

## I. PURPOSE AND PHILOSOPHY

It is the desire of Weber School District (WSD) to ensure all students living within its boundaries receive educational services. WSD is committed to providing quality educational services to its students and will not deny any students living in its boundaries an opportunity to enroll in school. It is also the desire of WSD to provide quality educational services to students who live outside the District's boundaries under certain circumstances. This Policy sets forth the requirements and procedures for establishing residency in WSD and for enrollment in WSD schools.

## II. POLICY

This Policy sets forth the requirements and procedures for establishing residency in WSD and for enrollment in WSD schools. WSD is responsible for providing educational services for each student who resides in WSD boundaries, and to the extent reasonably feasible and in accordance with the requirements of this Policy and statutory student residency requirements, for any student who resides in another district in the state and desires to attend a school in the district.

## III. DEFINITIONS

- A. **Alternative District of Residency:** a district which may provide educational services where a student resides with a responsible adult other than a custodial parent or legal guardian or in a healthcare facility or human services program facility. See Section 5.
- B. **Boundary School:** the school within the boundaries of the student's residence.
- C. **Boundary Exception:** an allowance for a resident student to attend a school other than the student's boundary school, or for a non-resident student to attend a school in WSD boundaries. This is also referred to as "open enrollment" for non-resident students.
- D. **Boundary Exception Committee:** the WSD committee designated by the WSD Board of Education to hear appeals from denials for boundary exceptions issued by local building administrators and to review requests for enrollment from students whose legal guardians live out of state. The Committee is composed of the Elementary and Secondary Supervisors, Student Services Coordinators, and a representative from the Special Education Department.
- E. **Child of a Military Family:** a school-aged child, enrolled in K-12, living in the household of an active duty member, including members of the National Guard and Reserve. This term also applies to children of members or veterans of the uniformed services who are severely injured or medically discharged or retired for a period of one year after medical discharge or retirement and members of the uniformed services who

die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

- F. **Educational Services Plan:** a plan required by a **human services program** in order to obtain licensing from the Utah Department of Health and Human Services in accordance with 62A-2-108.1. An **educational services plan** should include:
- i. The following information provided by the **human services program**:
    1. the number of children served by the **human services program** estimated to be enrolled in the local school district;
    2. the ages and grade levels of children served by the **human services program** estimated to be enrolled in the local school district;
    3. the subjects or hours of the school day for which children served by the **human services program** are estimated to enroll in the local school district;
    4. the direct contact information for the purposes of taking custody of a child served by the **human services program** during the school day in case of illness, disciplinary removal by a school, or emergency evacuation of a school; and
    5. the method or arrangements for the transportation of children served by the **human services program** to and from the school; and
  - ii. The following information will be provided by WSD:
    1. enrollment procedures and forms;
    2. documentation required prior to enrollment from each of the child's previous schools of enrollment;
    3. if applicable, a schedule of the costs for tuition and school fees; and
    4. schools and services for which a child, served by the **human services program**, may be eligible.
- G. **Emancipated:** full and complete independence from parents or legal guardians. A person under 18 may only become emancipated through marriage, a military order, or a court order.
- H. **Health Care Facility:** general acute hospitals, specialty hospitals, home health agencies, hospices, nursing care facilities, residential-assisted living facilities, birthing

centers, ambulatory surgical facilities, small health care facilities, abortion clinics, facilities owned or operated by health maintenance organizations, end-stage renal disease facilities, and any other health care facility which the committee designates by rule.

- I. **Human Services Program:** foster home, therapeutic school, youth program, resource family home, recovery residence, or any other facility or program that provides services that are required to be licensed with the Department of Health and Human Services.
- J. **Out-of-State Enrollment Committee:** the WSD committee designated by WSD Board of Education to review applications for enrollment from students whose parents or legal guardian lives out of state.
- K. **Responsible Adult:** An adult over 21 and is determined by WSD to be willing and able to provide reasonably adequate food, clothing, shelter, and supervision for a minor child.
- L. **Responsible Adult Relative:** A responsible adult who is a grandparent, sibling over 21, aunt, or uncle.
- M. **Responsible Adult Non-Relative:** A responsible adult who is not a grandparent, sibling, aunt, or uncle.
- N. **Resident Student:** a student who is considered a resident of WSD under any of the types of residency described in Section 4 of this Policy.
- O. **Supervision of a State Agency:** where a minor child is receiving services from a state agency, local mental health authority, or substance abuse authority with active involvement or oversight; and engaged in a human services program that is properly licensed or certified and has provided the school district receiving the minor child with an education plan that complies with the requirements of Utah Code 62A-2-108.1

