

# I. GENERAL RESIDENCY ENROLLMENT, AND ATTENDANCE REQUIREMENTS

## Residency Requirements

Definitions:

“Reside” means to be physically present and maintain a permanent place of abode for an average of not less than four (4) calendar days and nights per week for a primary purpose other than school attendance. “Resident” means a student whose parents, legal guardians, persons having legal, lawful control of the student under court order, or persons standing in loco parentis reside in the school district. “Residential address” means the physical location where the student’s parent, legal guardian, person having legal lawful control of the student under order of a court, or person standing in loco parentis resides. A student may use the residential address of a legal guardian, a person having legal, lawful control of the student under order of a court, or person standing loco parentis only if the student resides at the same residential address and if the guardianship or other legal authority is not granted solely for educational needs or school attendance purposes.

The public schools of any school district in this state shall be open and free through completion of the secondary program to all persons between the ages of five (5) and twenty-one (21) years who are residents in the district and to all persons between those ages who have been legally transferred to the district for educational purposes. Any person eighteen (18) years or older may establish a residence separate and apart from his or her parents or guardians for school attendance purposes. In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the district’s schools separate and apart from his/ her parents, guardians, or other persons having lawful control of him/ her under an order of a court, the person must actually reside in the district for a primary purpose other than that of school attendance. However, a student previously enrolled in the district who is placed under the legal guardianship of a non-custodial parent living outside the district by a custodial parent on active military leave may continue to attend district schools.

In accordance with Arkansas Statute, any person who knowingly gives a false residential address for purposes of public school enrollment is guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars \$1,000. (A.C.A. 6-18-202). The Marion School District will consider the prosecution of those who present fraudulent addresses. The school district will give consideration to the enrollment of students when documentation is given supporting compelling domestic reasons related to the child's welfare while living apart from parents or legal guardians. Further, documentation of compelling domestic reasons will be accepted from the Crittenden County Social Services. When the construction of a new home or real estate closing delays the occupation of residence within the district for not more than three weeks after the opening of school, the school district will enroll the students while they temporarily live out of district. The documentation of the occupation date must be identified by the realty or construction company on a form supplied by the district. When any person who owns a tract of land on which the person resides and which tract of land is located partially in one school district and partially in another, the school-age children of that person shall attend school in the school district in which the residence is located.

## **Exceptions to Residency Requirements**

1. Those previously approved by copy of the superintendent's official school choice notification.
2. Those attending based on a court-approved legal guardianship record in the school's file.
3. Those attending because of a court order in providing a foster home.
4. Those attending because of the residency within the Marion School District of one biological parent.
5. Those children of employees of the school district or educational cooperative attending as allowed under law.
6. A student enrolled in kindergarten through grade eight whose qualifying parent or guardian has a change in employment status with the district shall be entitled to continue attending school in the enrolled school district, until the end of the school year if 1) the parent or guardian was employed by the school district for a minimum of one hundred twenty (120) days before leaving employment, 2) the student maintains uninterrupted enrollment in the school district, and 3) the student is not expelled after the parent or guardian of the student is no longer employed by the school district.
7. A student enrolled in grade nine through twelve (9-12) whose qualifying parent or guardian has a change in employment status with the district shall be entitled to continue attending school in the enrolled school district, through the completion of the secondary program if, 1) the parent or guardian was employed by the school district for a minimum of three consecutive contract years, with a minimum of one-hundred twenty (120) contract days each year, before leaving employment; 2) the student maintains uninterrupted enrollment in the school district and, 3) the student is not expelled after the parent or guardian of the student is no longer employed by the school district.
8. Those homeless children who qualify under the McKinney-Vento law as meeting the homeless criteria.

## **Eligibility to Attend**

All children who have legal residence within the boundaries of the Marion School District and who are assigned to attend grades PreK through Grade 6 are eligible to attend.

