

STUDENT RESIDENCY

It is the policy of the Muldrow 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 within the district as defined in 70 O.S. §1-113 (C). Provided that such parent, legal guardian, person, or institution having legal custody contributes in a major degree to the support of such child. Provided, further, that any 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 70 O.S. §1-113.

An adult who does not fall within the categories listed above, who holds legal residence in the district, and who has assumed permanent care and custody of the child may file an affidavit with the school district attesting that custody has been assumed. The affidavit must include the reasons for assuming custody. The residency officer shall consider the facts of each case and shall approve residency only if it is demonstrated that the custody arrangement is permanent and the adult contributes in a major degree to the support of the child.

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 necessarily 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. §1113(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 district policies or practices. No child or youth shall be discriminated against in this school district because of homelessness.

Children are deemed to be 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

STUDENT RESIDENCY (Cont.)

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.
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 migratory child who is staying in accommodations not fit for habitation.
6. A child who has run away from home and lives in a runaway shelter, abandoned building, the street, or other inadequate accommodations.
7. A child who is placed in a state institution because s/he has no other place to live.
8. A child who has been abandoned by his/her family and who is staying in a hospital.
9. 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.
10. 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 children in foster care and homeless children:

1. Enrollment requirements that may constitute a barrier to the education of a child in foster care or the homeless child or youth shall be waived. 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 child in foster care or a homeless child or youth shall be waived.
3. Customary transportation policies and regulations shall be waived.
4. Official school records policies and regulations shall be waived.

STUDENT RESIDENCY (Cont.)

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.)

6. Other barriers to school attendance by a child in foster care or a homeless youth shall be waived.

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 Ronal Flanagan as residency officer. The residency officer may be contacted by calling the school district at 918-427-4706 or by writing to the residency officer at the following address, or by personally visiting the residency officer at 715 West Shawntel Smith Boulevard, Muldrow, OK 74948.

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 that 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 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 the 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.

The Superintendent will designate a Point of Contact (POC) to coordinate activities relating to the District's provision of services to children placed in foster care, including transportation services.

The District will collaborate with Child Welfare Agencies when transportation is required for children placed in foster care to attend the school of origin outside their usual attendance area or the district when in the best interest of the student. Under the supervision of the Superintendent/designee, the District POC will invite appropriate District officials, Child Welfare Agencies, and officials from other districts or agencies to consider how such transportation is to be promptly arranged and funded in a cost effective manner.

DEFINITIONS

"Foster Care" means 24-hour care and supportive services provided to children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the foster parent has placement care and responsibility.

"School of origin" means the school in which a child is enrolled at the time of placement in foster care.

"Best Interest" means a case -by-case determination of the appropriateness of the current educational setting and the proximity of placement as required by ESEA section 1111(g)(1)(E)(i). Factors be utilized in this determination include, but are certainly not limited to, the following:

1. Safety considerations;
2. Proximity of the resource family home to the child's present school;
3. Age and grade level of the child as it relates to the other best interests factors;
4. Needs of the child, including social adjustment and well-being;
5. Child's performance, continuity of education and engagement in the school the child presently attends;
6. Child's special education programming if the child is classified;
7. Point of time in the school year;
8. Child's permanency goal and likelihood of reunification;
9. Anticipated duration of the placement;
10. Preferences of the child;
11. Preferences of the child's parent(s) or education decision maker(s)
12. The child's attachment to the school, including meaningful relationships with staff and peers;
13. Placement of the child's sibling(s);
14. Influence of the school climate on the child, including safety;
15. Availability and quality of the services in the school to meet the child's educational and socio-emotional needs;
16. History of school transfers and how they have impacted the child;
17. How the length of the commute would impact the child, based on the child's developmental stage;

STUDENT RESIDENCY (Cont.)

- 18. Whether the child is a student with a disability under the IDEA who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- 19. Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the EEOA.

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

A POLICY ON THIS TOPIC IS REQUIRED BY LAW.

STUDENT RESIDENCY AFFIDAVITS

PERMISSION TO RELEASE EDUCATIONAL RECORDS

(to be submitted by the actual parent or guardian)

STATE OF OKLAHOMA §
COUNTY OF _____ §

I, _____, the undersigned person, being of lawful age, being first duly sworn, on oath, state that I am the lawful parent or guardian of _____. I further state that my rights as parent or guardian to access educational records have in no way been restricted, modified, terminated, or extinguished by any court order, decree, or custody arrangement.

I hereby grant Muldrow Public Schools permission to release any and all educational records including grades as defined under the Family Educational and Privacy Rights Act to _____ who has assumed the permanent care and custody of _____. In the event that _____ is not a relative of _____, I hereby state that he/she contributes the major degree of support to the child.

I hereby agree to hold Muldrow Public Schools harmless in any, and all manner, which may arise out of the release of any, and all, educational records to _____.

I acknowledge that willful misstatement in this affidavit, known by me to be false, shall be a misdemeanor punishable by imprisonment not to exceed one (1) year or a fine not to exceed five hundred dollars (\$500) or both such fine and imprisonment.

Affiant

Subscribed and sworn to me this _____ day of _____, _____.

Notary Public or officer administering oath

My commission expires:

(Seal)

POWER OF ATTORNEY

1. "I certify that I am the parent or legal custodian of:

(Full name of minor child)

(Date of birth)

(Full name of minor child)

(Date of birth)

(Full name of minor child)

(Date of birth)

2. "I designate _____,
(Full name of Attorney-in-fact)

(Street address, city, state and zip code of Attorney-in-fact)

(Home phone of Attorney-in-fact)

(Work phone of Attorney-in-fact)

as the attorney-in-fact of each minor child named above."

3. _____ "I delegate to the attorney-in-fact all of my power and authority regarding the care, custody and property of each minor child named above, including but not limited to the right to enroll the child in school, inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child." or

4. _____ "I delegate to the attorney-in-fact the following specific powers and responsibilities (write in):

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child."

STUDENT RESIDENCY DISPUTE PROCEDURES

The superintendent of schools shall serve as the district residency officer.

If a dispute arises regarding a student's residency, or residency status as "homeless" under the McKinney-Vento Homeless Assurance Act, the parent or guardian may request a review of the ruling by the superintendent. Any question or dispute as to the residence of a student shall be determined by the superintendent pursuant to the following procedures:

1. If the school district initially denies admittance of a student who claims to be a resident of the district, the parent, guardian, or person having care and custody (hereafter parent) of the student shall be informed that a request may be made for a review of the decision of the local residency officer.
2. If, during the course of the school year, a dispute arises as to the residence of a student who is enrolled and attending school, the student shall be allowed to continue attending Muldrow schools until these dispute procedures have been exhausted.
3. The parent of the student may request a review by notifying the residency officer in writing within three (3) school days from denial of admittance. Upon receipt of a request for review, the residency officer shall allow the parent to provide additional pertinent information in accordance with the district's criteria and the statutory provisions regarding residency. The information must be submitted with the request for review.
4. Within three (3) school days of the receipt of the request for review, the residency officer must render a decision and notify the parent, in writing, of the decision and the reasoning therefor.
5. In the event the parent disagrees with the decision, the parent shall notify the residency officer within three (3) school days of receipt of the residency officer's decision. The residency officer will submit to the board of education his or her findings and all documents reviewed. The board of education will review the decision and the documents submitted on behalf of the district and the student and render a decision at the next board meeting. The board's decision shall be the final administrative decision.
6. 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.

Any question as to the place of residence of any child for school purposes shall be decided pursuant to procedures utilized by the State Department of Education.

LEGAL REFERENCE: 42 U.S.C. 11432