Board Policy #: 43

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SECTION 43 – SCHOLAR POLICY –RESIDENCY POLICY

California law requires that certain residency requirements are established in order for a scholar to be enrolled in an independent study charter school for which average daily attendance may be claimed. California law requires that a scholar be a California resident and requires that the scholar 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.

A scholar has residency in the state and county of the residence of the parent/guardian/caregiver with whom that scholar 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 scholar to attend CCS, unless it can be shown that the scholar is also living in the home at least three (3) days per week during the school year.

Compass Charter Schools (“CCS” or the “Charter School”) requires (2) current proof of residency documents before the scholar is unconditionally enrolled. As stated in the Master Agreement and Acknowledgement of Responsibilities, it is the responsibility of parents, guardians, or adult foster care caregivers to inform the Charter School of any change of address. This information must be updated with the Records Department within five (5) business days to ensure timely communication with CCS staff. In order to request a change of contact information, the learning coach must complete the Change of Contact Information Form, which is located on CCS’s website. Additionally, scholars will be asked to submit a Housing Questionnaire each academic year to verify residency. In the event the address does not match the current household record, parents, guardians or adult foster care caregivers will be required to submit (2) new proof of residence documents to the Records Department within (5) business days.

Reasonable evidence of residency for a student living with his or her 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. Voter registration
6. Correspondence from a government agency
7. Declaration of residency executed by the parent or legal guardian of a pupil

A scholar on an extended vacation lasting no more than four months (cumulatively or consecutively) in one school year, will not be deemed to have lost California residency. Parents, guardians, or adult foster care caregivers must submit an extended vacation form which is located on the CCS website. This form must be submitted prior to the absence. This policy covers extended travel, including vacations, participation in competitions, or activities relating to the scholar's obligations outside of school.

All materials will be mailed to the mailing address identified in the scholar’s records in his/her proof of residence documentation. Pursuant to EC 48204.2(b)(1), if there are specific, articulable facts that gives CCS reason to believe that a scholar’s residency is in question, CCS may investigate in order to determine the authenticity of the home address on file with the Charter School. When it is determined that a scholar lives outside of a county we serve, CCS will provide a written involuntary withdrawal notice due to non-residency within five days of the Charter School’s intention to disenroll the scholar. Examples of such situations include, but are not limited to:

* 1. altered documents;
  2. credible information from the property owner or neighbor that the student does not reside at the address provided;
  3. results of a home visit by a Charter School employee indicating the student does not reside at the address provided;
  4. credible information from the student stating he/she does not reside at the address provided; and/or
  5. mail sent by the Charter School returned from the address provided.

The 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.

1. 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 CCS service boundary, the Executive Director or designee shall attempt to conference with the parent/guardian.
2. If a letter is returned undeliverable, but without forwarding information, the Charter School must attempt to contact the parent/guardian to determine accurate information. If the parent refuses to provide such information, the Charter School shall exhaust all efforts to investigate as outlined below.

The Executive Director or designee may use reasonable investigatory methods, as appropriate, to determine residency. These methods may include, but are not limited to:

1. Examination of records;
2. Request for follow-up conference with parent/guardian;
3. Home visit by Charter School personnel;
4. Interview of student and parent/legal guardian;
5. Contacting the landlord or neighbors regarding whether or not the student resides at the address provided;
6. Hiring of private investigator;
7. Employing electronic tracking of school owned property including laptops and hotspots.

If necessary, the Executive Director or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Executive Director or designee shall make other reasonable efforts to determine whether the student resides in CCS’s jurisdiction.

For any investigation conducted pursuant to this policy, CCS shall:

* 1. 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.
  2. Require that any employee or contractor of CCS engaged in the investigation truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.

CCS 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.

If the Executive Director or designee, upon investigation, determines that a prospective enrolling student does not meet CCS’s residency requirements and denies the student's enrollment in CCS, the Executive Director or designee shall send the student's parent/guardian written notice specifying the basis for CCS’s determination. 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 a reasonable number of days at which the scholar has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses and at which the scholar has the right to bring legal counsel or an advocate to dispute the finding of non-residency. This written notice shall specify CCS’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.

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 CCS’s determination to deny enrollment should be overruled. The hearing shall be consistent with the Charter School’s involuntary removal procedures as described in its charter petition(s) and/or student handbooks. If the student’s parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until CCS issues a final decision. If an appeal is made, the burden shall be on the parent/legal guardian to show why the decision of 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. 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 scholar will be immediately disenrolled. If the scholar’s parent, guardian, or educational rights holder initiates the hearing, the scholar shall remain enrolled and shall not be disenrolled until CCS issues a final decision. If parent/guardian requests a hearing and does not attend on the date scheduled for the hearing, the student will be disenrolled, effective on the date of the hearing. If the parent, guardian, or educational rights holder of a scholar in the Options program initiates the hearing, from the time CCS sends the notice until the resolution of the residency hearing, CCS will not provide educational support funds for the scholar. 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.

**Exceptions:** If any of the following categories of scholars lose residency due to their status as described below, CCS shall serve these children as articulated and in accordance with law.

Children of Military Families

CCS will serve children of military families as follows:

1) Allow the scholar to continue his or her education at CCS, regardless of change of residence of the military family during that school year, for the duration of the scholar’s status as a child of a military family; or

2) For a scholar 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 scholar is enrolled in any of grades TK to 12, inclusive, allow the scholar to continue his or her education at CCS through the duration of that academic school year;

b) If the child is enrolled in high school, allow the scholar to continue his or her education at CCS through graduation.

“Children of military families” means a school-aged child or children, enrolled in Transitional Kindergarten through 12th grade, in the household of an active duty member. “Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders.

Homeless Youth

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

1. Allow the scholar to continue his or her education in CCS, 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:
   1. If the homeless youth is in high school, CCS shall allow the formerly homeless child to continue his or her education in the Charter School through graduation.
   2. If the homeless youth is in transitional kindergarten or any of grades 1 to 12, inclusive, CCS shall allow the formerly homeless youth to continue his or her education in CCS 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).

Foster Youth

CCS will be considered to be a pupil’s school of origin for a foster youth when the child attended the 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. CCS 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, CCS shall allow a former foster child who is in transitional kindergarten or any of grades 1 to 12, inclusive, 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, CCS shall allow the former foster child to continue his or her education in CCS 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.

Migratory Youth

CCS will be considered to be a pupil’s school of origin for a migratory youth when the child attended the Charter School at the time the pupil’s status changed to a pupil who is a migratory youth. CCS will serve migratory youth, as defined below, whose residency has changed as follows:

1. If the migratory youth is enrolled in kindergarten or any of grades TK to 12, inclusive, allow the pupil to continue their education at CCS 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 CCS 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.

Adopted: July 7, 2023

Amended: