# ADMISSION OF STUDENTS
## *(District Allows Tuition-Paying, Nonresident Students to Enroll and Attend)*

In general, in order to enroll in the East Carter R-II School District, a student, the parent, legal guardian, military guardian, person acting as a parent or the student must provide proof of legal residency in the district or request a waiver of proof of residency (as outlined in this policy) and must complete all admission requirements as determined by Board policies, regulations and procedures. Students who do not provide proof of residency in the district will only be admitted without payment of tuition if permitted in this policy or required by law. This district allows nonresident students living in Missouri who are otherwise entitled to attend the East Carter R-II School District to enroll in and attend this district upon payment of tuition.

The Board directs the superintendent or designee to create procedures for enrolling students and for collecting tuition or other payments when applicable and authorized under this policy.

### Resident Students

A student is a "resident" student if he or she meets at least one of the following criteria:

1. The student physically resides and is domiciled in the district. The domicile of a minor child shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or court-appointed legal guardian. A "power of attorney" document alone, with the exception of a special power of attorney document relevant to the guardianship of a child in the household of an active duty member of the military, is insufficient to satisfy the "court-appointed legal guardian" requirement.

2. The student physically resides in the district for reasons other than obtaining access to the district's schools, regardless of with whom the student is living, and has a waiver of proof of residency on file.

### Waiver of Proof of Residency

In cases where a student living in the district wishes to enroll, but the student does not live with a parent, military guardian or court-appointed guardian in the district and is not otherwise allowed by law or contractual relationship with another district to attend, the student, parent, military guardian, legal guardian or person acting as a parent must request a waiver of proof of residency. Waiver of proof of residency will only be granted on the basis of hardship or good cause. Good cause shall include situations where the student is living in the district for reasons other than attending school in the district. Under no circumstances shall athletic ability be a valid basis of hardship or good cause for the issuance of a waiver.

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The Board delegates to the superintendent or designee the responsibility of bringing to the Board's attention any application for a waiver in which the student is not clearly entitled to attend school in the district. All other applications will be accepted and granted by the superintendent or designee on behalf of the Board. Once an application for a waiver has been identified for Board review, the Board shall convene a hearing to consider the request as soon as possible, but no later than 45 days after the receipt of the waiver request, or else the waiver shall be granted. The Board president may appoint a committee of the Board to act in lieu of the Board to consider waiver requests.

Once a waiver of proof of residency has been requested and the superintendent or designee has determined that attendance is in the best interest of the student, the student may be permitted to enroll and attend school until such time as the Board decides to grant or deny the waiver request. If the Board grants the waiver request, the student will be allowed to continue attending school in the district. If the Board denies the waiver request, the student shall not be allowed to continue attending school in the district.

In instances where there is reason to suspect that admission of the student will create an immediate danger to the safety of other students and employees of the district, the superintendent or designee may convene a hearing within five working days of the enrollment request to determine whether the student may enroll.

**Students Otherwise Entitled by Law to Enroll**

In accordance with law, students will be enrolled and admitted without going through the waiver process when they:

1. Are considered homeless in accordance with state and federal law (42 U.S.C. ' 11431 - 11435; ' 167.020, RSMo.).

2. Are attending the district as participants in an interdistrict transfer program established under a court-ordered desegregation program (' 167.020, RSMo.).

3. Are wards of the state and have been placed in a residential care facility within the district by state officials (' 167.020, RSMo.).

4. Have been placed in a residential care facility within the district due to a mental illness or developmental disability (' 167.020, RSMo.).

5. Have been placed in a residential care facility within the district by a juvenile court (' 167.020, RSMo.).

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6. Are assigned to the district by the commissioner of education due to an unusual or unreasonable transportation hardship (' 167.121, RSMo.). The resident district will pay the tuition.

7. Have been identified as students with disabilities under state eligibility criteria and are in the district for reasons other than accessing the district's educational program (' 167.020, RSMo.).

8. Have a permanent or temporary home in the district and are orphans, have only one parent living or their parents do not contribute to their support, as long as the students are between the ages of 6 and 20 years old and are unable to pay tuition (' 167.151, RSMo.).

