Subject: Residency Requirements and Investigation
Approved By: Board of Directors
Policy: 5032.1

SHASTA SPRINGS CHARTER SCHOOL
Effective Date:
Revised Date:

LIBERTY SPRINGS CHARTER SCHOOL
Effective Date:
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California law requires the establishment of certain residency requirements for a student to be enrolled in a charter school for which average daily attendance may be claimed. The River Springs Charter School, Inc. Board of Directors, which operates River Springs Charter School (the "Charter School") adopts this Policy consistent with Education Code sections 47605, 47612, 48204.1, and 48204.2.

Definitions

Residency: A student has residency in the state and county of the residence of the parent or legal guardian with whom that student maintains their place of abode. Residence denotes any factual place of abode of some permanency that is more than a mere temporary sojourn. Residence does not include temporary residence or temporary leaves from the primary established residence.

Residency for Student on an Extended Vacation: A student who maintains a residence in California but is on an extended vacation/leave lasting 20 or fewer school days will not be deemed to have lost California or county residency. The family is responsible for notifying the Charter School of this extended vacation. If a family needs to extend the vacation/leave from the primary residence on file beyond 20 school days, it must receive written discretionary approval from the Charter School's Superintendent or designee (process to follow current guidance set forth in the Charter School's Residency Administrative Regulations).

Extended Vacations: Students on voluntarily extended vacations/leaves will continue to be subject to the Charter School's policies, procedures, and consequences related to attendance, truancy, adequate progress, and required testing. If a family is planning an extended vacation/leave, especially outside of California, the family must follow the process for requesting an extended leave/vacation so that it is not presumed that they lost residency within the authorized service area. For students with disabilities, extended vacations/leaves may impact the delivery of individualized education program ("IEP") services due to credential limitations, and may require an IEP team meeting to discuss further.

Residency Requirements

The Charter School requires all families to reside within the Charter School's authorized service area to be eligible for enrollment. This authorized service area is limited to Riverside County and its adjacent counties: San Bernardino, Orange, San Diego, and Imperial. Families who do not reside in the authorized service area are not eligible for enrollment at the Charter School. [1]

Owning or renting a home in California or in a particular county does not qualify a student to attend the Charter School unless it can be shown that the student is also living in the home during the school year. The Charter School requires proof of residency before the student is unconditionally enrolled and may require a new proof of residency at the beginning of each school year or in the event that a residency investigation is initiated.

Proof of Residency

New families who wish to enroll their student in the Charter School must submit proof of residency in the authorized service area prior to the student's start date. A new student may not attend the Charter School until the family submits proof of residency. Families who move will have 30 days to submit a new proof of residency in the authorized service area. Failure to submit this documentation may result in a determination of nonresidency and an initiation of the involuntary removal process, as further detailed below.

If the Charter School has reason to believe that a family has moved outside the authorized service area (e.g., returned mail, an IP address that indicates that a student is outside of the authorized service area, a statement made by the student, etc.), the Charter School may require the family to submit new proof of residency, following timelines set in the current

residency administrative regulations. Failure to submit this documentation may result in a determination of nonresidency and an initiation of the involuntary removal process.

Acceptable Proof of Residency

The Charter School shall accept reasonable evidence that a student meets the residency requirements for school attendance. Reasonable evidence of residency is established by current documentation showing the date with name and address of the parent or legal guardian within the authorized service area. Examples of acceptable documentation include, but are not limited to, the following:

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 student

The Charter School will adhere to federal and state law regarding protections for foster, homeless, migratory, and military youth. The Charter School has the discretion to determine whether submitted documentation is reasonable evidence of residency.

Residency Investigation

When the Superintendent or designee reasonably believes that a student's parent or legal guardian has provided false, unreliable, or out–of–date evidence of current residency, they may make reasonable efforts to determine whether the student meets the Charter School's residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent or legal guardian has provided false or unreliable evidence of residency.

The Superintendent or designee may assign a trained Charter School employee to conduct the investigation to identify specific, articulable facts supporting the belief that the parent or legal guardian of the pupil has provided false or unreliable evidence of residency. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

Charter School employees are prohibited from the surreptitious photographing or video–recording of students who are being investigated. The collection of images is not covert if the technology is used in open and public view. Employees and contractors of the Charter School engaged in the investigation are required to identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.

Involuntary Removal Process

If the Charter School determines that a pupil is not a resident of the authorized service area, then the Charter School will begin the process for involuntary removal. No student shall be involuntarily removed by the Charter School for any reason unless the parent or legal guardian of the student has been provided written notice of the Charter School's intent to remove the student ("Involuntary Removal Notice"). The Involuntary Removal Notice must be provided to the parent or legal guardian no less than five (5) schooldays before the effective date of the proposed disenrollment date.

The written notice shall be in the native language of the student or the student's parent or legal 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:

1. The basis for the determination of nonresidency of a student
2. An explanation of the student's basic rights, including the right to request a hearing before the effective date of the action
3. The CDE's Charter School Complaint Notice and Form

The hearing shall be consistent with the Charter School's expulsion procedures. If the student's parent, legal guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the Charter School issues a final decision. As used herein, "involuntarily removed" includes disenrolled, dismissed, transferred, or terminated, but does not include suspensions or expulsions pursuant to the Charter School's suspension and expulsion policy.

Upon a parent's or legal guardian's request for a hearing, the Charter School will provide notice of hearing consistent with its expulsion 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 legal 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 Charter School's expulsion hearing process.

If the parent or legal 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 the parent or legal 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 school district of residence within 30 calendar days.

Residency Exceptions

If children of military families, homeless youth, foster youth, or migratory youth students lose their residency due to a change in their status, as described in the Charter School's Residency Requirements & Investigation Administrative Regulations, the Charter School shall serve these students in accordance with federal and state law.