#### IV. ENTRANCE AGE FOR ENROLLMENT

- A. A child is eligible to be enrolled in school when the child is at least five (5) years of age before September 2 of the year in which admission is sought.
- B. Proof of age upon enrollment is required in the form of a birth certificate or other reliable proof of the student's age and identification, as described in Policy 4145. This requirement does not apply to homeless or unaccompanied minors.
- C. An exception is given to a military child who was not five years old before September 2 and was enrolled in the year admission is sought and attended a public school in kindergarten or a higher grade as a resident in another state.

## V. PROOF OF RESIDENCY

- A. The District will provide educational services for all school age children who are residents of the District in accordance with this Policy.
- B. Proof of residency is required upon enrollment, except for homeless or unaccompanied youth who qualify as homeless. Proof of residency includes any two forms of any of the following in any combination (e.g., one document from Section 1 and one document from Section 2; or two documents from Section 2; or one document from Section 1 and one document from Section 3, etc.):
  1. Documents showing primary residence:
    - a. copy of deed and/or record of most recent mortgage payment or a building agreement showing the construction of a home within the District and date of anticipated completion;
    - b. copy of lease and record of most recent rent payment;
    - c. legal affidavit from landlord affirming tenancy, stating the duration of tenancy, and record of most recent rent payment, if available, or statement in the landlord's affidavit that s/he is not charging the family rent (See [Renter Disclosure Form](#));
    - d. other documentation acceptable to the district that confirms legal guardian's primary residence; or
    - e. if none of the above is available, a legal affidavit from the leader of a recognized, established religious unit (ward, stake, parish, mosque, synagogue, or other established religious unit) affirming that the family lives at the address designated by the parent.
  2. Documents dated within the past 60 days:
    - a. letter from approved government agency, such as assisted housing, food stamps, or unemployment payments;
    - b. payroll stub;
    - c. bank or credit card statement;
    - d. utility bill;
    - e. valid driver's license;
    - f. current vehicle registration;
    - g. valid Utah photo identification card;
    - h. valid passport;
    - i. voter registration documentation; or
    - j. church or religious records.
  3. Documents dated within the past year:
    - a. W-2 form;
    - b. excise (vehicle) tax bill; or

c. property tax bill.

C. The following documents do not establish residency:

1. powers of attorney;
2. letters from friends or relatives;
3. P.O. Box in district boundaries; or
4. property owned in district boundaries.

D. The school does not need to retain documentation provided by a student's parent(s) or legal guardian(s) once residency has been confirmed.

E. False or misleading information regarding residency or other pertinent information will result in revocation of the student's enrollment.

F. The District may provide educational services to school age children who are not residents of the District in accordance with the following section.

#### VI. TYPES OF STUDENT RESIDENCY

A. Student who resides with parent or legal guardian.

- i. If a student lives with the student's parent or legal guardian in WSD boundaries, that student is considered a resident of WSD and will be enrolled in the **student's boundary school**.
- ii. If a student living in WSD boundaries desires to attend a school other than the student's **boundary school**, the student must request a "**boundary exception**" in accordance with the procedures outlined in Section 6 of this Policy.
- iii. If a student lives with the student's parents or legal guardian outside of WSD boundaries, that student is not considered a resident of WSD but may be enrolled in a WSD school on a "**boundary exception**" in accordance with the procedures outlined in Section 6 of this Policy.

B. Student who lives within the WSD boundary and parents/legal guardians live in the state of Utah, but outside the district's boundary.

