

JBC Enrollment -Residence Requirements:

(R:12/2014)

A. Except where non-resident enrollment is authorized by the Board of Education, only those children who have attained the age of eligibility for school attendance and who reside within the Piper Unified School District No. 203 shall be entitled to enroll in and attend the schools of this district. Provisions of this policy shall be applied uniformly to all students regardless of race, creed, color, ethnicity, national origin, gender, religion or other legally protected class. Proof of residency for all prospective students is required at the time of enrollment.

B. A child is considered a resident of this district in accordance with K.S.A. 72-1046 if such child:

1. Lives with an adult (caregiver) who is a resident of this district and such adult:
 - a. Is the natural parent, adoptive parent, step-parent or foster parent of such child; or
 - b. Is a legal guardian or conservator of such child; or
 - c. Is a person, other than the parent, who is liable by law to maintain, care for or support the child; or
 - d. Is a person, other than a parent, who has actual care and control of the child and is contributing the major portion of the cost of the supporting such child; or**
 - e. Is a person, other than a parent, who as actual care and control of the child with the written consent of a person who has legal custody of the child; or**
 - f. Is a person, other than a parent, who has been granted custody of the child by a court of competent jurisdiction.
2. Is a homeless child which means a child who lacks a fixed, regular and adequate nighttime residence and whose primary nighttime residence is:
 - a. A supervised publicly operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill); or
 - b. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
3. Is a child who lives in the district as the result of placement therein by a District Court or by the Kansas Department of Children and Families (DCF).

4. In emancipated under K.S.A. 38-108 to 38-110 and is a resident of this district.

C. Proof of residency for all prospective students is required at the time of enrollment. Proof of residency shall consist of any of the following:

1. Birth Certificate, Court Order, or other Official documentation of the prospective student's custodial status
2. Documentation of home ownership in the name of the caregiver
3. Documentation of a rental or lease of residential property in the name of the caregiver
4. Property tax statement in the name of the caregiver
5. Proof of BPU utility service to the residential property in the name of the caregiver
6. Verification by a school official employed by USD 203

D. A residency hearing shall be required for admission of any student seeking resident status under paragraph B. 1. d-e above.

E. Failure to attend a residency hearing or submit adequate proof of residency at a residency hearing will constitute a waiver of the opportunity for a hearing and shall result in a finding that the student is a non-resident. The student shall bear the burden of proof on all issues pertaining to residency. In determining residency, the district may consider the following as evidence:

1. Whether a child actually lives with an adult who is a resident of the district may be determined by providing verifiable proof that the child consistently sleeps, eats, stores belongings, receives mail, phone calls and visitors and resides for all other purposes at the dwelling place occupied by the adult resident of the district. Except where a valid court order provides for shared custody or residence, proof must be provided that the child exclusively uses the address and phone number of such dwelling as his/her home address. If the child lives in leased property and the landlord requires all occupants to be listed in the lease, proof that the child is listed as an occupant may also be required. Mere ownership of property in the district shall not establish residency.
2. Natural parent, adoptive parent, step-parent or foster parent relationships may be proven by providing certified copies of birth certificates, marriage licenses, foster parent placement records or adoption records as necessary to document any claimed relationship.
3. Legal guardianship or conservatorship of a child may be proven by production of an attested copy of a valid court order which clearly appoints an adult resident of the district as the legal guardian or conservator of the child during any period of enrollment.

4. Legal custody of a child may be proven by production of an attested copy of a valid court order which clearly indicates that custody of the child has been awarded for the period of enrollment.
5. Written consent of a person who has legal custody shall be demonstrated by production of a written consent of all persons awarded sole or joint custody under any custody order.
6. In determining whether a person other than a parent has “actual care and control of the child,” the district may consider factors including, but not limited to, the following:
 - a. The student’s age including whether the student has reached the age of majority.
 - b. Whether the student is emancipated.
 - c. The degree to which the student’s parents have relinquished care and control of the child, both legally and practically.
 - d. The extent to which the non-parent adult resident has historically made decisions regarding the health, education and welfare of the child.
 - e. The sources and amount of financial support for the child’s care.
 - f. Whether a parent or a person who has been granted legal custody of the child appeared at the residency hearing to testify regarding “actual care and custody of the child.”
7. Whether a person contributes the major portion of the cost of supporting a child may be proven by presenting verifiable documentation of the total amount expended for supporting such child and verifiable documentation of the actual amount of support provided by the adult resident of the district who claims to provide the major portion of such support. The district will also consider whether a person has claimed, or is qualified to claim such child as a dependent for tax purposes during the period of enrollment.
8. Additionally, the person claiming to provide the major portion of the cost of supporting the child must provide a sworn statement from the child’s parent, guardian or legal custodian indicating the reason(s) the child resides with the person claiming to contribute the major portion of the cost of supporting such and the reasons(s) why the parent, guardian or legal custodian is not contributing the major portion of the cost of supporting such child.

