



Residency Policy

California law requires that certain residency requirements are established in order for a student to be enrolled in an independent study charter school for which average daily attendance may be claimed. California law requires that a student be a California resident and requires that the student 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. [EC §§ 47612(b), 5147.3]

The purpose of the Cabrillo Point Academy Governing Board approving this Residency Policy is to accomplish the following:

1. Define Residency
2. Outline Residency for a Student on an Extended Vacation
3. Establish the Location Materials Will Be Mailed To
4. Outline the Procedures When a Student's Residency is in Question
5. Outline the Parent/Guardian/Education Rights Holder's Right Regarding Determination of Nonresidency
6. Outline the Procedures for Children of Military Families
7. Outline the Procedures for Homeless Youth

- 1. Definition of Residency:** A student has residency in the state and county of the residence of the parent/guardian with whom that student 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 student to attend Cabrillo Point 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. Residency for a Student on an Extended Vacation:** A student on an extended vacation lasting longer two months per semester (61 consecutive days or 61 cumulative days throughout the semester), will be deemed to have lost California residency.
- 3. The Location Material Will Be Mailed To:** All materials will be mailed to, and any in person services will be held at, the address identified in the student's records in his/her proof of residence documentation, unless an alternative location is agreed upon by the teacher of record.
- 4. Student's Residency is in Question:** If there is reason to believe that a student's residency is in question, Cabrillo Point Academy may investigate in order to determine authenticity of the home address. When it is determined that a student lives outside of California and/or an authorized county, Cabrillo Point Academy will provide written notice of the determination of nonresidency within five days of Cabrillo Point Academy's intention to disenroll the student.

5. Parent/Guardian/Education Rights Holder's Right Regarding Determination of nonresidency: 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 pupil has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses and at which the pupil has the right to bring legal counsel or an advocate to dispute the finding of nonresidency. 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 student will be immediately disenrolled. If the student's parent, guardian or educational rights holder initiates the hearing, the student shall remain enrolled and shall not be disenrolled until Cabrillo Point Academy issues a final decision. If the parent, guardian or educational rights holder requests a hearing within the five-day period, the parent, guardian or educational rights holder is required to cooperate to schedule the hearing within 10 days of the request for the hearing. If a parent, guardian or educational rights holder does not cooperate in scheduling the hearing and the hearing is not scheduled within 10-days (absent extraordinary circumstances in the sole discretion of the Senior Director), the parent, guardian or educational rights holder waives his/her/their rights to the hearing.

6. Children of Military Families: Cabrillo Point Academy will serve children of military families, as defined by Education Code section 49701, as follows:

1. Allow the student to continue his or her education in Cabrillo Point Academy, regardless of 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; or
2. For a student 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 student is enrolled in kindergarten or any of grades 1 to 8, inclusive, allow the student to continue his or her education in Cabrillo Point Academy through the duration of that academic school year;
 - b. If the child is enrolled in high school, allow the student to continue his or her education in Cabrillo Point Academy through graduation.

Once Cabrillo Point Academy is notified that a student is identified as a child of a military family, Cabrillo Point Academy will require the parent/guardian submit the following documentation:

- Written proof of the transfer, including the time period for the transfer and location of the transfer
- A signed affidavit that states that the student is only enrolled in Cabrillo Point Academy and not in any other full-day educational program and that the student qualifies as a child of a military family as defined in Education Code section 49701.

For high school students, the aforementioned documentation will need to be resubmitted on an annual basis. Cabrillo Point Academy reserves the right to re-verify all of the above at any time throughout the school year.

7. Homeless Youth: Cabrillo Point Academy will be considered to be a pupil's school of origin for a homeless youth when the child attended Cabrillo Point Academy when permanently housed or was last enrolled in Cabrillo Point Academy before becoming homeless. Cabrillo Point Academy will serve homeless youth, as defined below, whose residency has changed as follows:

1. Allow the student to continue his or her education in Cabrillo Point Academy for the duration of homelessness.
2. If the pupil is no longer homeless before the end of the academic year, either of the following apply:
 - a. If the homeless youth is in high school, the Cabrillo Point Academy shall allow the formerly homeless child to continue his or her education in the Cabrillo Point Academy through graduation.
 - b. If the homeless youth is in kindergarten or any of grades 1 to 8, inclusive, the Cabrillo Point Academy shall allow the formerly homeless youth to continue his or her education in Cabrillo Point Academy 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).

8. Foster Youth: Cabrillo Point Academy will be considered to be a pupil's school of origin for a foster youth when the child attended the Cabrillo Point Academy 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. Cabrillo Point Academy 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, the Cabrillo Point Academy shall allow a former foster child who is in kindergarten or any of grades 1 to 8, 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, Cabrillo Point Academy shall allow the former foster child to continue his or her education in Cabrillo Point Academy 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.

9. **Migratory Youth:** Cabrillo Point Academy will be considered to be a pupil’s school of origin for a migratory youth when the child attended the Cabrillo Point Academy at the time the pupil’s status changed to a pupil who is a migratory youth. Cabrillo Point Academy 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 1 to 8, inclusive, allow the pupil to continue their education in Cabrillo Point Academy 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 in Cabrillo Point Academy 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.