

**MSBA Core Manual
Basic Policy Management Services**

Policy JECA-2: ELIGIBILITY TO ENROLL**Status:** ADOPTED**Original Adopted Date:** 01/31/2022 | **Last Revised Date:** 01/01/2023 | **Last Reviewed Date:**
01/01/2023

April 12, 2023

(District Allows Nonresident Students to Enroll and Attend Only When Required by Law)

The DistrictCommonName (District) encourages all eligible students to enroll in the District. The superintendent or designee will develop an admission process that meets legal requirements and is efficient and welcoming to parents/guardians and students.

Enrollment

In general, in order to enroll a student in the District, the parent, legal guardian, military guardian, person acting as a parent or the student must provide proof of legal residency in the District or request a waiver of proof of residency (as outlined in this policy) and must complete all admission requirements as determined by board policies, regulations and procedures. Students whose parents/guardians are being relocated to Missouri under military orders and who are registering remotely are required to provide proof of residency within ten days of the student's actual attendance in the District.

The District does not allow nonresident students to enroll in and attend the District upon payment of tuition except as detailed in this policy.

Resident and Nonresident Students

A student is a "resident" student if the student meets at least one of the following criteria:

1. The student physically resides and is domiciled in the District. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian. A "power of attorney" document alone, with the exception of a special power of attorney document relevant to the guardianship of a child in the household of an active duty member of the military, is insufficient to satisfy the "court-appointed legal guardian" requirement.

2. The student does not live with a parent, military guardian or court-appointed guardian but does physically reside in the District for reasons other than obtaining access to the District's schools and has a waiver of proof of residency on file.
3. The student will soon physically reside in the District due to relocation to Missouri of one or both of the student's parents/guardians under military orders.

Students who do not meet the requirements to be a resident student of the District, as defined in board policies and law, will be considered nonresidents.

Waiver of Proof of Residency

In cases where a student living in the District wishes to enroll, but the student does not live with a parent, military guardian or court-appointed guardian in the District and is not otherwise allowed by law or a contractual relationship with another school district to attend, the student, parent, military guardian, legal guardian or person acting as a parent must request a waiver of proof of residency. Waivers of proof of residency will be granted only on the basis of hardship or good cause. Good cause shall include situations where the student is living in the District for reasons other than attending school in the District. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver.

The board delegates to the superintendent or designee the responsibility for bringing to the board's attention any waiver application in which the student is not clearly entitled to attend school in the District. All other applications will be accepted and granted by the superintendent or designee on behalf of the board. Once a waiver application has been identified for board review, the board shall convene a hearing to consider the request as soon as possible, but no later than 45 days after the receipt of the waiver request, or else the waiver shall be granted. The board president may appoint a committee of the board to act in lieu of the board to consider waiver requests.

If a waiver request has been forwarded to the board for review, the superintendent or designee may permit a student to temporarily enroll and attend school until the board meets to decide whether the waiver request will be granted, if it is determined to be in the best interest of the student. If the board grants the waiver request, the student will be allowed to continue attending school in the District. If the board denies the waiver request, the student shall not be allowed to continue attending school in the District.

In instances where there is reason to suspect that admission of the student will create an immediate danger to the safety of other students and employees, the superintendent or designee may convene a hearing within five working days of the enrollment request to determine whether the student may enroll.

Students Otherwise Entitled by Law to Enroll

In accordance with law, students will be enrolled and admitted without going through the waiver process

when they attend under one of the following conditions, and tuition for these students, when applicable, will be charged in accordance with policy DFI. These conditions include students who:

