

**STUDENT RESIDENCY**

The Bixby School District is established for the purpose of serving the educational interests of resident students.

**Definitions**

For purposes of this Policy, the terms listed below have the following meanings:

"Residence," "residency" and "legal residence" mean the student's present place of abode, provided that it is a place where important family activities (such as sleeping, eating, working, relaxing, and playing) take place during a significant part of each day. Mere presence alone is not sufficient to establish residency. Documentary evidence that may be submitted to establish residency is identified below.

"Person having legal custody" means a person who is legally responsible for the care of the child pursuant to the order of a court or governmental agency responsible for making custody determinations and/or placements.

"Permanent care and custody" means a person who has assumed the care and custody of the child on a continuous and ongoing basis with the intent not to relinquish such care and custody until the child reaches the age of majority. (Requires court documentation.)

"Major degree of support" means a substantial contribution to the cost of the child's care, but it need not exceed one-half of all monies expended in the care and support of the child.

**Basic Residency Requirements**

State law provides that a child's residence for school purposes is the school district in which the (1) parents, (2) guardian or (3) person having legal custody of the child holds legal residence.

State law also grants school districts the discretion to permit a child to establish residency by residing with an adult who is a legal resident of the school district but is not the child's parent or guardian or the person having legal custody of the child, if such adult has assumed permanent care and custody of the child.

The Board of Education has determined that it is in the School District's best interests not to allow a child to establish residency in the School District by residing with an adult who is a legal resident of the School District and has assumed permanent care and custody of the child but is not the child's parent or guardian or the person having legal custody of the child.

Pursuant to Oklahoma law, knowingly filing a false affidavit of residency is a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than \$500 or both. Any student enrolled under a false affidavit will be withdrawn immediately.

**Procedure for Resolving Residency Disputes**

The School District recognizes that there may be occasions when there is a dispute regarding residency. Upon enrollment in the school system the School District will verify that the student is a resident of the District or is otherwise entitled to attend school in the District for any reason authorized by law. As a part of this verification process the School District will obtain an address from each student or the student's parent, guardian, or person having legal custody of the child. In providing an address to the School District that is within the District's boundaries the student and student's parent, guardian, or person having legal custody of the child represent that this address is the student's residence. The

School District may also require, in order to verify residency, certified copies of court orders, guardianship documents, written agreements and affidavits relating to the care, custody and control of the student and any other information the District deems relevant.

If at any time a School District administrator has a reasonable belief that the reported residence may not be the residence of the child for purposes of school attendance, the administrator shall notify the student's parent, guardian, or person having legal custody of the child that there is a question regarding the student's legal residency. The student's parent, guardian, or person having legal custody of the child shall be given an opportunity to submit information regarding the student's residency to the School District's Residency Officer. All notices required by this policy shall be in writing. Additionally, reasonable alternative arrangements for documenting communications will be made for those persons who are visually impaired or otherwise unable to communicate in writing.

Information or documentation to prove student residency in the School District shall current gas, water, or electric utility bills in the name of the legal resident, who is also named as the legal guardian of the student. Any exception if the required documentation is unavailable will be approved by the School District's Residency Officer.

Any question or dispute as to the residence of a student shall be determined by the Residency Officer and the Board of Education pursuant to the following procedures:

A. The student's parent, guardian, or person having legal custody of the child must notify the Residency Officer in writing of the review request within three (3) school days from the date of written denial of admittance or from the date of written notification that the student is considered not to be a resident of the School District. Upon receipt of a request for review, the Residency Officer shall allow the parent, guardian, or person having legal custody to provide additional pertinent information in accordance with the School District's criteria and the statutory provisions regarding residency. This information must be submitted with the request for review.

B. The Residency Officer must render a decision and notify the student's parent, guardian, or person having legal custody of the child of the decision and reasoning therefore in writing within three (3) school days of receipt of the request for review.

C. If the student's parent, guardian, or person having legal custody of the child disagrees with the Residency Officer's decision, such person may request review of the decision by the Board of Education, by submitting a written request for review to the Residency Officer within three (3) school days of receipt of the Residency Officer's decision. If no written request is received within three (3) school days of receipt of the Residency Officer's decision, then the Residency Officer's decision will be final and non-appealable. Upon receipt of a timely request for review, the Residency Officer will submit his or her findings and decision and all documents submitted on behalf of the District and the student for review by the Board of Education. The person will be notified in writing of the date, time and place of the Board meeting at which the decision will be reviewed. The Board's decision will be final and non-appealable.

D. 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.

#### **Miscellaneous Policy Provisions**

Hearings involving more than one student where students are related or residing in the same household may be consolidated at the discretion of the Residency Officer and the Board of Education.

