

POLICY # 1.45
STUDENT RESIDENCY POLICY

The Eufaula School District is established for the purpose of serving the educational interests of resident students.

I. Definitions

Residency. As used in this policy, the terms "residence," "residency" and "legal residence" shall mean the student's present place of abode, provided that it is a place where important family activities (such as sleeping eating, working, relaxing, and playing) take place during a significant part of each day. Mere presence alone is not sufficient to establish residency. Documentary evidence that may be submitted to establish residency is identified in paragraphs III.1 and III.3 below.

Persons having legal custody. As used in this policy, the phrase "person having legal custody" means a person who is legally responsible for the care of the child pursuant to the order of a court or governmental agency responsible for making custody determinations and/or placements.

Homeless children and youth. As used in this policy, the phrase "homeless children and youth" means students who lack fixed, regular and adequate nighttime residence, and includes:

a. 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; are abandoned in hospitals; or are awaiting foster care placement.

b. children and youth 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;

c. children and youth 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;

d. migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes

of this subtitle because the children are living in circumstances described in clauses A. through D.

II. Policy Statement

State law provides that a child's residence for school purposes is the school district in which the (1) parents, (2) guardian or (3) person having legal custody of the child holds legal residence.

State law also grants school districts the discretion to permit a child to establish residency by residing with an adult who is a legal resident of the school district and does not fit into any of the three categories listed in paragraph II above if such adult has assumed permanent care and custody of the child.

Federal law provides that homeless children and youth, individually or through a parent or guardian may choose to attend the school in the area in which they are currently living. The Residency Officer will determine whether a student is a homeless child or youth for purposes of establishing residency and promptly advise the parent, guardian or person having legal custody of the child of the decision, both orally and in writing. If possible. If there is no such person, the Residency Officer will advise the student.

The School District will enroll each homeless student and permit his or her full participation in all school programs, whether or not the student is accompanied by a parent, guardian or person having custody of the child, and without proof of residence, current immunizations and traditional enrollment documentation, such as school records and medical immunization records.

The School District's homeless liaison may assist the student and school in obtaining those items. A parent, guardian or person having legal custody of the child who disagrees with the Residency Officer's determination may appeal the decision to the Board of Education under the procedure identified in paragraph III.4.C. below. If there is no parent, guardian or person having legal custody of the child available, the student may appeal the decision.

The Board of Education of the Eufaula School District has determined that it is in the best interest of the School District not to allow a child to establish residency in the School District by residing with an adult who is a legal resident of the School District and has assumed permanent care and custody of the child but does not fit into any of the three categories listed in paragraph II.I above.

III. Procedure for Resolving Residency Disputes

The School District recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment in the school system the School District will verify that the student is a resident of the School District or is otherwise entitled to attend school in the School District for any reason authorized by law. As a part of this verification process the School District will obtain an address from each student or the student's parent, guardian, or person having legal custody of the child. In providing an address to the School District that is within the School District's boundaries the student and student's parent, guardian, or person having legal custody of the child represent that this address is the student's residence. The School District may also require, in order to verify residency, certified copies of court orders, guardianship documents, written agreements and affidavits relating to the care, custody and control of the student and any other information deemed relevant by the School District.

If at any time an administrator of the School District has a reasonable belief that the reported residence may not be the residence of the child for purposes of school attendance, the administrator shall notify the student's parent, guardian, or person having legal custody of the child that there is a question regarding the legal residency of the student. The student's parent, guardian, or person having legal custody of the child shall be given an opportunity to submit information regarding the student's residency to the School District's Residency Officer. All notices required by this policy shall be in writing. Additionally, reasonable alternative arrangements for documenting communications will be made for those persons who are visually impaired or otherwise unable to communicate in writing.

Information or documentation to prove student residency in the School District shall include but not be limited to proof of provisions of utilities, payments of ad valorem taxes, local agreements or contracts for purchasing/leasing housing. Driver's licenses, income tax returns, notes, mortgages, contracts and any other source of proof which is not in conflict with statutory provisions relating to the residence of students.

Any question or dispute as to the residence of a student shall be determined by the Residency Officer and the School District's Board of Education pursuant to the following procedures: A. The student's parent, guardian, or person having legal custody of the child must notify the Residency Officer in writing of the review request within five (5) school days from the date of written denial of admittance or from the date of written notification that the student is considered not to be a resident of the School District. Upon receipt of a request for review, the Residency Officer shall allow the parent, guardian or person having legal custody to provide additional pertinent information in accordance with the School District's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.

B. The Residency Officer must render a decision and notify the student's parent, guardian, or person having a legal custody of the child of the decision and reasoning therefore in writing within ten (10) school days of the receipt of the request for review.

C. In the event the student's parent, guardian, or person having legal custody of the child disagrees with the Residency Officer's decision, such person shall notify the Residency Officer in writing within five (5) school days of his or her receipt of the Residency Officer's decision. The Residency Officer will submit his/her findings and all documents reviewed to the Board of Education. The Board of Education of the District will review the decision and the documents submitted on behalf of the School District and the student and will render a decision at the next board meeting. The decision of the Board of Education shall be the final administrative decision.

D. In an effort to place students in school as quickly as possible, timelines shall be followed unless due to emergency circumstances both parties agree to an extension of timelines.

IV. Miscellaneous Policy Provisions

Hearings involving more than one student where students are related or residing in the same household may, at the discretion of the Residency Officer and the Board of Education, be consolidated.

In the event the residency dispute involves an 18-year old student all notices will be delivered to the student because at 18 the student ceases to be a minor.

If already enrolled and attending school in the School District, a student or students involved in a dispute related to the student's residency may remain in school until available appeals are exhausted when the student or the student's parent, guardian, or person having legal custody of the child has filed an appeal in the manner and within the time permitted by this policy.

The Residency Officer shall be in charge of maintaining the files related to a residency dispute, ensuring that the principals or others directly involved in such a dispute forward their records of the dispute following their involvement, and otherwise keeping all communications involving the dispute intact.

The Residency Officer of the School District is the superintendent of schools, or his designee.

The Board of Education understands that there may be some instances where residency may be established on a date other than the date the student was

enrolled in the School District. For any period during which a student is enrolled in the School District, but is not a resident of the School District, the School District may charge tuition if it is established that the student's parent, guardian, or person having legal custody of the child knew or should have known that the child or children who are the subject of the residency dispute were not residents of the School District. The tuition shall be based on a per capita cost of educating a student in the School District during the preceding year. This issue may be raised along with other issues related to the residency dispute and shall be heard in the same manner.

The School District shall provide for educational services for homeless children to the extent required by Public Law 100-77, Title VII, Subsection B.

The School District reserves the right to require re-verification of student residency at the beginning of each school term.

A copy of this policy shall be given to the student's parent, guardian, or person having legal custody of the child as soon as possible following the inception of any residency dispute.

Student Residency Policy: Adopted August 11, 2003