1. Are considered homeless in accordance with state and federal law (42 U.S.C. § 11431 - 11435; § 167.020, RSMo.).
2. Are attending as participants in an interdistrict transfer program established under a court-ordered desegregation program (§ 167.020, RSMo.).
3. Are wards of the state and have been placed in a residential care facility within the District by state officials (§ 167.020, RSMo.).
4. Have been placed in a residential care facility within the District due to a mental illness or developmental disability (§ 167.020, RSMo.).
5. Have been placed in a residential care facility within the District by a juvenile court (§ 167.020, RSMo.).
6. Are assigned to the District by the commissioner of education due to an unusual or unreasonable transportation hardship (§ 167.121, RSMo.). The school district the student lives in will pay the tuition.
7. Have been identified as students with disabilities under state eligibility criteria and are in the District for reasons other than accessing the District's educational program (§ 167.020, RSMo.).
8. Have a permanent or temporary home in the District and are orphans, have only one parent living or their parents do not contribute to their support, as long as the students are between the ages of 6 and 20 years old and are unable to pay tuition (§ 167.151, RSMo.).
9. Are children whose parent:
 - Currently owns residential or agricultural real property in the District or is a named beneficiary of a trust that owns such property;
 - Provides proof of ownership, or proof of the trust's ownership, of the property for at least the previous four consecutive years;
 - Provides proof that the parent or the trust has annually paid a minimum of \$2,000 in school taxes to the school district levied on the property;
 - Resides in the same county as the District; and
 - Provides 30 days' written notice to the District of their intent to enroll the child.

The parent may send up to four of their children to the District under this provision. For the purposes of this exception, “residential real property” does not include multi-family residential property that exceeds four units.

10. Have been placed by the Missouri Department of Mental Health, the Missouri Department of Social Services or by court order in facilities or programs located within the District, even if their domicile is in another school district (§ 167.126, RSMo.). Tuition will be collected in accordance with policy DFI.
11. Are residing in a Missouri school district that has been declared unaccredited by the Missouri State Board of Education (State Board) and that is located in the same county as the District or an adjoining county (§167.895, RSMo.). The unaccredited school district will pay tuition as required by law. The District is not responsible for providing transportation.
12. Are living in a school district that does not provide education for all grade levels (such as K–6 or K–8 school districts) that is located in the same county as the District or an adjoining county. The school district the student lives in will pay tuition as calculated by the District or the State Board in accordance with law. The District is not responsible for providing transportation. Before the District will enroll the student, the student must first enroll in the school district the student lives in and verify residency in that school district.
13. Are placed in the care of another person living in the District because one or both of their parents/guardians have been stationed or deployed out of state or deployed within Missouri by the military or because of active duty military service. These students will be allowed to attend without the payment of tuition (§§ 160.2000, 167.020, RSMo.). In addition, if the active duty orders expire during the school year, the students may finish the school year in the District in accordance with law.
14. Were enrolled in the District but, due to the active duty military service of a parent/guardian, are placed in the care of a person who resides in another school district. These students will be allowed to continue to attend school in the District without payment of tuition (§ 160.2000, RSMo.).
15. Attend a private school within the District and are enrolled in the District for the limited purpose of special education identification and the receipt of some special education services when available as mandated by federal special education law (§ 167.020, RSMo.).
16. Previously attended the District and have been placed in foster care in an adjacent school district (§ 167.019, RSMo.).
17. Are otherwise required by law to be enrolled and admitted.

Enrollment at the Option of the District

The board, in its discretion, may also allow students to enroll and attend under the following circumstances

without going through the waiver process. Unless required by law, no student will be enrolled if the enrollment might result in overcrowding, disruption to the educational environment or a financial hardship to the District.

1. The District may enroll and educate nonresident students on a contractual basis with another school district that will pay the tuition or educational expenses (§ 167.020, RSMo.). For example, students may attend a District alternative education program on a contractual basis or as part of a regional or cooperative education program.
2. The children of nonresident teachers and regular employees may enroll without paying tuition when the resident school district is not otherwise liable for tuition (§§ 163.011, 168.151, RSMo.). In accordance with law, these students will be considered resident students for the purpose of determining average daily attendance, and the board shall not solicit or receive money from a teacher employed by the District for the purpose of paying tuition or any other expenses for the operation of schools.
3. The District may enroll students pursuant to a contractual arrangement that complies with the Enrollment Option Act when permitted by law (§§ 162.1040 - .1059, RSMo.). A nonresident student enrolled pursuant to an enrollment option program shall be counted as a resident student for the purposes of determining state aid.
4. In accordance with law, the District may enroll nonresident students in its summer school program if there is room in the program to accommodate the students and the students are not attending summer school in another school district (§ 167.227, RSMo.). The District will either count the students as residents for state aid purposes or allow them to attend upon payment of tuition by another school district or the parents/guardians.

The District will not enroll nonresident students in summer programs funded entirely by federal funds unless there is an interdistrict agreement to provide those services.

