

Nonresident Students

A person may not knowingly or willfully present any false information regarding the residency of a student for the purposes of enabling that student to attend District schools. A person may not knowingly enroll or attempt to enroll a student when the student is known to be a nonresident.

The Superintendent or designee may investigate the residency of any student before and/or after initial enrollment and may require that the legal custodian provide additional information to be considered by the District in verifying residency. Whenever the District receives credible information thereafter questioning the residency of the student, the Superintendent shall authorize an investigation to determine whether the student is in fact a resident of the District.

If a student has begun attending school within the District after residency was initially verified and then the District later learns that the residency is no longer verifiable, the Superintendent shall generally allow the student to continue attending the District school pending the investigation to determine the student's residency. At the conclusion of the residency investigation and after providing the student's parent or legal guardian an opportunity to discuss the matter, the Superintendent or designee shall make a decision as to the student's residency.

Upon a determination that a child is not eligible to attend school in the District as a result of lack of proof of the family's residency, the student's parent or legal guardian will be notified in writing. Parents will receive a Procedural Safeguards Notice—and Notification of a Charge of Non-Residency as well as copies of applicable policies and regulations. The District will request immediate proof of residency. If the District does not receive this information within one week of the request, a determination that a child is not eligible to attend school in the District will be made.

A Notice of Recommendation for Exclusion will be issued to the student's parent or legal guardian by certified mail and by either first class mail, hand delivery or express mail at least 10 days before the next regularly scheduled meeting of the Board of School Directors and a hearing with adequate notice will be offered. A Notice of Opportunity for a Hearing to challenge the non-residency determination shall be provided with the Notice of Recommendation for Exclusion, along with the date by which an appeal must be requested to ensure that the child is not excluded without an appeal hearing.

The student's parent or legal guardian may then contact the Superintendent or designee, within the date parameters specified in writing by the District, to request a hearing to appeal the determination. A hearing date shall be set that allows the parent or guardian to have at least three (3) days' notice of the hearing. If not previously stated in the Notice of Opportunity for a Hearing, then a Hearing Notice shall be issued including the place and time of the hearing and all other legal requirements. The Hearing Notice and the Procedural Safeguards Notice shall be provided to the parent or legal guardian by certified mail and by either first class mail, hand delivery or express mail.

The hearing will be held before the Board of School Directors or a duly appointed hearing officer for the Board at the Administrative Offices building. If the request for a hearing is made in a timely fashion, the student may continue to be enrolled and attend school in the District until there is a hearing and formal Board Action is taken at the next regularly scheduled Board meeting.

Regulation 5116

If the request for a hearing is not made in a timely fashion such that a hearing cannot be scheduled with adequate notice (three (3) days before the Board meeting that occurs ten or more days after the Notice of Opportunity for a Hearing was received), then the child will be excluded from school on the next school day following said Board meeting.

If at any time after a child has been excluded without the parent or guardian having exercised their right to appeal, and the parent or guardian requests an appeal hearing, the District shall offer a hearing. The child shall be reinstated if the appeal decision rendered by the Board finds the child to be a resident.

If, upon the action of the Board of School Directors at a regularly scheduled Board meeting, it is determined that the child is not eligible to attend school in the District, the student will be disenrolled the following school day. The parent or legal guardian will be charged tuition for the days that the child attended as a non-resident student retroactive to the child's enrollment date for the school year.