

Greater Albany SD 8J Board Policy

Code: **JECA**
Adopted: 6/26/95
Readopted: 3/12/01; 5/20/02; 8/27/07;
7/23/13
Orig. Code(s): BP 5104

Admission of Resident Students**

The legal residence of a student for school purposes shall be the district in which his/her parents, guardians or persons in parental relationship reside unless such student is legally emancipated or married (ORS 339.133). Persons living temporarily in a school district for the primary purpose of attending a district school shall not be considered legal residents of the district in which they may be living temporarily, but shall be considered residents of the district in which they, their parents, guardians or persons in parental relationship to them maintain residency (ORS 339.133 (5)). Students under the jurisdiction of a licensed, certified or state-approved substitute care program, who are placed in a residence or institution in the district, are regarded as resident students while they are located in the district.

School-age students who live within the district attendance area may attend school without paying tuition.

1. Students who turn 19 years of age during the school year shall continue to be eligible for a free and appropriate public education for the remainder of the school year.
2. The Board may admit otherwise eligible students who are not receiving special education and who have not yet attained 21 years of age prior to the beginning of the current school year if they are shown to be in need of additional education in order to receive a diploma. These students may attend school without paying tuition for the remainder of the school year.
3. The Board shall admit otherwise eligible students who have not yet attained age 21 prior to the beginning of the current school year if the student is receiving special education services and:
 - a. Has not yet received a regular high school diploma; or
 - b. Has received a modified diploma, an extended diploma or an alternative certificate.
4. Students with disabilities voluntarily placed outside the home by their parent may continue to attend the school the student was attending prior to the placement as a district resident when the student's parent and school staff can demonstrate it is in the student's best interest.
5. The Board may, based on district criteria, deny regular school admission to students who have become residents and who are under expulsion from another school district for reasons other than a weapons policy violation.
6. The Board shall deny for at least one calendar year from the date of the expulsion regular school admission to students who have become residents and who are under expulsion from another school district for a weapons policy violation.
7. The Board may, based on district criteria, provide alternative programs of instruction to students expelled for a weapons policy violation.

Pursuant to ORS 339.115 (7), the district will not exclude from enrollment in school a student located in the district solely because the student does not have a fixed place of residence or solely because a student is not under the supervision of a parent. The district reserves the right to assign these students to the appropriate school in the district.

Guardianship

Guardianship is a legal relationship between a student and an adult and must be designated by the court. In Oregon this is a circuit court procedure and must be approved by a judge. There is a cost for guardianship which is paid to the court. The time period of a guardianship is stated in the document and should be reviewed by the district when recognizing residency based on guardianship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325.

Parental Relationship Defined

In determining whether a person is acting in a parental relationship to a student, the district shall examine the circumstances of each case. Reasonable requests for relevant information from students or persons appearing to be in a parental role may be made. Characteristics that describe a parental relationship will include: (1) whether the student spends the majority of his/her time including weekends, evenings and nights with this person; (2) whether the person supplies the student with food, clothing, shelter or other incidental necessities; (3) whether the person provides the student with care, education and discipline; and (4) whether the person may authorize routine and emergency medical care and treatment for the student. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373.

Custodial Delegation/Power of Attorney

District residents enrolling students in school in the role of person in a parental relationship (ORS 339.133) shall be required to establish custodial delegation as provided in ORS 109.056. Permission to attend school in the district as a resident student under this delegation shall be through the superintendent or designee. A special power of attorney form must be completed and filed for students in this status. This power of attorney is good for six months and must be renewed at that time to continue resident status of the student.

Special Education

For special education students, the role of a surrogate parent, an adult student to whom rights have transferred and a foster parent is defined in OAR 581-015-0005 (18).

END OF POLICY

Legal Reference(s):

[ORS 109.056](#)
[ORS 327.006](#)

[ORS 339.115](#)
[ORS 339.133](#)

[ORS 339.134](#)
[ORS 433.267](#)