

STUDENT RESIDENCY

It is the policy of the Commerce Board of Education that the residence of any child for school purposes shall be the legal residence of the parents, guardian, or person having legal custody who holds legal residence within the district as defined in 70 O.S. §1-113(c). A child residing in the district who is entirely self-supporting shall be considered a resident of the school district if the child works and attends school in the school district. Questions concerning legal residence of children shall be determined pursuant to procedures utilized by the State Department of Education in accordance with Title 70, O.S. §1-113.

The superintendent or designee may require the submission of evidence of residency in order to determine whether the student is eligible to attend the public schools or programs without payment of nonresident tuition. Such evidence may include, but is not limited to, the following:

1. Proof of payment of local personal income tax or ad valorem taxes;
2. Title to residential property in the district, or a valid unexpired lease agreement, or receipts for payment of rent on a district residence in which the applicant actually resides;
3. Proof of provisions of utilities;
4. A valid, unexpired motor vehicle operator's permit or motor vehicle registration.
5. Maintenance of voter registration;
6. Notarized affidavit verifying residency and that the affiant has assumed the permanent care and custody of the student. (The filing of a false affidavit shall be subject to punishment in accordance with 70 O.S. §1-1143(A)(1).)

Homeless Students

In accordance with the Federal McKinney Homeless Assistance Act, homeless children shall have access to the same free and appropriate public education as provided to other children. The board shall make reasonable efforts to identify homeless children within the district, encourage their enrollment, and eliminate existing barriers to their education that may exist in the district policies or practices. No child or youth shall be discriminated against in this school district because of homelessness.

Children are deemed homeless under the following conditions.

1. A child who is lacking a fixed regular and adequate nighttime residence and who has a primary nighttime residence that is a publicly or privately operated shelter designed to provide temporary living accommodations, a temporary residence prior to institutionalization, or a place not designed or ordinarily used as a regular sleeping accommodation for human beings.
2. A child who is placed in a transitional or emergency shelter before placement in a foster home or home for neglected children.

STUDENT RESIDENCY (Cont.)

3. A child who is temporarily living in a trailer park or camping area due to lack of adequate living accommodations.
4. A child who is living in doubled---up accommodations due to loss of housing or other similar situation.
5. A child who is placed in a foster home for lack of shelter space.
6. A migratory child who is staying in accommodations not fit for habitation.
7. A child who has run away from home and lives in a runaway shelter, abandoned building, the street, or other inadequate accommodations.
8. A child who is placed in a state institution because s/he has no other place to live.
9. A child who has been abandoned by his/her family and who is staying in a hospital.
10. A child whose parents or guardian will not permit him/her to live at home and who lives on the street, in a shelter, or in other transitional or inadequate accommodation.
11. School---age unwed mothers or expectant mothers who are living in homes for unwed mothers because they have no other available living accommodations.

The district administration shall attempt to remove existing barriers to school attendance by homeless children:

1. Enrollment requirements that may constitute a barrier to the education of the homeless child or youth may be waived at the discretion of the superintendent. If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize other reasonable means to determine the appropriate grade level for the child.
2. Fees and charges that may present a barrier to the enrollment or transfer of a homeless child or youth may be waived at the discretion of the superintendent.
3. Customary transportation policies and regulations may be waived at the discretion of the superintendent.
4. Official school records policies and regulations may be waived at the discretion of the superintendent.
5. The district shall make a reasonable effort to locate immunization records from information available or shall arrange for students to receive immunizations through health agencies and at district expense if no other recourse is available. Immunizations may, however, be waived for homeless youth only in accordance with provisions of board policy on immunizations. (See policy FFAB.)

STUDENT RESIDENCY (Cont.)

6. Other barriers to school attendance by homeless youth may be waived at the discretion of the superintendent.

The district will provide to each homeless child such school services that are comparable to services offered to other students in the district and that are determined to be in the child's best interest. Such services will include:

1. Public preschool programs;
2. Special education, Title I, and limited English proficiency programs for which they are eligible;
3. Vocational education programs;
4. Gifted and talented programs;
5. Before and after school programs;
6. School meal programs; and
7. Transportation services.

Residency Officer

The school district designates the superintendent as residency officer. The residency officer may be contacted by calling the school district at 918-675-4316 or by writing to the residency officer at the following address, or by personally visiting the residency officer at 217 Commerce Street, Commerce, OK, 74339.

If this school district denies admittance of a student who claims to be a resident of the district, the parent, guardian, or person having care and custody of the student may request a review of the residency officer's decision. Such request for review shall be in writing and must be received by the residency officer within three school days of the denial of admittance. The request for review shall include any additional pertinent information which may justify the admittance of the child to the school district.

Upon receipt of a written request for review, the residency officer will render a decision and notify the parent of the decision within three school days of the receipt of the request for review.

If the parent disagrees with the findings of the residency officer, the parent will notify the residency officer within three school days of the receipt of the decision. The residency officer then will submit his/her findings and all documents reviewed to the board of education.

STUDENT RESIDENCY (Cont.)

The board of education will review the decision and documents submitted by both the residency officer and the student and render a decision at the next board meeting. The board's decision may be appealed only pursuant to procedures utilized by the State Department of Education.

REFERENCE: **70 O.S. §1-113, §1-114**
 70 O.S. §18-111