If the residency dispute involves an 18-year-old student, all notices will be delivered to the student.

If already enrolled and attending school in the School District, a student or students involved in a dispute related to the student's residency may remain in school until available appeals are exhausted

when the student or the student's parent, guardian, or person having legal custody of the child has filed an appeal in the manner and within the time permitted by this policy.

The Residency Officer shall be in charge of maintaining the files related to a residency dispute, ensuring that the principals or others directly involved in such a dispute forward their records of the dispute following their involvement, and otherwise keeping all communications involving the dispute intact.

The School District's Residency Officer is Bryan Frazier, Associate Superintendent.

The Board of Education understands that there may be some instances where residency may be established on a date other than the date the student was enrolled in the School District. For any period during which a student is enrolled in the School District, but is not a resident of the School District, the School District may charge tuition if it is established that the student's parent, guardian, or person having legal custody of the child knew or should have known that the child or children who are the subject of the residency dispute were not residents of the School District. The tuition shall be based on a per capita cost of educating a student in the School District during the preceding year. This issue may be raised along with other issues related to the residency dispute and shall be heard in the same manner.

The School District shall provide for educational services for homeless children as required by law.

The School District reserves the right to require re-verification of student residency each school term.

A copy of this Policy shall be provided to the student's parent, guardian, or person having legal custody of the child as soon as possible following the inception of any residency dispute.

#### **Special Definitions and Procedures Applicable to Homeless Children and Youth**

"Homeless children and youth" means students who lack fixed, regular and adequate nighttime residence, and includes:

- a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- b. Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- c. Children and youths who are living in cars, parks, public spaces, buildings, substandard housing, bus or train stations, or similar settings; and
- d. Migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses A. through D.

**Enrollment, Records and Immunizations.** Federal law provides that homeless children and youth, individually or through a parent or guardian, may choose to attend the school in the area in which they are currently living. The District's Residency Officer will determine whether a student is a homeless child or youth for purposes of establishing residency and promptly advise the parent, guardian or person having legal custody of the child of the decision, both orally and in writing, if possible. If there is no such person, the Residency Officer will advise the student. The School District will enroll each homeless student and permit his or her full participation in all school programs, whether or not the student is accompanied by a parent, guardian or person having custody of the child, and without proof of residence, current immunizations and traditional enrollment documentation, such as school records and medical/immunization records. The School District's homeless liaison may assist the student and

school in obtaining those items. A parent, guardian or person having legal custody of the child who disagrees with the Residency Officer's determination may appeal the decision to the Board of Education under the procedure identified below. If there is no parent, guardian or person having legal custody of the child available, the student may appeal the decision.

### **Special Definitions and Procedures Applicable to Transitioning Military Children**

"Children of military families" means a school-aged child(ren), enrolled in kindergarten through twelfth grade, in the household of an active duty member.

"Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Military Reserve on active duty orders pursuant to Title 10, Sections 1209 and 1211 of the United States Code.

"Military student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

"Transition" means (a) the formal and physical process of transferring from school to school or (b) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

"Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

"Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

"Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Services.

**Establishing Residency:** State law provides that transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis, may attend school in the school district in which the noncustodial parent or person standing in loco parentis to the transitioning military child holds legal residence. Similarly, transitioning military children placed in the care of a noncustodial parent or other person standing in loco parentis may continue to attend the school in which the student was enrolled while residing with the custodial parent. A special power of attorney relating to the guardianship of a military child and executed under applicable law shall be sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

**Enrollment:** The School District will promptly accept unofficial or "hand-carried" educational records and transcripts in lieu of official education records and transcripts for transitioning military children. Upon receipt of such records, the School District will promptly enroll the transitioning military child. However, upon enrollment, the District will request official educational records and transcripts from the school in the sending state. The District's Residency Officer will determine whether a student is a transitioning military student for purposes of establishing residency and promptly advise the parent or other person standing in loco parentis of the decision, both orally and in writing, if possible. A parent or other person standing in loco parentis who disagrees with the Residency Officer's determination may appeal the decision to the Board of Education under the procedure identified above.

**Grade Level Placement:** Transitioning military children, including children entering kindergarten, shall be able to enroll in the same grade level in which they were enrolled in the sending state, regardless of age, time of transfer or age requirements of the receiving state.

