

ADMISSION OF RESIDENT STUDENTS

In order to register a student, the parent, legal guardian, military guardian, person acting as a parent or the student shall provide proof of residency or request a waiver of proof of residency as outlined below and shall complete all admission requirements as determined by Board policies, regulations and procedures. Students who do not meet the residency requirements and are not eligible for a waiver of proof of residency may only apply for admission in accordance with Board policy JECB.

A student is a "resident" student if he or she meets at least one (1) 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, except 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 physically resides in the district for reasons other than obtaining access to the district's schools, regardless of with whom the student is living, and has a waiver of proof of residency on file.
3. The student is otherwise legally entitled to attend school in the district including, but not limited to: a student who is a homeless child; a student attending a school not in the student's district of residence as a participant in an interdistrict transfer program established under a court-ordered desegregation program; a student who is a ward of the state and has been placed in a residential care facility by state officials; a student who has been placed in a residential care facility due to a mental illness or developmental disability; a student attending a school pursuant to " 167.121 and 167.151, RSMo.; a student placed in a residential facility by a juvenile court; a student with a disability identified under state eligibility criteria if the student is in the district for reasons other than accessing the district's educational program; a student attending a regional or cooperative alternative education program; or a student attending an alternative education program on a contractual basis.
4. The student is a transitioning military student who was enrolled in the Richards R-V School District, but is placed in the care of someone other than the student's parent or military or legal guardian who resides in another school district. Such student will be allowed to continue to attend school in the Richards R-V School District without payment of tuition. A transitioning military student is a student who is in the process of transferring from one (1) state or school district to another state or school district and was or is currently in the household of an active duty member of the military, including some veterans who are deceased or injured as defined by law.

Waiver of Proof of Residency

In cases where a student living in the district wishes to register but the student does not live with a parent, military guardian or court-appointed guardian in the district, the student, parent, military guardian, legal guardian or person acting as a parent must request a waiver of proof of residency. Waiver of proof of residency may only be granted 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 of bringing to the Board's attention any application for a waiver in which the student is not clearly entitled to attend school in the district. All other applications will be accepted and granted on behalf of the Board. Once an application for a waiver 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.

Once a waiver of proof of residency has been requested, the student may be permitted to register and attend school until such time as the Board decides to grant or deny the waiver request. 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 of the district, the superintendent or designee may convene a hearing within five (5) working days of the registration request to determine whether the student may register.

A transitioning military student who is placed in the care of someone other than the student's parent or military or legal guardian who resides within the district will be granted a waiver without a hearing and allowed to attend school in the district without the payment of tuition.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Revised:

Cross Refs: IGBCA, Programs for Homeless Students

Legal Refs: " 160.2000, 167.020, .121, .126, .151, 452.375, 475.060, RSMo.
Martinez v. Bynum, 461 U.S. 321 (1983)
Horton v. Marshall Public Sch., 769 F.2d 1323 (8th Cir. 1985)

Richards R-V School District, West Plains, Missouri