## **Compulsory Attendance**

Every parent, guardian, or other person having custody or charge of any child age five (5) through seventeen (17) years on or before August 1 of that year who resides within the Marion School District shall enroll and send the child to a district school, with the following exceptions:

1. The child is enrolled in private or parochial school.
2. The child will not be age six (6) on or before August 1 of that particular school year and the parent, guardian, or other person having custody or charge of the child elects not to have him/her attend kindergarten. A kindergarten waiver form prescribed by regulation of the Department of Education must be signed and on file with the district administrative office.
3. The child has received a high school diploma or its equivalent as determined by the State Board of Education.
4. The child is age sixteen (16) or above and is enrolled in a post-secondary vocational-technical

- institution, a community college, or a two-year or four-year institution of higher education.
5. The child is age sixteen (16) or seventeen (17) and has met the requirements to enroll in an adult education program as defined by A.C.A. § 6-18-201 (b).
  6. The child is being homeschooled and the conditions of the following policy have been met:

### **Home School Enrollment**

Parents or guardians wishing to homeschool their children must give written notice to the local superintendent of such intent and must sign a waiver acknowledging that the State of Arkansas is not liable for the education of their child during the time the parent chooses to homeschool: at the beginning of each school year but no later than August 15; or, by December 15 for parents who decide to start homeschooling at the beginning of the spring semester. A.C.A. 6-15-503(a) No public school student can enroll in home school if the student is currently under disciplinary action for violation of a written school policy, including, but not limited to, excessive unexcused absences. The exceptions to this are that the superintendent or local school board chooses to allow the child to enroll in a home school or that the disciplinary action has been completed or will be completed by the end of the school semester, or the student has been expelled.

Legal Reference: A.C.A. § 6-18-201  
and A.C.A. § 6-18-207 Board Approved: 1-24-13

### **Social Security Numbers at Enrollment**

Social security numbers are not required to enroll in Marion School District; however, as a part of enrollment procedures, a school shall ask the parent, guardian, or other responsible person if they wish to give the child's social security number explaining that the social security number is optional. If the parent or guardian or otherwise responsible person does not wish to do so they may request that the school district assign the child nine (9) digit number designated by the Department of Education. Assurance: Neither the school district nor any of its schools will use, display, or print a student's social security number on any report, identification card, identification badge, or any document that will be made available or released to the public, to a student, or a student's parent or guardian without the express written consent of the student's parent, if the student is a minor, or from the student if the student is eighteen (18) years of age or older. Neither shall the student's social security number be made available by reading the magnetic strip or other encoded information on the student's identification card. This assurance shall not apply to educational records bearing a student's social security number that are transferred to another school district, the Department of Education, or to another government agency as allowed or required by federal law, state law, or State Board of Education rule.

### **Proof of Age**

Prior to a child's admission to an Arkansas public school, the parent, guardian, or responsible person shall provide the school district with one (1) of the following documents indicating the child's age:

- A. A birth certificate;
- B. A statement by the registrar/county recorder certifying the child's date of birth;
- C. An attested baptism certificate;
- D. A passport;

- E. An affidavit of the date and place of birth by the child's parent or guardian;
- F. Previous school records;
- G. A military identification card

### **Enrollment in Kindergarten**

Students may enter kindergarten if they will attain the age of five (5) on or before August 1st of the year in which they are seeking initial enrollment. Any student who has been enrolled in a state-accredited or state-approved kindergarten program in any other state for at least (60) days, who will become five (5) years old during the year in which he/she is enrolled in kindergarten, and who meets the basic residency requirement for school attendance may be enrolled in kindergarten upon written request to the district.

### **Enrollment in First Grade**

Any child who will be six (6) years of age on or before October 1 of the school year of enrollment and who has not completed a state-accredited kindergarten program shall be evaluated by the district and may be placed in the first grade if the results of the evaluation justify placement in the first grade and the child's parent or legal guardian agrees with placement in the first grade; otherwise the child shall be placed in kindergarten. Any child may enter first grade in a district school if the child will attain the age of six (6) years during the school year in which the child is seeking enrollment and the child has successfully completed kindergarten program in a public school in Arkansas. Any child who has been enrolled in the first grade in a state-accredited or state-approved elementary school in another state for a period of at least sixty (60) days, who will become six (6) years during the school year in which he/she is enrolled in grade one (1), and who meets the basic residency requirements for school attendance may be enrolled in first grade.