**Course Level and Educational Program Placement:** To the extent that this School District is in a receiving state, the District may subsequently perform course placement and educational program

evaluations of a transitioning military student. However, the School District will initially place the transitioning military student in courses and programs comparable to those in which the student was a participant while in the sending state, including, but not limited to, Honors, International Baccalaureate, Advanced Placement, Gifted and Talented, English as a Second Language, Special Education and vocational, technical and career pathway courses. The School District will make these accommodations whether or not the student has fulfilled the necessary prerequisites in the District or receiving state.

**Extracurricular Activities:** When appropriate, the District will provide transitioning military children the opportunity to participate in extracurricular participation, regardless of application deadlines.

**Immunizations:** Transitioning military children shall have thirty (30) days from the date of enrollment to obtain any immunizations required by Oklahoma law. For a series of immunizations, such children must obtain initial vaccinations within thirty (30) days.

**Tuition:** The School District may not charge tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school district other than that of the custodial parent if the parent or other person standing in loco parentis lives within the boundaries of this School District.

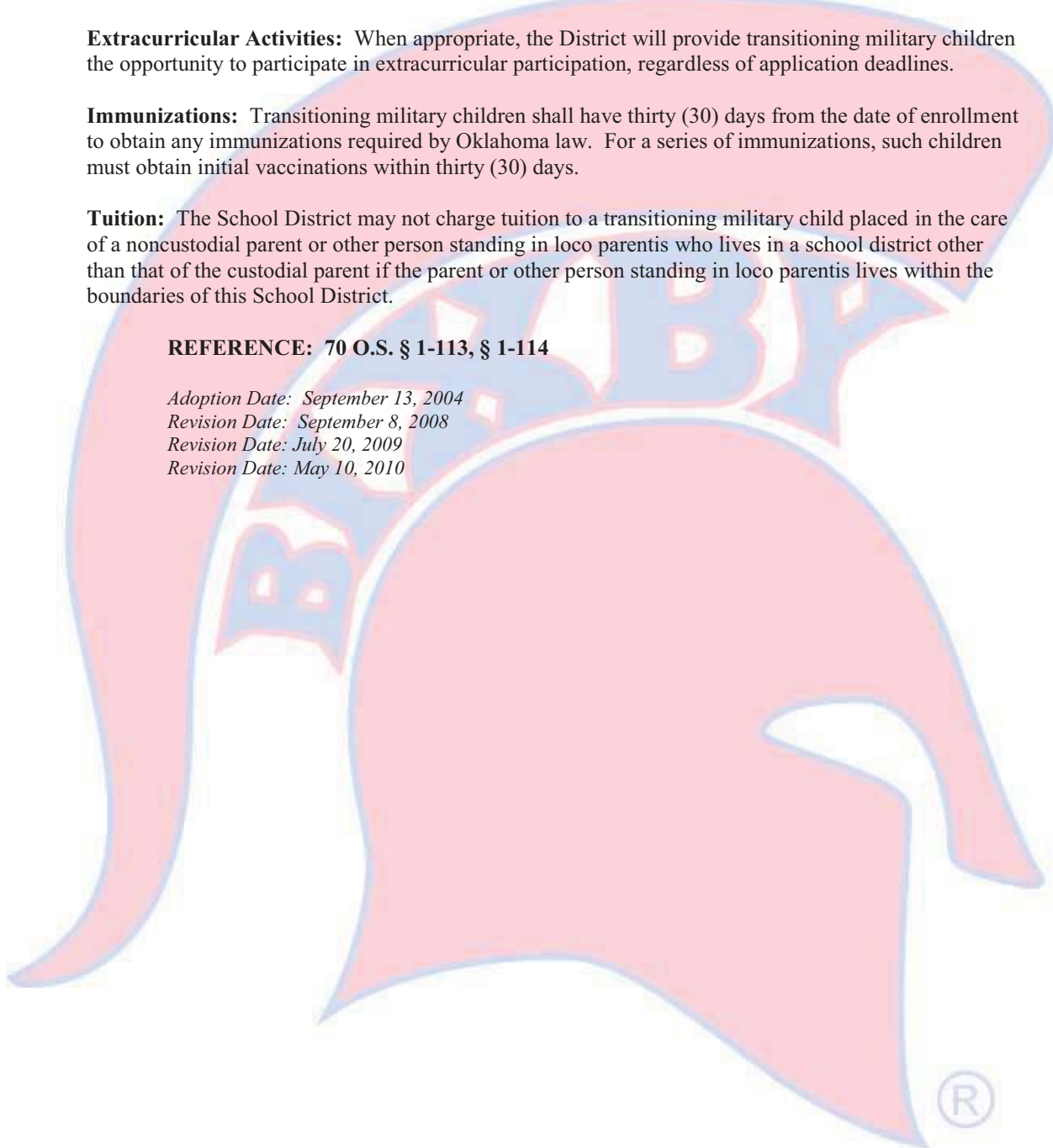
**REFERENCE: 70 O.S. § 1-113, § 1-114**

*Adoption Date: September 13, 2004*

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*Revision Date: July 20, 2009*