- i. A student who resides in WSD boundaries, and whose parents/legal guardians live outside WSD boundaries but in Utah is considered a resident of WSD if the student:
  1. is in the custody of the Division of Child and Family Services (DCFS), Juvenile Justice System (JJS), or Youth in Custody (YIC) or under the **supervision of a state agency**;

2. is under the **supervision** of a private or public agency authorized to provide placement services by the state;
3. is married or **emancipated** or 18 or older.
  - a. A student, 18 or older, living in WSD without their parents/legal guardian must identify a **responsible adult** who will be the contact person for the school administrator and who is authorized to check a student out of school.
  - b. A student who is married, **emancipated**, or 18 or older living in WSD without the student's parents/legal guardians and not considered a dependent on parents for income tax purposes may direct the school to not allow the student's parents access to the student or the student's records.
4. resides in a **healthcare facility, human services program**, or with a **responsible adult**, and the parent/legal guardian has requested that WSD be the student's "**alternative district of residency**" in accordance with the procedures outlined in Section 5 of this Policy.
5. If a student is living in **human services program** licensed by the State Department of Health and Human Services under 62A, Part 2, the Director of Student Services must review and approve an **educational services plan** provided by the **human services program** to determine that the student served in the **human services program** will receive appropriate educational services satisfying the requirements of applicable law.
  - ii. A student enrolled in WSD under this section will be enrolled in the **boundary school** serving the student's residence unless enrollment in another school is necessary as determined by DCFS to comply with the provisions of 42 U.S.C. Section 675.
  - iii. Students who live in WSD with a **responsible adult**, but whose parents live outside WSD boundaries may apply for a **boundary exception** in accordance with the procedures outlined in Section 6 below and may be enrolled in a WSD school, but these students are not considered **resident students** and may be excluded from a WSD school for the reasons set forth in Section 6 of this Policy.
    1. Building administrators enrolling a student under this provision are encouraged to consult with Student Service Coordinators before accepting the **boundary exception** application from someone living with someone who is not the parent or legal guardian.

2. Any student enrolled in a WSD school, under this paragraph, must have the responsible adult with whom the student lives produce a legitimate durable power of attorney that delegates power regarding care, custody, or property to that adult.
- C. Student who lives in WSD with parents/legal guardians that live outside of the state, but within the U.S.
- i. A student who lives in WSD boundaries, but whose parents/legal guardian lives outside of Utah, but in the United States is considered a resident of WSD if the student:
    1. is married or **emancipated** or 18 or older.
      - a. A student 18 or older living in WSD without their parents/legal guardian must identify a **responsible adult** who will be the contact person for the school administrator and who is authorized to check a student out of school.
      - b. A student who is married, **emancipated**, or 18 or older living in WSD without their parents/legal guardians and not considered a dependent on parents for income tax purposes may direct the school to not allow the student's parents access to the student or the student's records.
    2. is living with a **responsible adult relative** who is a resident of WSD, and the **Out of State Enrollment Committee** has determined in its sole discretion that all of the following conditions have been met:
      - a. the child's presence in the district is not for the primary purpose of attending school; and
      - b. the child's physical, mental, moral, or emotional health is best served by considering the child to be a resident for school purposes; and
      - c. the child is prepared to abide by the rules and policies of the district; and
      - d. the adult relative has produced a legitimate durable power of attorney that delegates power regarding care, custody, or property to that adult relative; and
      - e. the following requested information has been provided to the **Boundary Exception Committee**
        - i. the student's transcript

- ii. parent release allowing access to all school records
  - iii. a statement signed by both the legal guardian and the child listing any suspensions, expulsions, or major disciplinary proceedings past or currently pending against the student;
  - iv. any other information or documentation deemed appropriate by the **Boundary Exception Committee**
- f. Space at the **boundary school** is available under state rules.
3. is living with a **responsible adult non-relative** and the **Out of State Enrollment Committee** has determined in its sole discretion that all the following conditions are met:
- a. The student is in grades 9 – 12;
  - b. the student's parents/legal guardians lived in WSD boundaries but moved out of State within 12 months prior to the student seeking enrollment with the **responsible adult non-relative**;
  - c. parents/legal guardians execute a power of attorney that delegates power regarding care, custody, or property to that **responsible adult**;
  - d. the student's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes; and
  - e. the student is prepared to abide by the policies of the school and district in which attendance is sought, and the student's attendance in the school will not be detrimental to the school or WSD.
4. is living with a **responsible adult**, (relative or non-relative), has paid in-state tuition, and at the sole discretion of the Director of Student Services or the Director's designee, the conditions outlined in paragraph (2) of this section are met.
- a. For certain extenuating circumstances, and in accordance with Utah Code 53G-6-306(2), tuition may be waived by WSD Board of Education in an open meeting.
  - b. A student's payments of in-state tuition may be deferred pending a request for a waiver to the WSD Board of Education.



