MOORE NORMAN TECHNOLOGY CENTER

BOARD OF EDUCATION POLICY

POLICY # **505**

Adopted: December 18, 2014
Revised: February 11, 2020

MINOR STUDENT RESIDENCY

The technology center is established for the purpose of serving the educational interests of resident students. This includes homeless students, students who are not documented citizens, and students whose parents/guardians are not documented citizens. The district will not inquire into a student or parent/guardian's citizenship status as a part of enrollment and will only use information regarding a student's living situation to better serve the student. The district will periodically review its practices and the documents it seeks as a part of establishing residency within the district to ensure that its processes are not overly burdensome and do not discourage the enrollment of homeless students and/or undocumented students.

Definitions

For purposes of this policy, the terms listed below have the following meanings:

"Residence," "residency" and "legal residence" 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 below.

"Person having legal custody" means a person who is legally responsible for the care of the child pursuant to the order of a court, a proper attorney-in-fact affidavit, or placement by a governmental agency responsible for making custody determinations and/or placements.

Basic Residency Requirements

State law provides that a child's residence for school purposes is the district in which the (1) parents, (2) guardian or (3) person having legal custody of the child holds legal residence. Children may also establish residency if their attorney-in-fact is a resident of the district. Children who are foster children are granted residency in the district if they attended the district prior to entering foster care, if their current or prior foster family is/was a resident of the district, or if another child in their current foster home attends school in the district pursuant to a transfer.

The technology center does not permit students to establish residency based on the affidavit of a person who has assumed permanent care and custody of the child under OKLA. STAT. tit. 70 § 1-113.

Procedure for Resolving Residency Disputes

The technology center recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment in the school the technology center will verify that the student is a resident of the district or is otherwise entitled to attend school at the technology center for any reason authorized by law. As a part of this verification process the technology center 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 technology center that is within the 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 technology center 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 the technology center deems relevant.

If at any time a technology center administrator 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 student's legal residency. 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 technology center'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 technology center shall include but not be limited to proof of provision 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 that is not in conflict with statutory provisions relating to the residence of students.

Any question or dispute as to the residence of a student not deemed to be a "homeless student" shall be determined by the residency officer and the board of education pursuant to the following procedures:

1. 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 three (3) 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 technology center. 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 technology center's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.

2. The residency officer must render a decision and notify the student's parent, guardian, or person having legal custody of the child of the decision and reasoning therefore in writing within three (3) school days of receipt of the request for review.

3. If 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 three (3) school days of his or her receipt of the residency officer's decision. The residency officer will submit his or her findings and all documents reviewed to the board of education. The board of education will review the decision and the documents submitted on behalf of the technology center 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.

4. 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.

Miscellaneous Policy Provisions

Hearings involving more than one student where students are related or residing in the same household may be consolidated at the discretion of the residency officer and the board of education.

If the residency dispute involves an 18-year-old student, all notices will be delivered to the student.

If already enrolled and attending school in the 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 administrators and 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 district's residency officer is the Executive Director of Instruction.

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 technology center. For any period during which a student is enrolled at the technology center, but is not a resident of the district, the technology center 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 district. The tuition shall be based on a per capita cost of educating a student in the technology center 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 technology center shall provide for educational services for homeless children as required by law.

The technology center reserves the right to require reverification of student residency at the beginning of each school term.

A copy of this policy shall be provided 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.

Special Definitions and Procedures Applicable to Homeless Children and Youth

Definitions

"Homeless children and youth" means students who lack fixed, regular and adequate nighttime residence, 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 abandoned in hospitals;

2. 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;

3. children and youths who are living in cars, parks, public spaces, buildings, substandard housing, bus or train stations, or similar settings; and

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

Enrollment, Records and Immunizations

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 technology center's 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 technology center 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 technology center'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 this policy. If there is no parent, guardian or person having legal custody of the child available, the student may appeal the decision.

