not limited to, any of the following documentation:

1. Property tax payment receipts.
2. Rental property contract, lease, or payment receipts.
3. Utility service contract, statement, or payment receipts.
4. Pay stubs.
5. **Bank statement.**
6. ~~Voter registration.~~
7. ~~Correspondence from a government agency.~~

**Special Circumstances**

CPCS recognizes that some students may face significant barriers to achieving academic success due to their family circumstances, disruption to their educational program, and their emotional, social, and other health needs. To enable such students to achieve state and charter school academic standards, CPCS shall provide them with full access to the Charter School's educational program as required by law. Notwithstanding any other requirements set forth in this Policy, the following circumstances may necessitate exceptions to the general residency requirements and proof of same:

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1. If the student is a foster or homeless child or youth, they may be enrolled without any proof of residency or other documentation.
2. Proof of residency of a parent/guardian within CPC's legally prescribed service area shall not be required for an unaccompanied youth. CPC shall accept a declaration of residency executed by the unaccompanied youth in lieu of a declaration of residency executed by his or her parent or legal guardian.
3. Foster youth, homeless youth, currently migratory children, and children of military families have the right to remain in their school of origin if it is in their best interest. The Charter School will immediately enroll a foster youth, homeless youth, a currently migratory child, or child of a military family seeking reenrollment in the Charter School as their school of origin, regardless of any change of residence of the student during that school year, for the duration of the student's status as a student who is a migratory child, child of a military family, or homeless youth, or jurisdiction of the court over a foster youth. For a student *whose status changes* during a school year, CPC shall comply with either of the following, as applicable:
  - a. If the student is enrolled in kindergarten or any of grades 1 to 8, inclusive, allow the student to continue his or her education at CPC (if it is the school of origin) through the duration of that academic school year.
  - b. If the student is enrolled in high school, allow the student to continue his or her education in CPC (if it is the school of origin) through graduation.
4. There are special circumstances under which a parent/guardian may be reluctant or refuse to give their address of residence due to domestic violence or stalking. If this occurs, the parent/guardian shall be referred immediately to the [Superintendent](#)~~Executive Director~~ for assistance. The family may be residing in a domestic violence shelter. Such a circumstance may require confidentiality of residence for safety reasons.

**Investigation of Residency**

If CPC reasonably believes that the parent or legal guardian of a student has provided false or unreliable evidence of residency, CPC may make reasonable efforts to determine that the student actually meets the residency requirements set forth above. Charter School staff have the right and obligation to conduct a thorough investigation before appropriate action is determined. Students shall not be disenrolled simply because address information is unknown. Students shall remain enrolled during the investigation process, which shall be conducted in accordance with the below:

1. An investigation may be initiated when the [Superintendent](#)~~Executive Director~~ or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian

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has provided false or unreliable evidence of residency. Examples of such situations include, but are not limited to:

- a. altered documents;
  - b. credible information from the property owner or neighbor that the student does not reside at the address provided;
  - c. results of a home visit by a Charter School employee indicating the student does not reside at the address provided;
  - d. credible information from the student stating he/she does not reside at the address provided; and/or
  - e. mail sent by the school returned from the address provided.
2. The ~~Superintendent~~~~Executive Director~~ or designee shall call and email the parent/guardian to obtain further residency information. This call may be followed up with a Verification of Residence Follow-up Letter to parent/guardian.
- a. If a letter is returned with forwarding information the new address shall be immediately entered into the school record system. If the address corresponds to an area outside of the CPCS service boundary, the ~~Superintendent~~~~Executive Director~~ or designee shall attempt to conference with the parent/guardian.
  - b. If a letter is returned undeliverable, but without forwarding information, the school must attempt to contact the parent/guardian to determine accurate information. If the parent refuses to provide such information, the school shall exhaust all efforts to investigate as outlined below.
3. The ~~Superintendent~~~~Executive Director~~ or designee may use reasonable investigatory methods, as appropriate, to determine residency. These methods may include, but are not limited to:
- a. Examination of records;
  - b. Request for Follow-up Conference with parent/guardian;
  - c. Home visit by Charter School personnel;
  - d. Interview of student and parent/legal guardian;
  - e. Contacting the landlord or neighbors regarding whether or not the student resides at the address provided;
  - f. Hiring of private investigator;
  - g. Investigating IP addresses
4. If necessary, the ~~Superintendent~~~~Executive Director~~ or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the ~~Superintendent~~~~Executive Director~~ or designee shall make other reasonable efforts to determine whether the student resides in CPC's legally prescribed service area.

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5. For any investigation conducted pursuant to this policy, CPCS shall:
  - a. Not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view.
  - b. Require that any employee or contractor of CPCS engaged in the investigation truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.

CPCS shall use due diligent efforts to exhaust all investigative procedures outlined above to determine the student's actual address, before a determination to withdraw the student can be made.

**Opportunity for Appeal**

If the ~~Superintendent~~~~Executive Director~~ or designee, upon investigation, determines that a prospective enrolling student does not meet CPCS residency requirements and denies the student's enrollment in CPC, the ~~Superintendent~~~~Executive Director~~ or designee shall send the student's parent/guardian written notice specifying the basis for CPC's determination. Before any such denial is final, the parent/guardian shall be provided written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may appeal by providing new material evidence of residency, in writing, to the ~~Superintendent~~~~Executive Director~~ within five (5) school days of receipt of CPC's written notice. If an appeal is made, the burden shall be on the parent/legal guardian to show why the decision of ~~Superintendent~~~~Executive Director~~ should be overruled. The Board of Directors or an impartial administrative panel designated by the Board of Directors shall review any new evidence and make a final decision within 20 school days.

**Involuntary Removal**

If the ~~Superintendent~~~~Executive Director~~ or designee, upon investigation, determines that a currently enrolled student does not meet CPCS requirements as required by law and as described herein, the ~~Superintendent~~~~Executive Director~~ or designee shall send the student's parent/guardian written notice specifying the basis for CPC's determination and a recommendation of disenrollment. This written notice shall specify CPC's intent to remove the student for failure to meet the residency requirements for continued enrollment, no less than five (5) schooldays before the effective date of the action ("Involuntary Removal Notice"). The written notice shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder.

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The Involuntary Removal Notice shall include the facts leading to the decision regarding student's residency and an explanation of the student's basic rights including the right to request an appeal hearing before the effective date of the action or provide new evidence of residency. The burden shall be on the parent/guardian to show why CPC's determination to deny enrollment should be overruled. The hearing shall be consistent with the Charter School's involuntary removal procedures as described within the charter. If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until CPCS issues a final decision.

Upon parent/guardian request for a hearing, CPCS will provide notice of hearing consistent with its involuntary removal hearing process, through which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. The notice of hearing shall be in the native language of the student or the student's parent or guardian or, if the student is a foster child or youth or a homeless child or youth, the student's educational rights holder and shall include a copy of the CPCS involuntary removal hearing process.

If the parent/guardian is nonresponsive to the Involuntary Removal Notice, the Student will be disenrolled as of the effective date set forth in the Involuntary Removal Notice. If parent/guardian requests a hearing and does not attend on the date scheduled for the hearing, the student will be disenrolled effective the date of the hearing.

If as a result of the hearing the student is disenrolled, notice will be sent to the student's last known district of residence within thirty (30) days.

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