9. Are children of parents/guardians who pay school taxes on property in the school district but do not live in the district. These students may attend school in the district on a tuition basis (' 167.151, RSMo.). School taxes paid to the school district by the parents/guardians of nonresident students shall be deducted from the tuition charge applicable to the school term or fractional part thereof, concurrent with the calendar year in which the taxes are paid. The deduction will be prorated among the number of students per family attending the district's schools. A tax statement must be submitted to the superintendent or designee before a student will be admitted.

10. Are children of parents/guardians who own real estate of which 80 acres or more are used for agricultural purposes and upon which their residence is situated. These children may attend school, without paying tuition, in any district in which a part of such real estate, contiguous to that upon which their residence is situated, lies, provided that 35 percent of the real estate is located in the district of choice (' 167.151, RSMo.). Such parents/guardians are required to send notification by June 30 to all school districts involved specifying which district their children will attend, and the children will only attend the district notified for that school year. If notification is not received, such children shall attend the school in which the majority of the parent's/guardian's property lies.

11. Have been placed by the Missouri Department of Mental Health, the Missouri Department of Social Services or by court order in facilities or programs located within the district, even if their domicile is in another district (' 167.126, RSMo.).

    The domicile district of a student is the school district where the student would have been educated if not placed in the facility or program. Each domicile district will pay the East Carter R-II School District the average sum produced per child by the domicile district's local tax effort. A special school district will pay the average sum produced per child by the local tax efforts of the domiciliary districts. The district may, if such funds are available, receive payment from the Department of Elementary and Secondary Education (DESE) for

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educational costs that exceed the amount received from the domicile district, state aid and other state funds. In addition, the district may receive payments from DESE in lieu of receiving the local tax effort from the domiciliary district in some situations.

12. Are residing in a Missouri school district that has been declared unaccredited by the Missouri State Board of Education (State Board) and that is located in the same county as the East Carter R-II School District or an adjoining county (' 167.131, RSMo.). The unaccredited district will pay tuition as calculated by the East Carter R-II School District or the State Board. The East Carter R-II School District is not responsible for providing transportation.

    The Board will annually set tuition for each grade-level grouping in accordance with law. If an unaccredited district disputes the amount of tuition, the Board will submit the dispute to the State Board for resolution.

13. Are living in a district that is located in the same county as the East Carter R-II School District or an adjoining county if that district does not provide education for all grade levels, such as KB6 or KB8 districts (' 167.131, RSMo.). The sending district will pay tuition as calculated by the East Carter R-II School District or the State Board. The East Carter R-II School District is not responsible for providing transportation.

    The Board will annually set tuition for each grade-level grouping in accordance with law. If a sending district disputes the amount of tuition, the Board will submit the dispute to the State Board for resolution.

14. Are placed in the care of another person living in the district because one or both of their parents/guardians have been stationed or deployed out of state or deployed within Missouri by the military or because of active duty military service. These students will be allowed to attend school in the district without the payment of tuition (' ' 160.2000, 167.020, RSMo.). In addition, if the active duty orders expire during the school year, the students may finish the school year in the district in accordance with law.

15. Were enrolled in the East Carter R-II School District but, due to the active duty military service of a parent/guardian, are placed in the care of a person who resides in another school district. These students will be allowed to continue to attend school in the East Carter R-II School District without payment of tuition (' 160.2000, RSMo.).

16. Attend a private school within the district and are enrolled in the district for the limited purpose of special education identification and the receipt of some special education services when available as mandated by federal special education law (' 167.020, RSMo.).

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17. Have been placed in foster care outside the district if they previously attended the district and are placed in an adjacent district (' 167.019, RSMo.).

18. Are otherwise required by law to be enrolled and admitted.

**Enrollment at the Option of the District**

The Board in its discretion may also allow students to enroll and attend under the following circumstances without going through the waiver process. Unless required by law, no student will be enrolled in the East Carter R-II School District if the enrollment might result in overcrowding, disruption to the educational environment or a financial hardship to the district.

1. The district may enroll and educate nonresident students on a contractual basis with another school district that will pay the tuition or educational expenses (' 167.020, RSMo.). For example, students may attend a district alternative education program on a contractual basis or as part of a regional or cooperative education program.

2. The children of nonresident teachers and regular employees may enroll in the district without paying tuition when the resident district is not otherwise liable for tuition (' ' 163.011, 168.151, RSMo.). In accordance with law, these students will be considered resident students for the purpose of determining average daily attendance, and the Board shall not solicit or receive money from a teacher employed by the district for the purpose of paying tuition or any other expenses for the operation of schools.

