

Empower Generations Charter School Learner Residency Policy

Board Approved: April 7, 2022

California law requires that in order for a learner to be enrolled in Empower Generations Charter School (“Empower Generations”), the learner must reside within Los Angeles County, Ventura County, Kern County, San Bernardino County, or Orange County (collectively, the “Authorized Counties”).(Ed. Code, § 51747.3(c).)

The purpose of this 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 Learner Residency
9. Outline the Procedures for Disenrollment

1. Definition of Residency: For purposes of this Policy, a learner has residency in the state and county of the primary residence of the parent/guardian with whom that learner lives. If custody of a learner is shared between parents living separately, the learner may attend Empower Generations if one of the parents meets the residency requirements.

2. Location of Learner Served. Some students at Empower Generations may be 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 for such services, by law some services may only be provided to a learner when the learner is physically located in California. For this reason, a learner on vacation or who otherwise seeks to participate in their educational program while outside California is responsible for notifying the school ahead of time and making the appropriate arrangements for such services.

3. Proof of Residency: Upon enrollment in Empower Generations, the student’s parent/guardian is required to provide proof of residency. If the student’s residence changes, a parent/guardian must notify the school and provide updated residency information. Acceptable evidence that the

learner meets the residency requirements must be established by documentation showing the name and address of the parent/guardian, including but not limited to any of the following:

1. Property tax payment receipts.
2. Rental property contract, lease, or payment receipts.
3. Utility service contract, statement, or payment receipts (e.g., gas, water, electricity, etc.).
4. Pay stubs.
5. Voter registration.
6. Correspondence from a government agency (e.g., Social Security, Medi-Cal, etc.).
7. Any other acceptable evidence as determined by the Empower Generations Director (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), a Shared Residence Affidavit must be filled out by the parent/guardian and the primary resident.

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

5. Children of Military Families Empower Generations shall allow the child of a military family to continue their education in Empower Generations, 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 learner whose status changes due to the end of military service of their parent during a school year, Empower Generations shall comply with either of the following, as applicable:

1. If the learner is enrolled in high school at Empower Generations, the learner must be allowed to continue their education in Empower Generations through graduation.

A “child of a military family” means a learner who meets the definition of “children of military families” in Education Code section 49701. This definition requires that the learner live with a parent 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.

6. Homeless Youth: Empower Generations 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 learner can show proof of residency. Empower Generations will be considered the school of origin for a homeless youth if the learner was attending Empower Generations when permanently housed, if Empower Generations was the last school in which the learner was enrolled, or if otherwise required by law. Regardless of any change of residency, a homeless child may continue their education in 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 learner is no longer homeless, either of the following apply, regardless of where the learner resides:

1. If enrolled in high school at Empower Generations, the formerly homeless youth must be allowed to continue their education at Empower Generations through graduation.

“Homeless child” and “homeless youth” have the same meaning as in 42 U.S.C. section 11434a(2).

7. Foster Youth: Empower Generations will be considered the school of origin for a foster youth if the child was attending Empower Generations when permanently housed, if Empower Generations was the last school in which the learner 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. Empower Generations will serve former foster youth, as defined below, whose residency has changed as follows:

1. If the jurisdiction of the court is terminated while a foster child is in high school at Empower Generations, the former foster child must be allowed to continue their education in Empower Generations through graduation.

“Foster child” has the same meaning as “foster youth,” as that term is defined in Education Code section 42238.01(b).

8. Migratory Youth: Empower Generations shall allow a migratory youth to continue their education in Empower Generations, 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 learner whose status changes as a migratory youth during a school year, Empower Generations shall comply with either of the following, as applicable:

1. If the migratory youth is enrolled in high school at Empower Generations, the pupil must be allowed to continue their education in Empower Generations through graduation.

The term “migratory youth” means a learner who meets the definition of “currently migratory child” in Education Code section 54441.

9. Investigation of Inaccurate, Suspicious or False Addresses for Learner Residency: If an employee of Empower Generations reasonably believes that the parent/guardian of a learner has provided false or unreliable proof of residency, the school’s Director or designee may make reasonable efforts to determine that the learner actually meets the residency requirements. In order to initiate an investigation, the Empower Generations 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 Empower Generations Director or designee.

An investigation of residency may include:

1. Searching the learner information system(s) by entering the student’s and parent’s/guardian’s names to locate siblings and review their residence information.

2. Speaking with the learner(s) and/or the parent/guardian for residence information. At no time, however, should any employee inquire about a student’s/family’s immigration status.

3. 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 learner information system(s). If the letter is not

returned or is returned with no forwarding information, the learner and their parent/guardian must be contacted to provide new information.

4. Conducting a home visit to establish residency at either the current or previous address.
5. 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.

Disenrollment Procedures: If Empower Generations determines that a learner no longer meets the residency requirements to attend Empower Generations, the Empower Generations Director or designee shall notify the parent/guardian in writing of the school’s intent to disenroll the learner for that reason. The written notice shall be provided at least five school days before the effective date of the disenrollment, and shall be provided in the native language of the learner, the parent/guardian, or the educational rights holder. The notice shall inform the learner, 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 learner shall remain enrolled until the school issues a final decision. At the hearing, the learner 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 learner shall be disenrolled.
