

- I. Residence (Policy FD Legal/Local)
- a. Definition of residence in case law - Must actually live in a domicile and intend to remain there.
 - b. Statutory Requirements:
 - 1.) Child may attend school where "the child or his parent resides at the time he applies for admission..." Texas Education Code 25.001(b)(1). Child need not live in the District, as long as his/her parent does.
 - 2.) School district shall enroll child when the child or either parent of the child resides within the District. Texas Education Code 25.001(b)(l).
 - a.) Therefore, there is no differentiation between managing conservator's right or the possessory conservator's right to establish residence for school purposes.
 - b.) Child need not live with the parent who, in a court order, establishes residence for educational purposes.
 - 3.) Child may establish separate residence for the purpose of attending school as long as it is "not for the primary purpose of participation in extracurricular activities." Texas Education Code 25.001(d). See, also, Major v. Nederland I.S.D., 772 F. Supp. 944 (E.D. Tex. 1991).
 - 4.) If child is determined to be "homeless", regardless of the residence of the person, or of either parent, the child shall be enrolled in school. Texas Education Code 25.001(b)(5).
 - a.) "Homeless" definition - 42 U.S.C. 11302

A "homeless" child" is one who lacks a fixed, regular, and adequate residence or has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

2. Identification of Child Required – (TEA Student Attendance Accounting Handbook)
 - a. Birth Certificate or other proof of identity
 - 1.) Birth Certificate;
 - 2.) Driver's license;
 - 3.) Passport;
 - 4.) School ID card, records, or report card;
 - 5.) Military ID;
 - 6.) Hospital birth record;
 - 7.) Adoption records;
 - 8.) Church baptismal record; or
 - 9.) Any other legal document that establishes identity
 - b. Records from most recently-attended school
 - 1.) Student enrollment information - District ID number; student ID (Social Security number or PEIMS state-assigned alternative number); local student ID number; course credits; promotions; discipline-expelled students; dates of attendance; enrollment and withdrawal dates.
 - 2.) Student demographic information - first, middle, and last name; sex; ethnicity; date of birth; special education handicapping condition; special education instructional setting; home language; migrant information.
 - 3.) Student achievement information - exit level TEAMS/TAAS; most recent TEAMS/TAAS scores.
 - 4.) Student immunization/health information.
3. Resolution of Problems
 - a. If a name difference is evident in the records, notify missing persons information clearinghouse of both names.
 - b. If the records are not furnished within 30 days, notify police or sheriff, to determine if child is reported missing.

- c. If alterations are noted in records, or falsification exists, notify police and missing persons information clearinghouse.
- 4. Notify parent of liability for falsification of school records. Texas Penal Code 37.10; Texas Education Code 25.001(h).
- 5. Parent designates contact people and pickup names and telephone numbers.
 - a. Managing conservator designates list of people authorized to be contacted in emergency, or those who may remove child from school.
 - b. Managing conservator cannot deny noncustodial parent the right to be contacted about child's education, absent court order.
 - c. Managing conservator can tell school not to release student to possessory conservator as long a court order does not begin a period of possession at school, or contain other contrary language.