3. The district may enroll students pursuant to a contractual arrangement that complies with the Enrollment Option Act (' ' 162.1040 - .1059, RSMo.). A nonresident student enrolled pursuant to an enrollment option program shall be counted as a resident student for the purposes of determining state aid.

4. Nonresident students living in Missouri will be permitted to enroll in the district's schools upon payment of tuition as long as the admission will not require the district to exceed the district's target class sizes and student-to-teacher ratios set by the Board. Nonresident students will only be permitted to enroll upon agreement to pay tuition, as calculated by the East Carter R-II School District or the State Board, unless the students are exempt from payment of tuition as allowed by law or another arrangement has been made with Board approval. Tuition rates shall be determined annually on the basis of the per-pupil cost for the preceding year for the operation, maintenance and debt service of the schools, as prescribed by state law. A nonresident student shall be defined as a student who does not meet the requirements to be a resident student of the East Carter R-II School District, as defined in Board policies and law.

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5. In accordance with law, the district may enroll nonresident students in its summer school program if there is room in the district's program to accommodate the students and the students are not attending summer school in another district (' 167.227, RSMo.). The district will either count the students as residents for state aid purposes or allow them to attend upon payment of tuition by another district or the parents/guardians.

   The district will not enroll nonresident students in summer programs funded entirely by federal funds unless there is an interdistrict agreement to provide those services.

6. Foreign exchange students living within the boundaries of the school district who have obtained a J-1 visa and who are sponsored by an organization listed on the Council on Standards for International Educational Travel (CSIET) Advisory List will be allowed to enroll in the school district. Such enrollment will be conditioned upon approval of the superintendent and in accordance with procedures set forth by the superintendent or designee. The Board of Education reserves the right to limit the number of foreign exchange students enrolled in a given year. Attendance by foreign exchange students is a privilege, not a right.

7. Children residing in institutions located within the district that provide a place of residence for three or more such children whose domicile is not in the state of Missouri may be admitted pursuant to a contractual arrangement, provided that the school district, its taxpayers, the state of Missouri or its political subdivisions bear no financial burden as a result of the placement (' 167.126, RSMo.).

**Tuition**

The amount of tuition, when referenced in this policy, will be determined by the East Carter R-II School District or the State Board, in accordance with law.

**Removal of Students Ineligible to Attend**

The superintendent or designee will investigate any information the district receives indicating that a student is not a resident of the district or not otherwise entitled to attend the district in accordance with law or this policy. If the superintendent or designee determines after the investigation that the student is not a resident of the district and is not otherwise entitled to enroll in and attend the district in accordance with law and the district=s policy, the district will notify the student's parents/guardians, ask them to withdraw the student by a specific date, and offer the parents/guardians a hearing. If the parents/guardians do not request a hearing by the specified deadline and do not withdraw the student, the district will formally remove the student from its rolls and notify the parents/guardians that the student may no longer attend school in the district.

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**Educational Larceny**

It is a crime to provide the district false information regarding residency. The Board authorizes the superintendent or designee to seek all criminal and civil recourse against any person who attempts to fraudulently assert residency in the district.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted: July 28, 2016

Revised:

Cross Refs: IGBCA, Programs for Homeless Students
IGBE, Students in Foster Care
IHB, Class Size

Legal Refs: ' ' 160.2000, 162.1040 - .1059, 163.011, 167.019 - .022, .121, .126, .131, .151, .227, 168.151, 475.060, RSMo.
8 U.S.C. ' 1101
McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 U.S.C. ' ' 11431 - 11435
*Blue Springs R-IV Sch. Dist. v. School Dist. of Kansas City*, 415 S.W.3d 110 (Mo. 2013)
*Breitenfeld v. School Dist. of Clayton*, 399 S.W.3d 816 (Mo. 2013)
*Martinez v. Bynum*, 461 U.S. 321 (1983)
*Horton v. Marshall Public Sch.*, 769 F.2d 1323 (8th Cir. 1985)
*Washington v. Ladue Sch. Dist. Bd. of Educ.*, 564 F. Supp. 2d 1059 (E.D. Mo. 2008)

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