Legal Reference: A.C.A§ 6-18-01(c) Adopted July 1999 Revised 2-12-09 Revised 6-11-09

### **Immunization Requirements**

Students registering for kindergarten or first grade must present an up-to-date Immunization record when enrolling. A 30-day grace period will be given from the first day of attendance. (See paragraph below for more immunization requirements.)

All enrolling kindergarten students must provide proof of a current physical assessment (EPSDT) by a physician/nurse practitioner. The physical must be within two years prior to or within 90 days after the student's initial enrollment in kindergarten. Health History forms and Assessment forms are available online at [www.msds3.org](http://www.msds3.org).

The child shall be age appropriately immunized from poliomyelitis, diphtheria, tetanus, pertussis, red (rubella) measles, rubella, varicella (chicken pox), hepatitis B, hepatitis A, meningococcal disease, and other diseases as designated by the State Board of Health, or have an exemption issued by the Arkansas Department of Health. Proof of immunization shall be by a certificate of a licensed physician or public health department acknowledging the immunization. Exemptions are also possible on an annual basis for religious/philosophical reasons from the Arkansas

Department of Health. To continue such exemptions, they must be renewed at the beginning of each school year. A child enrolling in a district school and living in the household of a person on active military duty has 30 days to receive his/her initial required immunizations. For a complete list of required immunizations, please see the district website [www.msds3.org](http://www.msds3.org).

### **Grade Level Assignments for New Students**

Students who move into the district from an accredited school shall be assigned to the same grade as they were attending in their previous school (mid-year transfers) or as they would have been assigned in their previous school. Home-schooled students shall be evaluated by the district to determine their appropriate grade placement.

### **Enrolling a Student under Expulsion**

The parent, guardian, or other responsible person shall indicate on school registration forms whether the child has been expelled from school in any other school district or is a party to an expulsion proceeding. The student cannot be enrolled until the board gives the student a hearing to determine whether to enroll the student.

### **Immigration Status**

The district shall make no attempt to ascertain the immigration status, legal or illegal, of any student or his/her parent or legal guardian presenting for enrollment. The U.S. Supreme Court has ruled that public schools may not use immigration status as a criterion for admitting and educating students.

Legal References: A.C.A 6-18-201 (c)  
A.C.A. 6-18-207 A.C. 6-18-208 A.C.A. 6-18-702 A.C.A.  
6-15-504 (f) A.C.A. 6-2 7-102,105 A.C.A. 9-27-103  
Plyler v Doe 457 US 202,221 (1982)  
Adopted July 1999 Revised 2-12-09 Revised 6-11-09

### **Temporary Enrollment due to Emergency Circumstance**

Emergency circumstances in life may make it necessary for one's family to live with others who do reside within the boundaries of the Marion School District. Those living with relative or friends within our district- but who are unable to document residency- must contact the attendance officer at the district administrative offices at 100 Manor Street in August. Parents/guardians of potential enrollees must be interviewed by the district's attendance officer PRIOR to attempting to enroll in any of the district's schools. Having utilities on in one's name at the former address at the time of the interview/verification could stop the placement attempt until resolved by the attendance officer. Further, a written Notice to Proceed with Enrollment will not be issued by the attendance officer to the school(s) until verification from the former school district that the family is no longer physically present in their district. Finally, a home visit by the attendance officer at the new address given is required to verify adequate proof of actual residency. Only after these verifications are satisfied shall the attendance officer personally issue the Notice to Proceed with Enrollment form to the principal or enrollment designee at the appropriate school(s).

Any enrollment subsequent to this process may be considered temporary. An updated verification call or conference could be expected prior to allowing continued enrollment in an ensuing semester. The school board directs the superintendent to pursue prosecution of adults who in the interview/verification process have provided fraudulent information to the attendance officer.

