

**OFFICE OF CHIEF OF RESEARCH AND DEVELOPMENT**  
**Summary of State Board of Education Agenda Items**  
**April 21, 2016**

**OFFICE OF DISTRICT ACCREDITATION**

06. Action: Approval to begin the Administrative Procedures Act process to repeal Part 3, Chapter 75, Rule 75.1: Residency Verification [Goals 1, 2, 3, and 4 – MBE Strategic Plan]

Background Information: Part 3, Chapter 68, Rule 68.1: Residency Verification defines residence for school attendance purposes and outlines procedures for establishing and verifying residency.

Part 3, Chapter 75, Rule 75.1: Residency Verification is a duplicate State Board of Education Policy to Part 3, Chapter 68, Rule 68.1: Residency Verification and should therefore be repealed.

This item references Goals 1, 2, 3, and 4 of the *Mississippi Board of Education 2016-2020 Strategic Plan*.

Recommendation: Approval

Back-up material attached

**Part 3 Chapter 75: Students**

*Rule 75.1 Residency Verification*

REPEALED

## **Part 3 Chapter 75: Students**

### *Rule 75.1 Residency Verification*

#### **1. POLICY**

Definition of residence for school attendance purposes:

The student physically resides full time, weekdays/nights and weekends, at a place of abode located within the limits of the school district.

a. Effective for the 1990-91 school year, all school districts will require students who are seeking to enroll or continue to enroll in a school district to register at the school they are assigned to attend. The school district shall verify the residence of each student.

b. In succeeding years any new student enrolling or entering a school district or any continuing students whose residence has changed will be required to verify his or her residence address as herein provided as a part of the registration process.

#### **2. PROCEDURE**

Each student identified in paragraphs 1 and 2 above must establish his or her residency in the following manner:

##### **a. STUDENTS LIVING WITH PARENTS OR GUARDIAN**

The parent or legal guardian of a student seeking to enroll must provide the school district with at least two of the items numbered (1) through (9) below as verification of their address, except that any document with a post office box as an address will not be accepted.

- i. Filed Homestead Exemption Application form;
- ii. Mortgage Documents or property deed;
- iii. Apartment or home lease;
- iv. Utility bills;
- v. Driver's license
- vi. Voter precinct identification;
- vii. Automobile registration;
- viii. Affidavit and/or personal visit by a designated school district official;
- ix. Any other documentation that will objectively and unequivocally establish that the parent or guardian resides within the school district; and, in the case of a student living with a legal guardian who is a bona fide resident of the school district;
- x. Certified copy of filed petition for guardianship if pending and final decree when granted.

#### **3. HOMELESS CHILDREN**

When a child is determined to be homeless as defined by the Stewart B. McKinney Act 42 USC Section 11431(1), 11432 (e)(4) and 11302(a), the school district shall consider and take enrollment action that is in the best interest of the child pursuant to 40 USC 11432(e)(3).

##### **a. STUDENTS LIVING WITH ADULTS OTHER THAN PARENTS OR LEGAL GUARDIANS:**

i. ~~The non-parent claiming district residency must meet the criteria of subparagraph (a)(1) through (9) above, required of a parent or legal guardian.~~

ii. ~~The district resident must provide the school with an affidavit stating his or her relationship to the student, and that the student will be living at his/her abode full time, and provide documentation fully explaining the reason(s) (other than school attendance zone or district preference) for this arrangement. The local school board or its designee will make the necessary factual determinations under subsection II.1(c)(2). Examples of situations where "in loco parentis" authority of an adult should be recognized to establish residency of the minor include but are not limited to the following:~~

- ~~a) Death or serious illness of the child's parent(s) or guardian(s);~~
- ~~b) Abandonment of the child;~~
- ~~c) Child abuse or neglect;~~
- ~~d) Unstable family relationships or undesirable conditions in the home of the child's parents or guardians having a detrimental effect on the child;~~
- ~~e) Students enrolled in recognized exchange programs residing with host families.~~

iii. ~~Whenever appropriate the person who has assumed responsibility for the care and custody of the child shall be encouraged to obtain legal guardianship of the child.~~

- ~~a) The requirements of Section II.1(a) and (c) above are minimum requirements and the school district may require additional documentation and verification at any time.~~
- ~~b) At a minimum, the district shall maintain in a file a written instrument identifying the types of documents used to verify each student's residency and copies of any relevant guardianship petition or decree.~~

~~c) The provisions of this policy do not apply to students who reside outside the school district, but who have legally transferred into the school district. 2. In the event that a local school district has a similar procedure which requires documentation of residence and is approved by the State Board of Education, such procedure may be substituted for the procedure outlined in Section II.~~

*Source: Miss. Code Ann. § 37-1-3 (Revised 7/1992)*