F. A district resource officer shall have the authority and responsibility to administer and enforce this policy. The district resource officer will work collaboratively with building level administration at residency hearings. The following shall apply to residency hearings:

1. The student may be present at the hearing and may be represented by counsel.

2. The student's parent(s) or guardians(s) may be present at the hearing.
3. The student may present evidence, including witness testimony.
4. The student may cross-examine any witnesses who may testify at the residency hearing.
5. There shall be an orderly hearing and a fair impartial decision based upon the evidence or lack thereof. The hearing will be informal and the rules of evidence will not be strictly applied.
6. There shall be a written decision which may be appealed to the superintendent only if written notice of the appeal is delivered to the clerk of the board within ten (10) calendar days of the student's notification of the decision.

Educational Custody Agreement:

- A. An Educational Custody Agreement shall be on file prior to residency hearing.
- B. USD 203 reserves the right to conduct on-going investigations of the residency.
- C. If substantial evidence exists as determined by school administration that the student does not maintain regular residency in the district, as defined in this policy, the school administration shall serve the primary caregiver of record notice that the student will be withdrawn from school and/or reported as violators of the district policy and be referred to the Wyandotte County District Attorney's Office for criminal prosecution for violation of affidavit signed and notarized.
- D. All Educational Custody Agreements are renewed annually and require a residency hearing as determined.
- E. Notice of policies and procedures are provided annually to the primary caregiver, parents/guardians.
- F. All communication made by USD No. 203 will be directed to the caregiver.

Approved: January 12, 2014

Legal: K.S.A. 72-1046; K.S.A. 72-8907

Residential Verification in Pursuant of K.S.A. 72-1046

Student Name: _____

Caregiver: _____

Parent/Guardian: _____

Administrator: _____
Date of Hearing: _____
Witnesses: _____

Verification Item	Evidence	No Evidence
1. Proof of consistent residence of child at address. (Copy of mail with students name at address, if living at leased property-name on lease, etc.)		
7. Student claimed on caregivers' taxes as a dependent during time of enrollment?		
8. Sworn statement/notarized from child's parent indicating reasons why caregiver is contributing the major portion of the cost of supporting the child or reason why caregiver is not contributing		
9. Caregiver documentation of proof of residency <i>at least one of the following:</i> (Document of home ownership, rental agreement, property tax statement in name of caregiver, BPU utilities in name of caregiver, verification by school official)		
Notarized Affidavit of Residency for current school year		
Residency Hearing Date:		
Additional Documentation:		

Affidavit of Residency Consent (PARENT/GUARDIAN)

I, _____, being first duly sworn on oath, state that: (check one)

_____ I am the natural parent of _____.

(Type or Print Name of Student)

_____ I have been granted custody of _____ by a court of competent jurisdiction.

(Type or Print Name of Student)

I hereby acknowledge my consent for the above-named student to live on a full-time basis with:

whose address is: _____, _____, Kansas

(Address)

(City)

_____/_____

(Zip Code)

(Home Telephone)

and to enroll said student in the Piper U.S.D. 203 School District pursuant to Board of Education Policy JBC. I state that the reason for giving this consent is:

Furthermore, I state that the student exclusively uses the address and telephone number indicated. I agree to meet with school district administrators to verify the student's residency, as necessary, and upon request. I understand that the Piper School District may expel the student and consider legal action against me if the statements made in this consent are false.

I understand that knowingly providing false information on this consent may result in criminal prosecution under K.S.A. 21-5824, which prohibits the making of a false writing with the intent to defraud or induce official action.

I also agree that I will notify the Piper School District if, at any time, I withdraw my consent or if the student moves from the address indicated above anytime during the school year.

Dated: _____ (Signature of Parent)

_____ (Address, City, State, Telephone)

THIS STATEMENT MUST BE NOTARIZED

Subscribed and sworn to before me this _____ day of _____, 20__ before me, a notary public in and

for said state, personally appeared _____, to me personally known, who being duly sworn,

acknowledged that he/she had executed the foregoing instrument for purposes therein mentioned set forth.