Adopted 6/26/08 Approved 6/11/09

### **Enrollment of a Non-Resident Student under School Choice**

If a non-resident student desires to attend school in the Marion School District, the student's parent shall submit a school choice application on a form approved by the Arkansas Department of Education to the Marion School District Central Office which must be postmarked or hand delivered on or before May 1 preceding the fall semester the applicant would begin school in the district. The district shall date and time stamp all applications as they are received in the district's central office. Applications postmarked or hand delivered on or after May 2 will not be accepted. They shall review and make a determination on each application in the order in which the application was received by the district. By July 1, the superintendent shall notify the parent and the student's resident district, in writing, as to whether the student's application has been accepted or rejected. If the application is rejected, the superintendent shall state in the notification letter the reason(s) for the rejection.

If the application is accepted, the superintendent shall state in the notification letter a reasonable timeline by which the student shall enroll in the district by taking the steps detailed in the letter, including submission of all required documents. If the student fails to enroll within the stated timeline, or if all necessary steps to complete the enrollment are not taken, or examination of the documentation indicates the applicant does not meet the district's stated capacity standards, the acceptance shall be null and void. Students whose applications have been accepted and who have enrolled in the district are eligible to continue their enrollment until completing their secondary education. Students whose applications have been accepted and who have enrolled in the district shall not be discriminated against on the basis of gender, national origin, race, ethnicity, religion, or disability. Any student who accepts a public school choice transfer may return to his/her resident district during the school year. Any student who chooses to return to his/her resident district, or enrolls in another school or homeschooling, voids the transfer and must reapply if, in the future, the student seeks another school choice transfer. A subsequent transfer application will be subject to the capacity standards applicable to the year in which the application is considered by the district. The transfer student or the transfer student's parent is responsible for the transportation of the transfer student to and from the school in the Marion School District where the transfer student is enrolled. Marion School District will accept all credits toward graduation that were awarded and/or honored by the resident district and shall award a diploma to the non-resident student who meets Marion School District's graduation requirements. A student's application may be denied for any of the following reasons:

- Lack of capacity in a program, class, grade level, or school building, defined as 90% or more of the maximum authorized student population in a program, class, grade level, or school building;

- A conflict between the provisions of a desegregation plan or court order and the provisions of the Public School Choice Act of 2015. (Act 560 of 2015)
- The resident school district has reached the maximum number of student transfers that may occur in a school year, which is capped at 3% of the enrollment that exists in the resident district as of October 15 of the immediately preceding school year.

For the purpose of determining this percentage, siblings who are counted in the numerator as transfer students shall count as one (1) student; the district is not required to accept any application that would cause it to add teachers, staff, or classrooms, or in any way exceed the requirements and standards established by law. An application may be rejected or revoked if:

- 1) false information is submitted that impacts the placement decision;
- 2) misleading information is submitted that impacts the placement decision; and,
- 3) important information is omitted that impacts the placement decision.

Reasons for rejection shall not include academic achievement, athletic or other extracurricular ability, English proficiency level, or previous disciplinary proceedings, except that an expulsion from another district may be included under Arkansas Code 6-18-510.

Priority will be given to an applicant who has a sibling or step siblings who resides in the same household and is already enrolled in the district by school choice. However, the capacity in a program, class, grade level or school building, could cause future siblings' applications to be denied. For the purpose of this policy, "sibling" means each of two (2) or more children having a parent in common by blood, adoption, marriage, or foster care. Statutorily, preference is required to be given to siblings (as defined in this policy) of students who are already enrolled in the district. Therefore, siblings whose applications fit the capacity standards may be approved ahead of an otherwise qualified non-sibling applicant who submitted an earlier application as identified by the application's date and time stamp.

Legal Reference: Act 560 of 2015 Approved by School Board 5/18/15

## **Transfer Between Schools**

The following guidelines shall be used when students are transferring to Marion School District from accredited, non-accredited, and home schools:

1. Any student transferring from a school accredited by the Department of Education to Marion School District shall be placed into the same grade the student would have been in had the student remained in the former school.
2. Any student transferring from a home school or from a school that is not accredited by the Department of Education shall be evaluated for grade and subject placement by the school's staff and/or building principal.
3. Students transferring from home schools or from non-accredited schools who receive credit will not have letter grades recorded on permanent records. The name of the subject followed by the words "Home School Instruction" or "Non-accredited instruction" followed by CR (credit) will be recorded on the student's permanent record.
4. Grade point averages will be computed by using only grades earned at an accredited school.
5. Students in grades 9 - 12 from home schooling or non-accredited schools must provide the school with their most recent standardized achievement test scores. A student's scoring below

the 50th percentile in a given achievement area shall be subject to testing by the school's designee. Such a student must score 60% or more on a school designed test for each subject in which the student wishes to receive academic credit. For performance type courses, the school may designate auditions in lieu of written examinations whenever appropriate. Subject area examinations will be developed from the state approved frameworks.