- ii. A student enrolled under Section (IV)(C)(i)(2) through (4) of this policy, may have their residency revoked if the student demonstrates an unwillingness to abide by the policy at any time during the student's enrollment.
- iii. A student enrolled under Section (IV)(C)(i)(2) through (4) of this policy, is not a "**boundary exception student**" and the **boundary exception** procedures do not apply. All requests for enrollment of students whose parents/legal guardians live out of state must go directly to Student Services for review.

~~D. Students who live within WSD boundaries, and parents live outside the U.S.~~

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- ~~i. A student who lives in WSD boundaries, but whose parents live outside the U. S. or its territories may be enrolled in WSD schools if:~~

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- ~~1. The student is part of a state approved foreign exchange program; or~~

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- ~~2. The student has paid in state tuition and the student has received approval to attend school from WSD Foreign Student Coordinator.~~

E. Students who live within WSD boundaries as homeless students.

- i. A student who is homeless under the definitions of Utah Administrative Rules R277-616, and the McKinney-Vento Education Assistance Improvements Act 42 U.S.C. 11435, will be considered a resident of WSD and shall be enrolled immediately. All protections under the McKinney-Vento Act and WSD Policy 4750 apply to these students.
- ii. A student living in WSD boundaries, **not** in the physical custody of parents or legal guardians, may be considered residents of WSD as homeless students if the definitions of homelessness apply, including that the student lacks a fixed, regular, and/or adequate nighttime residence.
- iii. Where possible, adults caring for homeless students are strongly encouraged to obtain a power of attorney from the student's parent/legal guardian.

F. Students who live in WSD boundaries as a child of military family

- i. WSD will not charge tuition to a transitioning child of a military family placed in the care of a non-custodial parent or other person standing in loco parentis who lives in WSD boundaries.
- ii. A power of attorney granted to a non-custodial parent or other responsible adult is sufficient for the purposes of enrollment and all other actions requiring parental participation and consent where the child of a military family is not living with the child's parents or legal guardians.

- iii. A transitioning **child of a military family** placed in the care of a noncustodial parent or other **responsible adult** who lives outside WSD boundaries may continue to attend school in WSD boundaries if the child was enrolled in a WSD school while residing with the child's custodial parent or legal guardian.

## VII. ALTERNATIVE DISTRICT OF RESIDENCY

- A. A student whose parents live out of WSD boundaries, but in Utah may be considered a resident of WSD, subject to the provisions outlined in this section if the student resides at a **healthcare facility, human services program**, or with a **responsible adult**, and the parent/legal guardian has requested a determination that the student's district of residence is WSD by completing the Alternative District of Residency Form, linked [here](#) and submit it to the Director of Student Services.
- B. The Director of Student Services shall review the request identified above and the Director and/or the Director's designees shall determine if parents have established to the satisfaction of the Director/designees that:
  - i. the student's mental, physical, emotional, and moral health is best served by allowing the student to enroll in a school in WSD; and
  - ii. exigent circumstances exist which prevent the student from being enrolled through the boundary exception procedures; and
  - iii. considering the student to be a resident of WSD does not violate any other law or rule of the State Board of Education.
- C. If a student seeks enrollment under Section 5 of this Policy, the Director of Student Services will issue a written decision within ten business days, setting forth the reasons for approving or denying the request.
- D. If the request is denied, the student may appeal to the State Superintendent within ten business days of the denial.
- E. If the request is granted, the responsible adult with whom the student lives must be granted a durable power of attorney by the legal guardian, and WSD shall assume responsibility for providing educational services for the student immediately.
- F. The student's parent's/legal guardian's district of residence is responsible for the student's education services pending a decision by the Director of Student Services.
- G. If a request for an **alternative district of residency** is approved for a student qualifying for services under IDEA, WSD shall conduct an IEP meeting with

representation from WSD and the former district of residence in order to determine placement and educational services.