5. Foreign exchange students living within the boundaries of the District who have obtained a J-1 visa and who are sponsored by an organization listed on the Council on Standards for International Educational Travel (CSIET) Advisory List will be allowed to enroll in the District. Such enrollment will be conditioned upon approval of the superintendent and in accordance with procedures set forth by the superintendent or designee. The board of education reserves the right to limit the number of foreign exchange students enrolled in a given year. Attendance by foreign exchange students is a privilege, not a right.
6. Children residing in institutions located within the district that provide a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted pursuant to a contractual arrangement, provided that the District, its taxpayers, the state of Missouri or its political subdivisions bear no financial burden as a result of the placement (§ 167.126, RSMo.).

Tuition

This District does not allow nonresident students to enroll and attend the District upon payment of tuition unless otherwise required by law. However, when the law requires enrollment of nonresident students on a tuition basis, the District will determine the amount of tuition in accordance with law and policy DFI.

Removal of Students Ineligible to Attend

The superintendent or designee will investigate any information the District receives indicating that a student is not a resident of the District or not otherwise entitled to attend the District in accordance with law or this policy. If the superintendent or designee determines after the investigation that the student is not a resident of the District and is not otherwise entitled to enroll in and attend the District in accordance with law and the District's policy, the District will notify the student's parents/guardians, ask them to withdraw the student by a specific date, and offer the parents/guardians a hearing. If the parents/guardians do not request a hearing by the specified deadline and do not withdraw the student, the District will formally remove the student from its rolls and notify the parents/guardians that the student may no longer attend school in the District.

Unless otherwise prohibited by law, the District may exclude students from the district's education programs for failure to pay tuition after the responsible party is notified of the delinquency and given a reasonable amount of time to pay the District.

Educational Larceny

It is a crime to provide the District false information regarding residency. The board authorizes the superintendent or designee to make a criminal complaint and pursue civil recourse against any person who fraudulently claims or attempts to fraudulently claim residency in the District.

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Dent-Phelps R-III School District, Salem, Missouri

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Description

§§ 162.1040-.1059, RSMo.	State Statute
§160.2000, RSMo.	State Statute
§163.011, RSMo.	State Statute
§167.019, RSMo	State Statute
§167.020, RSMo	State Statute
§167.022, RSMo	State Statute
§167.121, RSMo	State Statute
§167.126, RSMo	State Statute
§167.131, RSMo	State Statute
§167.151, RSMo	State Statute
§167.227, RSMo	State Statute
§167.895, RSMo	State Statute
§167.898, RSMo	State Statute
§168.151, RSMo	State Statute
§431.058, RSMo.	State Statute
§475.060, RSMo.	State Statute
MO COURT	Blue Springs R-IV Sch. Dist. v. Sch. Dist. of Kansas City, 415 S.W.3d 110 (Mo. banc 2013)
MO COURT	Breitenfeld v. Sch. Dist. of Clayton, 399 S.W.3d 816 (Mo. 2013)
Federal	Description
42 U.S.C. §§ 11431-11435	McKinney - Vento Homeless Children's Assistance Act
8 U.S.C. § 1101	Federal Statute
FEDERAL COURT	Martinez v. Bynum, 461 U.S. 321 (1983)
FEDERAL COURT	Washington v. Ladue Sch. Dist. Bd. of Educ., 564 F. Supp. 2d 1059 (E.D. Mo. 2008)
FEDERAL COURT	Horton v. Marshall Public Sch., 769 F.2d 1323 (8th Cir. 1985)

Cross References

Code	Description
DFI-1	<u>SETTING TUITION FOR DISTRICT PROGRAMS</u>
DFI-2	<u>SETTING TUITION FOR DISTRICT PROGRAMS</u>
IGBCA	<u>PROGRAMS FOR HOMELESS STUDENTS</u>
IGBCB	<u>PROGRAMS FOR MIGRATORY STUDENTS</u>
IGBE-AP(1)	<u>STUDENTS IN FOSTER CARE - (Dispute Resolution Process)</u>
IGBE-1	<u>STUDENTS IN FOSTER CARE</u>
IGBE-2	<u>STUDENTS IN FOSTER CARE</u>
IHB	<u>CLASS SIZE</u>