

Intradistrict Communication

DATE: February 13, 2020

TO: Principals and Administrative Assistants

FROM: Administrators of Schools
Michael Anderson, Associate Superintendent
Travis Hamblin, Director, Student Services
Caleb Olson, Consultant, Student Services

SUBJECT: Residency Determinations

Prior to enrolling in school, a student's custodial parent(s) or legal guardian(s) must provide evidence to establish residency. Recent updates to Utah law found in §53G-6-302 (enacted May 2017) clarifies how a student's district of residency is to be determined by schools.

Student residency eligibility is determined based on where the custodial parent(s) or legal guardian(s) resides **OR** where the student resides using the following criteria/guidelines:

1. The school district of residence of a student whose custodial parent(s) or legal guardian(s) resides within Utah is:
 - a. Where the custodial parent or legal guardian resides; **OR**
 - b. The school district where the student resides;
 - i. While under custody or supervision of a Utah state agency or approved placement service.
 - ii. While living with a responsible adult resident of the district; **IF**
 - iii. The student's physical, mental, moral, or emotional health will be best served by considering them a resident for school purposes.
2. A student whose custodial parent(s) or legal guardian(s) does **not** reside in Utah is considered to be a resident of the district in which the student lives **IF**:
 - a. The student resides with a responsible adult resident of the district (R277-621) and is designated as the student's legal guardian (durable power of attorney or guardianship); **OR**
 - b. The student lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt.
 - c. The student's presence in the district is **NOT** for the primary purpose of attending public schools.

- d. The student's physical, mental, moral, or emotional health will be best served by considering them a resident for school purposes.
 - e. The student is prepared to abide by the laws and policies of the school and school district.
3. A student's custodial parent(s) or legal guardian(s) may request a determination that the student's district of residency is a district other than where they reside by filing a written request.
- a. If the request is approved, the alternative district shall assume responsibility for providing educational services and shall enroll immediately. (R277-621)

Students whose primary purpose for residing in the district is to attend school do not meet the criteria listed above and are subject to §53G-6-401& §53G-6-402 (open enrollment/permits) and out of state tuition (if applicable). Additionally, if residency is determined using the student's place of residence, exigent circumstances must exist that do not permit the situation to be appropriately addressed under §53G-6-402 (§53G-6-302).

When residency is determined using 1.a.ii-iii or 2.a-e above, (where the student resides) students:

- Are enrolled using legal guardianship or a durable power of attorney. A power of attorney does not confer legal guardianship.
- Are not enrolled using the McKinney-Vento Homeless Assistance Act and the custodial parent(s) or legal guardian(s) enrolling the student are responsible to pay any fee(s) that may be associated with registration and/or participation.

Please contact Planning & Enrollment in Student Services at 801-567-8183 with any questions.