NOTARY PUBLIC

My Commission Expires:

K.S.A. 72-1046, 21-5824

Affidavit of Residency Acceptance (RESIDENCE PROVIDER)

I, _____, being first duly sworn on my oath, state that my address is

(Type or Print Name)

_____, _____, Kansas,

(Address)

(City)

_____, I further state that _____

(Zip Code)

(Type or Print Name of Student)

Exclusively uses this address and telephone number and that the student consistently sleeps, eats, stores belongings, receives mail, telephone calls and visitors at this address and resides for all other purposes with me at the above-stated address.

Furthermore, I state that I am responsible for the actual care and control of the student with the written consent of a person who has legal custody of the student (consent form must be attached). The reason that the student lives with me, rather than with his/her natural parent(s) is because:

I understand that knowingly providing false information on this consent may result in criminal prosecution under K.S.A. 21-5824, which prohibits the making of a false writing with the intent to defraud or induce official action. I agree to meet with school district administrators to verify the student's residency, as necessary, and upon request. I understand that the Piper School District may expel the student and consider legal action against me if the statements made in this consent are false.

I also agree that I will notify the Piper School District if, at any time, I withdraw my consent or if the student moves from the address indicated above anytime during the school year.

Dated: _____ (Signature of Residence Provider)

_____ (Address, City, State, Telephone)

THIS STATEMENT MUST BE NOTARIZED

Subscribed and sworn to before me this _____ day of _____, 20__ before me, a notary public in and for said state, personally appeared _____, to me personally known, who being duly sworn, acknowledged that he/she had executed the foregoing instrument for purposes therein mentioned set forth.

NOTARY PUBLIC

My Commission Expires:

CASE ANNOTATIONS

1. County treasurer is custodian of sinking fund. State, ex rel., v. Lewis, 138 K. 725, 726, 27 P.2d 250.

72-1035, 72-1036.

History: L. 1927, ch. 274, §§ 1, 2; Repealed, L. 1943, ch. 248, § 42; June 30.

72-1037.

History: L. 1931, ch. 271, § 1; L. 1933, ch. 255, § 1; Repealed, L. 1943, ch. 248, § 42; June 30.

72-1038, 72-1039.

History: L. 1933, ch. 255, §§ 2, 3; Repealed, L. 1943, ch. 248, § 42; June 30.

72-1040.

History: L. 1935, ch. 261, § 1; L. 1943, ch. 248, § 33; Repealed, L. 1969, ch. 312, § 6; May 10.

72-1041 to 72-1043.

History: L. 1939, ch. 270, §§ 1 to 3; Repealed, L. 1947, ch. 363, § 1; June 30.

72-1044.

History: L. 1943, ch. 248, § 34; Repealed, L. 1969, ch. 312, § 6; May 10.

CASE ANNOTATIONS

1. Common-school districts cannot segregate colored pupils from white pupils. Webb v. School District, 167 K. 395, 401, 206 P.2d 1066.

2. Common-school district may maintain two school-houses and designate attendance areas. Webb v. School District, 167 K. 395, 401, 206 P.2d 1066.

3. Common-school district may conduct high school and levy taxes therefor. School Dist. v. Sarvis, 168 K. 53, 55, 210 P.2d 828.

72-1045.

History: L. 1943, ch. 248, § 35; Repealed, L. 1969, ch. 312, § 6; May 10.

72-1046. School residence; definitions.

(a) Any child who has attained the age of eligibility for school attendance may attend school in the district in which the child lives if (1) the child lives with a resident of the district and the resident is the parent, or a person acting as parent, of the child; or (2) subject to the provisions of subsection (c), the child lives in the district as a result of placement therein by a district court or by the secretary of social and rehabilitation services; or (3) the child is a homeless child.

(b) Any child who has attained the age of eligibility for school attendance may attend school in a school district in which the child is not a resident if the school district in which the child resides has entered into an agreement with such other school district in accordance

with and under authority of K.S.A. 72-8233, and amendments thereto.

(c) Any child who has attained the age of eligibility for school attendance and who lives at the Judge James V. Riddel Boys Ranch as a result of placement at such ranch by a district court or by the secretary of social and rehabilitation services shall be deemed a resident of unified school district No. 259, Sedgwick county, Kansas, and any such child may attend school which shall be maintained for such child by the board of education of such school district as in the case of a child who is a bona fide resident of the district.