H. Rules for students at **human services program** facilities:

- i. A student approved for an **alternative district of residency** while attending a private human services program facility is entitled to the educational services of WSD.
- ii. WSD, as the alternative district of residency, is not required to, but may, provide educational services on-site at a private human services program facility.
- iii. WSD, as the alternative district of residency, is not responsible for a student's required transportation between a healthcare facility or human services program facility and WSD's facility.
- iv. The Director of Student Services may periodically reevaluate the non-resident student's eligibility for education services by WSD, as described in Section 5)b) of this Policy.

### VIII. BOUNDARY EXCEPTIONS/OPEN ENROLLMENT

A. Procedures

- i. A student seeking enrollment under a boundary exception will complete the Standard Open Enrollment Application, linked herein, and submit it to the building principal of the school the student is seeking to enroll.
- ii. A one-time non-refundable application fee of \$5.00 may be charged with the application.
- iii. A building principal will determine whether open enrollment is accepted, **denied, or referred for further consideration, ~~or denied within one week of the application~~ according to the criteria outlined in VIII.B. of this Policy.**
- iv. Applications for **boundary exceptions** will be accepted during the early enrollment period which begins December 1st and ends on the third Friday of February, of the following school year. Applications for **boundary exceptions** will be accepted outside the early enrollment period but will be considered late enrollment and acceptance for late enrollment applications will be based on late enrollment school capacity.

- v. A student whose application is denied may appeal to the Boundary Exceptions Committee for review. The Boundary Exceptions Committee will review the following:
  - 1. If the basis of denial is enrollment number, whether those enrollment numbers are accurate.
  - 2. That the basis for denial is not prohibited under Section (VI)(B)(i) of this policy.
  - 3. Any extenuating circumstances that, in the **Boundary Exception Committee's** discretion, would be in the student's best interest to be enrolled at the school.

B. Criteria

- i. The building principal may reject an application for a **boundary exception** for any of the following reasons:
  - 1. Unavailable space in a building, grade, class, or program; or
  - 2. Unavailability of a program the student requires, including special education programs;
  - 3. The student's unwillingness to comply with district policies; or
  - 4. Serious infractions of law or school rules, or chronic misbehavior at a student's previous school which would, if it were to continue, endanger persons or property, cause serious disruption in the school, or place unreasonable burdens on school staff; or
  - 5. Giving priority to requests from **resident students** over requests from nonresident students; or
  - 6. Negative effect on capacity, programs, class size, grade levels or school buildings, or the resident or requested schools, such as but not limited to:
    - a. Inability to maintain reduced class size in a Title I school or in a school that uses school trust money to reduce class size;
    - b. Inability to maintain a heterogeneous student population if necessary to avoid a violation of constitutional or statutory rights of students.
- ii. The building principal may **not** reject an application for a **boundary exception** for any of the following reasons:

1. Previous academic achievement; or
2. Athletic or other extracurricular ability; or
3. The fact that the student requires special education services for which space is available;
4. Proficiency in the English language; or
5. Lack of attendance at a previous school; or
6. Except for the conduct described in Section (VI)(B)(4) above, previous disciplinary proceedings. However, WSD may provide for provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of the student would be permitted or continued.

#### C. Rules

- i. A student accepted to a school on a boundary exception is responsible for the student's own transportation to and from school unless:
  1. Space is available on established routes;
  2. No additional cost will be incurred by WSD; and
  3. WSD is satisfied that no additional safety hazard will be incurred.
- ii. Siblings of students already admitted through a **boundary exception** have priority over other applicants, however, there is no guarantee a sibling will be enrolled.
- iii. A student enrolled under this section, who is not excluded from the school for reasons outlined under Section (VI)(C)(iii) may continue enrollment in the school from year to year.
- iv. A student is required to apply for a boundary exception when moving from elementary school to junior high school, and from junior high school to high school with the exception of students enrolled in a Dual Language Immersion (DLI) program in elementary school.
- v. Students who are enrolled in a DLI program elementary school may continue to be enrolled in the feeder junior high school and high school, without applying for a boundary exception. Students who begin in the DLI program in elementary school but discontinue the program in elementary, junior high school or high school will be unenrolled from the school at the end of the school year, unless the student applies

for and is accepted to the school on a boundary exception. In the event that the District terminates a DLI program at an elementary school, junior high school, or high school, students who were enrolled in the DLI program will be allowed to be enrolled at the school until the end of 6th grade or 9th grade (depending if the student is in elementary or junior high school).