6. In situations where a student is transferring from a non-accredited school or a home school and where local testing is required, every effort will be made to expedite a student's placement. However, the school reserves the right to withhold final placement until such time as testing and placement recommendations are complete.

### **Transferring from Non-Accredited Institutions and Approved Home Schools**

Students enrolling in Marion from home/non-accredited instructional programs will be admitted subject to the following guidelines:

1. Parents must submit a list of subjects completed and materials used.
2. Any student desiring to re-enter school claiming to have been in home schooling must have proof that application for home schooling has been filed and approved.
3. Students must attend the two consecutive semesters of their senior year to be eligible to graduate from Marion High School.
4. Students receiving credit for homeschooling/non-credited instructional programs will not have letter grades entered on permanent records. The name of the subject followed by the words "Home School Instruction" or "Non-accredited instruction" followed by CR (credit) will be recorded.
5. Grade point average will be computed using only grades earned at an accredited school.
6. A copy of the most recent standardized achievement score must be available for each year of home/non-accredited instruction. If a student scores below 60% in a given subject/grade achievement test or requests credit for a course not examined by the current standardized achievement test, she/he must score 60% or more on a school designed test for each subject in which the student wishes to receive academic credit. The school may designate auditions in lieu of written examinations whenever applicable. Subject area examinations will be developed from the state approved curriculum guides in the subject area tested. The school reserves the right to suspend enrollment until such time as testing and placement recommendations are complete.

### **Late Enrollment**

The number of days missed by a student who enrolls in or transfers to a Marion School District school after the beginning of a semester will be counted as absences when determining the minimum number of days a student must be in attendance.

## Homeless Students

The Marion School District will enroll homeless students in accordance with the rules and regulations of the McKinney Vento Act. If you have questions about homelessness or need assistance enrolling a homeless student in school, contact Marion School District's homeless liaison at (870) 739-5100.

## Placement of Multiple Birth Siblings

The parent, guardian, or other person in charge or custody of multiple birth siblings in grades pre-K through 6 may request that the multiple birth siblings are placed in either the same or separate classrooms. The request shall be in writing not later than the 14th calendar day prior to the first day of classes at the beginning of the academic year. The school shall honor the request unless it would require the school to add an additional class to the sibling's grade level. If one parent of multiple birth siblings requests a placement that differs from that of the other parent of the same multiple birth siblings, the school shall determine the appropriate placement of the siblings. The school may change the classroom placement of one or more of the multiple birth siblings if: There have been a minimum of 30 instructional days since the start of the school year and, after consulting with each classroom teacher in which the siblings were placed, the school determines the parent's classroom placement request is: detrimental to the educational achievement of one or more of the siblings; disruptive to the siblings' assigned classroom learning environment; or disruptive to the school's educational or disciplinary environment. If a parent believes the school has not followed the requirements of this policy, the parent may appeal the multiple birth siblings' classroom placement to the superintendent. The superintendent's decision regarding the appeal shall be final.

Board Approved: 7-19-11

## Absences

Education is more than the grades students receive in their courses. Important as grades are students' regular attendance at school is essential to their social and cultural development and helps prepare them to accept responsibilities they will face as adults. Interactions with other students and participation in the instruction within the classroom enrich the learning environment and promote a continuity of instruction which results in higher student achievement. If any student's Individual Education Program (IEP) or 504 Plan conflicts with this policy, the requirements of the student's IEP or 504 Plan take precedence.

## Excused Absences

Excused absences are those where the student was on official school business or when the absence was due to one of the following reasons and the student brings a written statement to the principal or designee upon his/her return to school from the parent or legal guardian stating such reason. A written statement presented for an absence having occurred more than five (5) school