

Discretionary Nonresident Student Attendance Policy

Recognizing that its resident students need an orderly educational process and environment free from disruption and overcrowding, the Board has determined that the District will permit discretionary nonresident students to attend school in the District, subject to annual approval. The District will screen all nonresident students and consider only those who meet the criteria set forth in this policy. The Superintendent will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission. Foreign exchange students shall be admitted pursuant to the terms of this policy and according to current federal law regulating foreign exchange programs.

The District will consider the following criteria for discretionary admission of nonresident students: the student's academic record, disciplinary record, including truancy records, and the current student level in the class in which the student would be admitted. The Superintendent, with the assistance of the Principal, will evaluate the student based on the above listed criteria and determine whether or not to recommend continued enrollment of the student.

Admission in one school year does not imply or guarantee admission in subsequent years. All resident students who become nonresident students due to a move by the students' parents from the District may continue attendance for the remainder of school year, barring registration in another school district. At the completion of the current school year, the student must apply for admission as a nonresident student if the student wishes to remain in the District.

The Board reserves the right to charge tuition for nonresident students. The Board may, in its discretion, charge or waive tuition for all students whose tuition is required to be paid by one type of entity. Unless otherwise provided by law, nonresident students are not eligible transportees for school transportation services.

Legal References:	§ 20-5-320, MCA	Attendance with discretionary approval
	§ 20-5-323, MCA	Tuition and transportation rates
	10.10.301B, ARM	Out of District Attendance Agreements

Policy History:

Adopted on:

Revised:

Poplar School District Administrative Regulation

STUDENTS

AR 3141

Admission to School and Residency

Attendance in Montana is controlled by law. If the student resides inside of the District, the student is entitled to attend a school within the District unless the student is not of the ages for which the District otherwise enrolls students. If the student resides outside of the District, attendance is usually within the discretion of the Board of Trustees. Section 20-5-320, MCA, discusses the criteria for discretionary non-resident attendance, and Section 20-5-321, MCA, discusses the criteria for mandatory non-resident attendance.

Under Montana law, a person can have only one residence, and a minor's residence is generally the residence of his or her parents. There are some exceptions to when a minor's residence can be other than that of his or her parents. In determining the place of residence, the following rules, based on Section 1-1-215, MCA, will be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
5. If neither parent has legal custody, it is the residence of the legal guardian or custodian appointed by a court of competent jurisdiction.
6. If an adult qualifies as a caretaker relative, it is the residence of the caretaker relative.
7. Unless there is a caretaker relative or a guardian appointed by a court, the residence of an unmarried minor who has a parent living cannot be changed by the minor's own act or any other person who does not have a recognized legal relationship with the student.
8. The residence can be changed only by the union of act or intent.

Prior to admission of any student, the District will require proof of residency or qualification for admission under Section 20-5-321, MCA. A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries.
2. The student is an emancipated minor residing within district boundaries.
3. The student is a homeless youth or unaccompanied youth pursuant to the McKinney-Vento Homeless Assistance Act.

Proof of Residency

The Superintendent or designee shall retain a copy of the initial document or written verification offered as proof of residency. In addition, the Superintendent or designee shall annually verify

the student's residency as needed. When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication, correspondence, and in all public records. If any district employee reasonably believes that the parent/guardian of a student has provided false or unreliable evidence of residency, the Superintendent or designee shall make reasonable efforts to determine whether the student meets legal residency requirements. Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts, deeds or escrow papers
2. Rent payment receipts and rental agreements
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian and property owner

If a student is seeking admission on the basis of the residency of his or her court-appointed guardian or custodian, the guardian or custodian shall be required to present to the Superintendent or designee all court orders appointing that individual as the student's guardian.

Proof of Age

The District is entitled to require proof of age before enrolling a student to ensure that the student is between the ages of 5 (on or before September 10th of a given year) or has not reached the age of 19 (on or before September 10th of a given year). Exceptions to these ages may be approved individually by the Board of Trustees. Proof of age may be established by documentation including, but not limited to, any of the following:

- Birth certificate
- Certified records from a public or private school of attendance
- Religious records certified by religious officials, including baptismal certificates
- Medical records
- Life insurance policy on child in force for at least two years
- Passport issued by any country or other documents issued by federal government showing entrance into United States
- Sworn affidavit by parent or legal guardian attesting to child's age
- Adoption record

No one particular document proving age is required.

Revocation of Enrollment

If the Superintendent or designee, upon investigation, determines that a student's enrollment is based on false evidence of residency, he/she shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within five school days, to schedule an appeal with the School Board.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked ten school days after the date of the notice. A parent/guardian who appeals to the Board shall have the right to have a representative present. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

Proof of Identity

Montana law requires proof of identity be provided within 40 days of enrollment. This requirement applies to all students, regardless of whether they are homeless. Proof of identity may be provided at the time of enrollment, but it is not required to process enrollment. If a student is homeless, the FIT Coordinator should work with the family to obtain proof of identity. The District may not withdraw a student (or dis-enroll) a student for failing to provide proof of identity.

