



Residency Policy

California law requires that, in order for a student to be enrolled in Blue Ridge Academy (“School”), the student must reside within San Bernardino County, Santa Barbara, Los Angeles County, Kern County or Ventura County (collectively, the “Authorized Counties”). (Ed. Code § 51747.3(c).)

The purpose of this Residency Policy is to accomplish the following:

1. Define Residency
2. Outline Proof of Residency Requirements
3. Establish Where School Materials Will Be Mailed
4. Outline the Procedures for Children of Military Families
5. Outline the Procedures for Homeless Youth
6. Outline the Procedures for Foster Youth
7. Outline the Procedures for Migratory Youth
8. Outline the Procedures for the Investigation of Inaccurate, Suspicious or False Addresses for Student Residency
9. Outline the Procedures for Disenrollment

- 1. Definition of Residency:** For purposes of this Policy, a student has residency in the state and county of the primary residence of the parent/guardian with whom that student lives. If custody of a student is shared between parents/guardians living separately, the student may attend the School if one of the parents/guardians meets the residency requirements. 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 Blue Ridge Academy, 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. Proof of Residency:** Some students at the School are eligible to receive specialized services, including but not limited to occupational therapy, speech therapy, and certain types of counseling services. Due to the licensing requirements, some of these services by law may only be provided to a student when the student is physically located within California. Similarly, students on an extended vacation may miss important in-person meetings, such as meetings with teachers, state testing, receiving services, and other educational program requirements.

A student may be on an extended vacation and will not be deemed to have lost California residency. An extended vacation is defined as any period of time lasting longer than four weeks but less than eight weeks. This time frame will be considered cumulative per semester. Students must maintain all necessary compliance documents required per the master agreement during an extended vacation period.

Please note, some services cannot be provided outside of the state of California. Therefore, if the extended vacation takes place outside of California, those services will be suspended until the vacation is completed.

For these reasons, a student who will be on vacation (including extended vacation) or who otherwise seeks to participate in their educational program while outside California is responsible for notifying the School ahead of time, making the appropriate arrangements for services, meetings and testing, and maintaining all necessary compliance documents required by their master agreement.

Upon enrollment in the School, at the beginning of each school year, and upon request from the School, the student's parent/guardian is required to provide proof of residency. Acceptable evidence that the student meets the residency requirements (i.e., the student's primary residence is within the Authorized Counties) must be established by documentation showing the name and address of the parent/guardian, including but not limited to any of the following:

- Property tax payment receipts.
- Rental property contract, lease, or payment receipts.
- Utility service contract, statement, or payment receipts (e.g., gas, water, electricity).
- Pay stubs.
- Voter registration.
- Correspondence from a government agency (e.g., Social Security, Medi-Cal, etc.).
- Any other acceptable evidence as determined by the Superintendent (e.g., Housing Questionnaire).

If the parent/guardian is not the primary resident at the home and does not have proof of residency (e.g., if living with another family), an Affidavit of Proof of Residence must be filled-out by the parent/guardian and the primary resident.

If the student's residence changes, a parent/guardian must notify the School and provide updated residency information and documentation. If a student's residency is in question, the School may follow the procedures in Section 8 below.

- 3. Mailing of School Materials:** All School materials will be mailed to the address identified in the student's proof of residency documentation. Mail or School materials will only be sent to an address other than the address on file with the School upon prior written approval from the Superintendent or designee.

The School may require the parent/guardian to submit updated proof of residency documentation as part of a student's request to receive mail or School materials at a new address.

4. Children of Military Families: The School shall allow the child(ren) of a military family student to continue their education in the School, regardless of any 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. For a student whose status changes due to the end of military service of their parent during a school year, the School shall comply with either of the following, as applicable:

- If the student is enrolled in any grade TK-8 at the School, the student must be allowed to continue their education in the School through the duration of that academic school year; or
- If the student is enrolled in high school at the School, the student must be allowed to continue their education in the School through graduation.

A "child of a military family" means a student who meets the definition of "children of military families" in Education Code section 49701. This definition requires that the student live in the household of an active duty member who is on 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.

5. Homeless Youth: The School will immediately enroll a homeless youth seeking enrollment in accordance with the federal McKinney-Vento Homeless Assistance Act and Education Code section 48850, regardless of whether the student can show proof of residency. The School will be considered the school of origin for a homeless youth if the student was attending the School when permanently housed, if the School was the last school in which the student was enrolled, or if otherwise required by law.

Regardless of any change of residency, a homeless child may continue their education in the School, as the school of origin, through the duration of homelessness. If the homeless student's status changes before the end of the academic year so that the student is no longer homeless, either of the following apply, regardless of where the student resides:

- If the student is enrolled in any grade TK-8 at the School, the formerly homeless youth must be allowed to continue their education in the School through the duration of the academic school year; or
- If the student is enrolled in high school at the School, the formerly homeless youth must be allowed to continue their education at the School through graduation.

"Homeless child" and "homeless youth" have the same meaning as in 42 U.S.C. section

11434a(2), which is individuals who lack a fixed, regular, and adequate nighttime residence and one or more of the following applies:

- 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;¹ are living in emergency or transitional shelters; or are abandoned in hospitals;
- 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 42 U.S.C. section 11302;
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Are migratory children, as defined in 20 U.S.C. section 6399, who qualify as homeless because the children are living in circumstances described in the clauses above.