(d) As used in this section:

(1) "Parent" means and includes natural parents, adoptive parents, stepparents, and foster parents;

(2) "person acting as parent" means (A) a guardian or conservator, or (B) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction; and

(3) "homeless child" means a child who lacks a fixed, regular, and adequate nighttime residence and whose primary nighttime residence is (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

History: L. 1943, ch. 248, § 36; L. 1976, ch. 308, § 1; L. 1977, ch. 242, § 1; L. 1981, ch. 277, § 1; L. 1984, ch. 261, § 3; L. 1989, ch. 214, § 1; L. 1992, ch. 199, § 3; July 1.

Research and Practice Aids:

Schools ← 153.

C.J.S. Schools and School Districts § 449.

Attorney General's Opinions:

School residents; attendance eligibility. 84-90.

School attendance; G.E.D. 87-46.

Exceptional children; compulsory school attendance; duty to investigate and file petition. 90-19.

pose. The same immunity from liability shall attach with respect to participation in any administrative or judicial proceeding resulting from any such assistance or referral.

History: L. 1984, ch. 304, § 1; July 1.

72-53,105. Alcohol and drug abuse programs; provision authorized. The board of education of every school district may provide for programs which are designed to assist pupils at all grade levels in the identification, examination, prevention and resolution of alcohol and drug abuse problems which may affect the ability of such pupils to satisfactorily benefit from attendance at school. Any board of education may enter into contracts for the provision of such programs for its pupils and may pay the fees therefor from the general fund of the school district.

History: L. 1981, ch. 275, § 2; L. 1985, ch. 246, § 1; July 1.

Revisor's Note:

Application of section was limited prior to amendment in 1985.

72-53,106. Pupil identification; proof required upon first enrollment in a school; duties of schools and law enforcement agencies.

(a) As used in this section:

(1) "School" means every school district and every nonpublic school operating in this state.

(2) "School board" means the board of education of a school district or the governing authority of a nonpublic school.

(3) "Proof of identity" means (A) in the case of a child enrolling in kindergarten or first grade, a certified copy of the birth certificate of the child or, as an alternative, for a child who is in the custody of the secretary of social and rehabilitation services, a certified copy of the court order placing the child in the custody of the secretary and, in the case of a child enrolling in any of the grades two through 12, a certified transcript or other similar pupil records or data; or (B) any documentary evidence which a school board deems to be satisfactory proof of identity.

(b) Whenever a child enrolls or is enrolled in a school for the first time, the school board of the school in which the child is enrolling or being enrolled shall require, in accordance with a policy adopted by the school board, presentation of proof of identity of the child. If proof of identity of the child is not presented to the school board within 30 days after enrollment, the school board shall immediately

give written notice thereof to a law enforcement agency having jurisdiction within the home county of the school. Upon receipt of the written notice, the law enforcement agency shall promptly conduct an investigation to determine the identity of the child. No person or persons claiming custody of the child shall be informed of the investigation while it is being conducted.

(c) Schools and law enforcement agencies shall cooperate with each other in the conducting of any investigation required by this section. School personnel shall provide law enforcement agencies with access on school premises to any child whose identity is being investigated. School personnel shall be present at all times any law enforcement agency personnel are on school premises for the purpose of conducting any such investigation unless the school personnel and the law enforcement agency personnel agree that their joint presence is not in the best interests of the child. School personnel who are present during the conducting by a law enforcement agency of an investigation on school premises to determine the identity of a child in accordance with the requirements of this section are subject to the confidentiality requirements of the Kansas code for care of children.

(d) Upon receipt by a school of a notice from a law enforcement agency that a child who is or has been enrolled in the school has been reported as a missing child, the school shall make note of the same in a conspicuous manner on the school records of the child and shall keep such school records separate from the school records of all other children enrolled in the school. Upon receipt by the school of a request for the school records of the child, the school shall notify the law enforcement agency of the request.

(e) Each school board may designate and authorize one or more of its school personnel to act on behalf of the school board in complying with the requirements of this section.

(f) Information gathered in the course of the investigation to establish the identity of a child pursuant to this section shall be confidential and shall be used only to establish the identity of the child or in support of any criminal prosecution emanating from the investigation.

History: L. 1986, ch. 268, § 1; July 1.

72-53,107. Tobacco products, use in school buildings prohibited; school building