#### D. Revocation of a Boundary Exception

i. Students admitted on a **boundary exception** ~~are not considered residents of WSD and~~ may be excluded from ~~the boundary~~ WSD's school for any of the following reasons:

1. The student engaged in behavior that results in a suspension or expulsion from school. ~~A student on a boundary exception who is suspended or expelled is entitled to the same due process as a resident student of WSD.~~

2. A student demonstrates chronic absenteeism AND the administrator has documented attempts to support the student's attendance.

3. Space is no longer available. If a student is excluded for the school year because enrollment within the school and grade level of the program will exceed 90% capacity, the school principal will notify the student by March 15.

ii. Administrators are encouraged to consider the student's best academic interest when making a determination regarding when to exclude from a boundary school under this section.

iii. A student whose boundary exception was revoked may appeal to the Boundary Exception Committee within five (5) school days of notification that the boundary exception has been revoked.

1. The Boundary Exception Committee will ensure the determination is based only on the reasons outlined in VII.D.i.

2. A student will stay in the school pending the appeal.

~~iv. A student enrolled under this section, who is not excluded from the school for reasons outlined under Section (VI)(C)(iii) may continue enrollment in the school from year to year. ¶¶~~

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~~v. WSD may designate the school a student shall attend as the student moves from elementary to junior high to high school. Attendance at a specific elementary school or junior high does not guarantee attendance at a specific junior high or high school. A student is required to apply for a boundary exception when moving from elementary school to junior high school, and from junior high school to high school.~~

E. Children of Employees

- i. Employees who work for WSD 20 hours per week or more may enroll their children at the school where they work **or a school in the cone the employee works**. These students are considered to be **boundary exceptions** and are subject to rules, requirements, and limitations of other **boundary exception** students.
- ii. Enrollment in an all-day kindergarten program would not be an option unless the parent/guardian lives within the school boundaries.
- iii. These students must follow all school rules and their presence must not interfere with the normal operation of the school.

F. Participation in extracurricular competitive activities based on residency is addressed in Policy 4500.

~~VII. EXTRACURRICULAR COMPETITIVE ACTIVITIES~~

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~~A. Secondary students who are considered residents and enrolled under Sections (IV)(B) through (IV)(D), not including Section (IV)(C)(iii) (where the student has not moved from WSD) are not eligible to compete in extracurricular competitive activities (defined as athletics, drill team, adjudicated activities, and cheerleading) for one year after their first day of attendance (except under first entry as defined below). In addition, the student must comply with Utah High School Activities Association guidelines.~~

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~~B. First Entry in High School: A student enrolling in high school for the first time (10th graders or 9th graders trying out for sports at the high school) will be deemed residentially eligible for interscholastic activities even if that first entry is at a school not within the student's residential area.~~

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~~C. First Entry is established in the ninth grade for any student who participates on or tries out for a high school level team while enrolled in the ninth grade.\* A student in those circumstances has four (4) years of eligibility. Initial eligibility is established for all other students in the tenth grade. Those students have three (3) years of eligibility. Students must meet all other residency requirements established by UHSAA.~~

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- ~~i. Consistent with Policy 4511, a ninth-grade student who participates on a high school level team may not also participate on a junior high school team in the same sport during the same year.~~

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~~D. First Entry in Junior High: A student enrolling in junior high for the first time (7th grade) will be deemed residentially eligible for extracurricular activities even if that first entry is at a school not within the student's residential area.~~

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E. All sanctioned activities' appeals will be through the Utah High School Activities Association. ¶~~

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F. Other non-sanctioned activities' appeals will be through the District Office Standards Committee. ¶~~