6. Foster Youth: The School will be considered the school of origin for a foster youth if the child was attending the School when permanently housed, if the School was the last school in which the student was enrolled, or if otherwise required by law. Regardless of any change of residency, a foster child shall be allowed to continue their education in the school of origin for the duration of the jurisdiction of the court, the School will serve former foster youth, as defined below, whose residency has changed as follows:

- If the jurisdiction of the court is terminated before the end of an academic year at the School, the former foster child who is in any grade TK-8 must be allowed to continue their education in the School through the duration of the academic school year; or
- If the jurisdiction of the court is terminated while a foster child is in high school at the School, the former foster child must be allowed to continue their education in the School through graduation.

“Foster child” has the same meaning as “foster youth,” as that term is defined in Education Code section 42238.01(b), which means any of the following:

- A child who is the subject of a petition filed pursuant to Welfare and Institutions Code section 300, whether or not the child has been removed from the child’s home by the juvenile court pursuant to Welfare and Institutions Code sections 319 or 361.
- A child who is the subject of a petition filed pursuant to Welfare and Institutions

¹ Please note a family’s choice to live in a recreational vehicle, trailer, camper, or similar, for purposes of traveling is not considered to be homeless, but may be considered an extended vacation as described in Section 1 above.

Code section 602, has been removed from the child's home by the juvenile court pursuant to Welfare and Institutions Code section 727, and is in foster care as defined by Welfare and Institutions Code section 727.4(d).

- A nonminor under the transition jurisdiction of the juvenile court, as described in Welfare and Institutions Code section 450, who satisfies all of the following criteria:
 - The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in Welfare and Institutions Code Section 10103.5.
 - The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Welfare and Institutions Code section 10553.1.
 - The nonminor is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Welfare and Institutions Code section 11403.
- A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law.
- A child who is the subject of a voluntary placement agreement, as defined in Welfare and Institutions Code section 11400(p).

7. Migratory Youth: The School shall allow a migratory youth to continue their education in the School, regardless of any change of residence of the migratory youth during that school year, for the duration of the student's status as a migratory youth. For a student whose status changes as a migratory youth during a school year, the School shall comply with either of the following, as applicable:

- If the migratory youth is enrolled in any grade TK-8 at the School, the pupil must be allowed to continue their education in the School through the duration of that academic school year; or
- If the migratory youth is enrolled in high school at the School, the pupil must be allowed to continue their education in the School through graduation.

The term “migratory youth” means a student who meets the definition of “currently migratory child” in Education Code section 54441, which means a child who has moved with a parent, guardian, or other person having custody, from one school district 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. “Currently migratory child” 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.

- 8. Investigation of Inaccurate, Suspicious or False Addresses for Student Residency:** If an employee of the School reasonably believes that the parent/guardian of a student has provided false or unreliable proof of residency, the Superintendent or designee may make reasonable efforts to determine that the student actually meets the residency requirements (i.e., the student’s primary residence is within the Authorized Counties). In order to initiate an investigation, the employee who reasonably believes that false or unreliable proof of residency has been provided must document the facts supporting their belief and provide them to the Superintendent or designee.

An investigation of residency may include:

- Searching the student information system(s) by entering the student’s and parent’s/guardian’s names to locate siblings and review their residence information.
- Speaking with the student(s) and/or the parent/guardian for residence information. At no time, however, should an employee inquire about a student’s/family’s immigration status.
- Mailing a letter to all known current and previous addresses requesting residency verification. The envelope should have “Do Not Forward-Address Correction Requested” written or stamped on it so that the letter will be returned to the school with the family’s current address. The new address should be entered into the student information system(s). If the letter is not returned or is returned with no forwarding information, the student and their parent/guardian must be contacted to provide new information.
- Conducting a home visit to establish residency at either the current or previous address.
- Reviewing other publicly available documents to verify the address of students.

An investigation does not allow for the surreptitious photographing or video- recording of pupils whose residency is being investigated. “Surreptitious photographing or video-

recording” means the covert collection of photographic or videographic images of persons or places subject to an investigation. The collection of images is not covert if the technology is used in open and public view.

At all times during an investigation of residency, those engaged in the investigation shall identify themselves truthfully as such to individuals contacted or interviewed during the course of the investigation.

- 9. Disenrollment Procedures:** If the School determines that a student no longer meets the residency requirements to attend the School (i.e., the student’s primary residence is no longer within the Authorized Counties), the Superintendent or designee shall notify the parent/guardian in writing of the School’s intent to disenroll the student for that reason.

The written notice shall be provided at least five (5) school days before the effective date of the disenrollment, and shall be provided in the native language of the student, the parent/guardian, or the educational rights holder. The notice shall inform the student, the parent/guardian, or the educational rights holder, of the right to request a hearing before a neutral officer within a reasonable number of days.

If the parent, guardian, or educational rights holder, requests a hearing, the student shall remain enrolled until the School issues a final decision. At the hearing, the student shall have a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and shall have the right to bring legal counsel or an advocate.

If the parent does not request a hearing by the date stated in the written notice, the student shall be disenrolled.