



Birmingham Community Charter High School

Board Policy#: 058

Adopted/ Ratified: December 12, 2023

INVESTIGATION OF STUDENT RESIDENCY POLICY

The Board of Directors of the Birmingham Community Charter High School (“BCCHS” or the “Charter School”) recognizes that Education Code Section 47612 requires all BCCHS students to reside in the State of California. Further, in the case that there are more students who wish to enroll at BCCHS than capacity, Education Code Section 47605(e) requires BCCHS to provide a preference for enrollment for students who reside within the former attendance boundaries of BCCHS prior to its conversion to a charter school (“Residency Preference”). Accordingly, applicants seeking to avail themselves of the Residency Preference, must provide documentation of fulfilling residency criteria. In furtherance of this objective, the Board adopts this Policy to govern procedures for the verification of residency of students seeking to utilize the BCCHS Residency Preference and for investigation where reasonably appropriate to confirm compliance with residency requirements.

Definitions

- “*Residence*” refers to the residence of the parent or legal guardian is located. Residence refers to the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- “*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 alternative adequate 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, a dependent child of the



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court of an Indian tribe, consortium of tribes, or tribal organization who is subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law; and a child who is the subject of a voluntary placement agreement, as defined in Section 114009(p) of the Welfare and Institutions Code. 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.
- “*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 person 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.
- *BCCHS Former Boundaries*: the former attendance boundaries pre-conversion to charter school can be found at the following link: <https://rsi.lausd.net/ResidentSchoolIdentifier/>

BCCHS Residency Preference

Admission to BCCHS will be open to any California resident, and all students will be considered for admission without regard to race, ethnicity, national origin, gender, gender identity, gender expression, religion, sexual orientation, or disability, or any other characteristic listed in Education Code Section 220 (or association with an individual who has any of those characteristics). In the event that there are more applicants than capacity, admission, except for existing BCCHS students shall be determined by public random drawing. As BCCHS is a charter school which converted from an existing public school to a charter school, an admission



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preference must be granted to pupils who reside within the former attendance area of the public school prior to its conversion to a charter school.

An applicant seeking to avail themselves of the Residency Preference must demonstrate as follows:

1. The student's parent or legal guardian has established residence within BCCHS Former Boundaries.
2. The student physically resides with a caregiving adult within the BCCHS 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

BCCHS 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 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.

Special Circumstances

BCCHS recognizes that some student 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, BCCHS 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:

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 BCCHS's legally prescribed service area shall not be required for an unaccompanied youth. BCCHS shall accept a declaration of residency executed by the unaccompanied youth.



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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, BCCHS shall allow the student to continue his or her education in BCCHS (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 Chief Executive Officer or designee for assistance. The family may be residing in a domestic violence shelter. Such a circumstances may require confidentiality of residence for safety reasons.

Investigation of Residency

If BCCHS reasonably believes that the parent or legal guardian of a student has provided false or unreliable evidence of residency, BCCHS may make reasonable efforts to determine that the student actually meets the residency requirements set forth above to avail themselves of the Residency Preference. Should BCCHS determine that false or unreliable evidence of residency has been provided, BCCHS shall take appropriate action up to and including involuntary removal of the student from BCCHS and placing the student in the last spot on the wait-list. BCCHS staff have the right and obligation to conduct a thorough investigation before appropriate action is determined. Students shall not be involuntarily removed from BCCHS 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 Chief Executive Officer or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian 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 Chief Executive Officer 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.



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- 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 BCCHS service boundary, the Chief Executive Officer 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 Chief Executive Officer 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;
4. If necessary, the Chief Executive Officer or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Chief Executive Officer or designee shall make other reasonable efforts to determine whether the student resides in BCCHS's legally prescribed service area.
5. For any investigation conducted pursuant to this policy, BCCHS 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 BCCHS engaged in the investigation truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.

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

Involuntary Removal and Opportunity for Appeal

If the Chief Executive Officer or designee, upon investigation, determines that a student who has availed themselves of the Residency Preference has falsified documentation of residency in the Former Boundaries, and BCCHS has students on a wait list, the Chief Executive Officer or



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designee shall send the student's parent/guardian written notice specifying the basis for BCCHS's determination and the intent to involuntarily remove the Student and place the Student at the end of the wait list ("Involuntary Removal Notice") no less than five (5) schooldays before the effective date of the action as follows:

- The Involuntary Removal 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 provide the parent/guardian written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may request an appeal hearing in front of a neutral officer appointed by the BCCHS Board of Directors.
- The Involuntary Removal Notice shall require a parent/guardian to request an appeal hearing, in writing, to the Executive Director within five (5) school days of receipt of the Involuntary Removal Notice.
- The Involuntary Removal Notice shall provide the parent/guardian with notice that in the event of an appeal hearing, the parent/guardian and student will have a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses providing evidence of student's residency and at which the student has the right to bring legal counsel or an advocate.
- If an appeal is made, the burden shall be on the parent/legal guardian to show why the decision of Chief Executive Officer should be overruled.
- A neutral officer designated by the Board of Directors shall review any new evidence and make a final decision within twenty (20) school days of the hearing.
- If the student's parent, guardian, or educational rights holder requests a hearing, the student shall remain enrolled and shall not be removed until the neutral BCCHS officer issues a final decision.
- 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 of the disenrollment.