*Revision Date: May 10, 2010*



## STUDENTS: ENROLLMENT REQUIREMENTS

The Bixby Board of Education requires that students enrolling in the district provide proof of legal residency or be on a board approved transfer. Proof of residency must be in the form of current gas, water, or electric bills. Late or final bills are not acceptable. Two proofs of residency must be provided at the time of enrollment. Every student enrolling must have a verified physical address. A Post Office box will not be accepted. In addition, when a student seeks to establish residency by moving with his or her parent or guardian into the residency of another adult who resides within the boundaries of the School District, the student must provide the District with a signed, notarized affidavit verifying that the student and parent reside with that adult.

It is the policy of the Bixby Board of Education that, **all children who are at least four (4) years of age but not more than five (5) years of age on or before September 1 and who have not attended a public school kindergarten shall be entitled but not required to attend a half-day early childhood program free of charge as long as the district has the physical facilities to accommodate the child.** For a child to begin Kindergarten the child must be five years of age on or before the first day of September of the year the child intends to enroll. Children under the age of **six (6)** may be admitted to the first grade **upon parent request** if such children attended kindergarten the previous year **in a state or North Central accredited school and have completed a Proficiency Based Promotion contract. A record of the child's attendance and promotion from the previous school shall be placed in the student's cumulative folder. Further, no child shall be enrolled in the first grade unless he or she will have reached the age of six (6) years on or before September 1 of the school year.**

The superintendent or designee will be responsible for the receipt of all applications for admission, the conduct of registration procedures, and for certification that all admission requirements and prerequisites have been properly met by the student.

To be eligible for enrollment in the first grade, a child must have reached his/her sixth birthday on or before September 1 of the year in which he/she intends to enroll in the first grade, or have satisfactorily completed kindergarten and been recommended for promotion to first grade. Age may be verified by a birth certificate, parent's statement, a physician's statement, or previous educational records.

All children between the ages of 5 and 21 on or before September 1 who reside within this school district are entitled to attend public school regardless of nationality or citizenship provided other age and residence requirements are met. Maximum age to which students may attend school tuition-free is twenty-one except that any person between the ages of 21 and 26 is entitled to attend school if it was impossible for the person to have finished the twelfth grade before the age of 21. Such person must show an inability to attend school for definite periods of time because of a physical disability or service in the armed services.

Termination of attendance before graduation from high school or before reaching the age of eighteen may be permitted by mutual consent of the superintendent or designee and the parent, legal custodian, or legal guardian of the student.

**Students enrolling at a site other than the site of residence:**

Students will be enrolled in the site of residence within the Bixby district. The exception to this is an approved In-District Transfer, with agreement from principals at both buildings. In-district transfer requests are started at the enrollment center, and then forwarded to the principal of the receiving site. If approved, the principal will forward the transfer paperwork to the sending principal. Once the paperwork is complete, it is forwarded to the enrollment center for final approval or denial.

The criteria for approving or denying an in-district transfer will be:

- Program/educational needs of a student.
- Consideration will be given to district employees.
- Low class size.

Principals may also review student attendance, behavior, and grades for additional input on the decision to approve or deny an in-district transfer.

In-District transfers must be completed and approved annually, for the following year, and submitted to the enrollment center by April 1. Transfer requests will be sequentially numbered as received, and the district will consider requests on a first-come, first-serve basis. Any requests made for mid-year moves will follow the same procedure and criteria.

Any parent/guardian who does not agree with the decision of the principal(s) may request review of the decision by the District Residency Officer. The request for review must be submitted in writing to the Residency Officer within three school days of the parent/guardian's receipt of written notification of the principal decision. The decision of the District Residency Officer related to In-District Transfers is final and non-appealable.

**Students Suspended Out-of-School:**

A student who has been suspended out-of-school from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other students shall not be entitled to enroll in this school district until the terms of the suspension have been met or the time of suspension has expired.

This district shall not provide education services in the regular school setting to any student who has been removed from any public or private school in Oklahoma or any other state until the district determines that the student no longer poses a threat to himself or others.

The district may consider providing alternative educational services such as home-based instruction. If the student is on an individualized education program (IEP), education services will be provided according to that plan.

**REFERENCE: 70 O.S. §1-114**  
**70 O.S. §18-108, §18-111**  
**70 O.S. §24-101**

*Adoption Date: November 13, 2000*  
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