Montana law identifies “proof of identity” as:

- A certified copy of a birth certificate
- A certified transcript or similar types of student records from a previous school
- Documentary evidence the district considers to be satisfactory proof of identity.

The District may accept any of the following as other documentary evidence of proof of identity:

- Passport from any country
- Driver’s license/state identification card
- Original social security card
- Documents issued by federal government showing entrance into United States
- Military identification card

Other documents to prove identity may be submitted (including with limitation to religious records, medical records) along with a sworn affidavit by the parent or legal guardian attesting to the unavailability of other documentation and reasons for the unavailability and the identity of the student. The District will consider the documents submitted to ascertain whether they are sufficient to prove the student’s identity in accordance with Montana law.

AFFIDAVIT OF RESIDENCE

To be completed if residency requirements cannot be provided due to the fact that the parent/legal guardian and child(ren) are sharing or living at a home with another person. **(NON-CAREGIVER)**

All sections must be completed and signatures notarized DO NOT SIGN THIS FORM IF ANY OF THE STATEMENTS ARE INCORRECT. Evidence that false information was provided will result in immediate withdrawal of the child(ren) from school and a referral to law enforcement.

TO BE COMPLETED BY PARENT(S)/LEGAL GUARDIAN(S):

School: _____ Student: _____ Grade: _____
(Last) (First)

Parent(s): _____ Phone: _____

Address: _____

The address listed above is my only residence. I agree to notify _____ if there is any change in the status of my residency. I understand that home visitation and/or residency verification is part of a periodic process when residency is established by an Affidavit of Residence.

I swear (or certify) under penalty of perjury that the foregoing is true and correct.

Signature of Parent

Date

TO BE COMPLETED BY PRIMARY RESIDENT:

I, _____ declare I am the primary resident at the above address and the person(s) listed above: (1) resides with me on a full-time basis (seven days a week). I agree to notify _____ if there is any change in the status of the residency of the persons listed above. I understand that home visitation and/or residency verification is a part of a periodic process when residency is established by an Affidavit of Residence.

I swear (or certify) under penalty of perjury that the foregoing is true and correct.

Signature of Primary Resident

Date

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2009.

(S E A L)

Printed Name:
Notary Public for the State of Montana
Residing at _____, Montana
My commission expires: _____

CARETAKER RELATIVE'S EDUCATIONAL AUTHORIZATION AFFIDAVIT

1. INSTRUCTIONS: The completion and signing of the affidavit before a notary public are sufficient to authorize educational enrollment and services and school-related medical care for the named child. Please print clearly.
2. The child named below lives in my home, and I am 18 years of age or older.
 - a. Name of child: _____
 - b. Child's date of birth: _____
 - c. My name (caretaker relative): _____
 - d. My home address: _____
 - e. My relationship to the child (the caretaker relative must be an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the caretaker relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child):

 - f. I hereby certify that this affidavit is not being used for the purpose of circumventing school residency laws, to take advantage of a particular academic program or athletic activity, to circumvent a disciplinary action of a previous school, or for an otherwise unlawful purpose.
3. My date and year of birth: _____
4. Check the following if true (**all must be checked for this affidavit to apply**):
 - a. ☐ A parent of the child identified in paragraph 1a of this affidavit has left the child with me and has expressed no definite time period when the parent will return for the child.
 - b. ☐ The child is now residing with me on a full-time basis.
 - c. ☐ No adequate provision, such as appointment of a legal custodian or guardian or execution of a notarized power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.
5. WARNING: DO NOT SIGN THIS FORM IF ANY OF THE STATEMENTS ABOVE ARE INCORRECT OR YOU WILL BE COMMITTING A CRIME PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.
6. I declare under penalty of false swearing under the laws of Montana that the foregoing is true and correct.
7. Signed this ____ day of _____, 20__.
8. _____
 - a. (Signature of caretaker relative)
9. SUBSCRIBED AND SWORN TO before me this ____ day of _____, 2009.
 - a. _____
 - b. Signature

- c. Printed Name: _____
- d. Notary Public for the State of Montana
- e. Residing at _____, Montana
- f. My commission expires: _____

10. NOTICES:

- a. Completion of this affidavit does not affect the rights of the child's parents or legal guardian regarding the care, custody, and control of the child and does not mean that the caretaker relative has legal custody of the child.
- b. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
- c. This affidavit is effective until the earlier of:
 - i. the end of the first school year after delivery of the affidavit to the school;
 - ii. revocation by the caretaker relative; or
 - iii. the child no longer resides with the caretaker relative.
- d. If the child stops living with you, you shall notify anyone to whom you have given this affidavit.