Appeals Procedures

The technology center will make every effort to resolve disputes regarding homeless children at the lowest level possible by utilizing the following process:

1. At the time a homeless student seeks enrollment, the technology center will notify the student or his/her family of these procedures and provide the student/family with a copy of this policy.

2. The technology center will promptly notify the technology center's homeless coordinator (Executive Director of Instruction) that a homeless student seeks enrollment and will seek to involve the coordinator in decisions regarding the student's education.

3. Students/families who disagree with a decision regarding the student's education may meet with the coordinator for an informal resolution. The coordinator will notify the student/family that a written complaint may be submitted within five (5) days (or longer if agreed upon by the parties).

4. If the coordinator receives a written complaint, the coordinator will prepare a decision (plan of action) and provide it to the student/family within five (5) days of receipt of the written complaint. The coordinator will also notify the student/family of the right to appeal to the superintendent.

5. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the superintendent within five (5) days of receipt of the coordinator's plan. The superintendent will meet with the student/family within five (5) days of receipt of the appeal. The superintendent will issue a decision within five (5) days of the meeting with the student/family. The superintendent will also notify the student/family of the right to appeal to the board of education.

6. Students/families who are still dissatisfied with a decision regarding the student's education may file a written appeal with the board of education by submitting a written notice to the superintendent within five (5) days of the superintendent's decision. The appeal will be placed on the next agenda (or the following agenda, if the appeal is received after the agenda posting deadline) and the board's decision is final at the technology center level. Students/families who are still dissatisfied with a decision regarding the student's education may file an appeal with the Oklahoma State Department of Education utilizing the procedures established by the OSDE.

<u>Special Definitions and Procedures Applicable to Transitioning Military Children</u>

"Children of military families" means a school-aged child(ren), enrolled in kindergarten through twelfth grade, in the household of an active duty member.

"Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Military Reserve on active duty orders pursuant to Title 10, Sections 1209 and 1211 of the United States Code.

"Military student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade. "Transition" means (a) the formal and physical process of transferring from school to school or (b) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

"Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

"Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

"Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Services.

Establishing Residency

State law provides that transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis, may attend school in the district in which the noncustodial parent or person standing in loco parentis to the transitioning military child holds legal residence. Similarly, transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis may continue to attend the school in which the student was enrolled while residing with the custodial parent. A special power of attorney relating to the guardianship of a military child and executed under applicable law shall be sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

Enrollment

The technology center will promptly accept unofficial or "hand-carried" educational records and transcripts in lieu of official education records and transcripts for transitioning military children. Upon receipt of such records, the technology center will promptly enroll the transitioning military child. However, upon enrollment, the technology center will request official educational records and transcripts from the school in the sending state. The technology center's residency officer will determine whether a student is a transitioning military student for purposes of establishing residency and promptly advise the parent or other person standing in loco parentis of the decision, both orally and in writing, if possible. A parent or other person standing in loco parentis who disagrees with the residency officer's determination may appeal the decision to the board of education under the procedure identified above.

Course Level and Educational Program Placement

To the extent that this technology center is in a receiving state, the technology center may subsequently perform course placement and educational program evaluations of a transitioning military student. However, the technology center will initially place the transitioning military student in courses and programs comparable to those in which the student was a participant while in the sending state. The technology center will make these accommodations whether or not the student has fulfilled the necessary prerequisites in the sending or the receiving state.

Extracurricular Activities

When appropriate, the technology center will provide transitioning military children the opportunity to participate in extracurricular participation, regardless of application deadlines.

Immunizations

Transitioning military children shall have thirty (30) days from the date of enrollment to obtain any immunizations required by Oklahoma law. For a series of immunizations, such children must obtain initial vaccinations within thirty (30) days.

Tuition

The technology center may not charge tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a district other than that of the custodial parent if the parent or other person standing in loco parentis lives within the boundaries of this technology center.

Reference: 42 U.S.C. §11301 et seq., OKLA. STAT. tit. 70 § 1-113, 70 OKLA. STAT. §510.1