

Article VIII.B.2. Student Residency

A. Definitions

1. “District” means the Granite School District.
2. “Exigent circumstances” means circumstances wherein a child has no alternative opportunity for an education. Financial inconvenience is not an exigent circumstance.
3. “Relative” means a non-custodial parent, grandparent, sibling, aunt, or uncle.
4. “Responsible adult” means a person at least 21 years of age who is willing and able to provide reasonably adequate food, clothing, shelter and supervision for a minor child.
5. "Superintendent" means the Superintendent of the District or the Superintendent's designee.

B. Student Residency

1. Granite School District is the district of residence of a minor child if:
 - a. The custodial parent or guardian with legal custody of the child resides in the District; or
 - b. The child resides in the District and is:
 - i. an emancipated minor;
 - ii. in the custody or under the supervision of a Utah State agency; or
 - iii. under the supervision of a private or public agency authorized to provide child placement services by the State.

2. Power of Attorney to Responsible Adult: Parents/Legal Guardians are Utah Residents

Granite School District may be considered the district of residence of a minor child if the child’s parents or legal guardians are residents of Utah, although not of the District, if the Student Services Department determines that:

- a. the child is living with a responsible adult resident of the District;
- b. exigent circumstances exist such that the child’s physical, mental, moral, or emotional health would be best served by considering the child a resident for school purposes;

- c. considering the child a resident would not violate any other law, rule, or policy; and
 - d. a durable power of attorney has been issued fulfilling the provisions below.
3. Power of Attorney to Family Member: Parents/Legal Guardians are Not Utah Residents

Granite School District may be considered the district of residence of a minor child although the child's parents or legal guardians are not residents of Utah if the Student Services Department determines that the child lives with a responsible adult family member resident of the District and:

- a. the child's presence in the District is not for the primary purpose of attending the public schools;
 - b. exigent circumstances exist such that the child's physical, mental, moral, or emotional health would be best served by considering the child a resident for school purposes;
 - c. the child is prepared to abide by the rules and policies of the school and District in which attendance is sought; and
 - d. a durable power of attorney has been issued fulfilling the provisions below.
4. District Designation of a Legal Guardian

Granite School District may be considered the district of residence of a minor child although the child's parents or legal guardians are not residents of Utah if the Student Services Department determines that the child lives with a responsible adult resident of the District and according to the provisions of Section d. below, the Student Services Department agrees to designate the responsible adult resident the child's legal guardian.

C. Durable Power of Attorney

For sections b.(2)(d) and b.(3)(d) above, when determining whether to consider the District the district of residence for a child whose parents or legal guardians (1) reside in Utah and the child lives with another responsible adult or (2) do not reside in Utah and the child lives with a responsible adult family member, the Student Services Department shall require that a Durable Power of Attorney be issued:

- 1. By the party with legal custody of the child granting the custodian full legal authority to take any appropriate action, including authorization for educational or medical services in the interests of the child;

2. Agreeing that both the granting party and the party receiving the power of attorney shall:
 - a. assume responsibility for any fees or other charges relating to the child's education in the District; and
 - b. provide the District with all financial information requested for purposes of determining eligibility for fee waivers if eligibility is claimed.

D. Designation of Legal Guardian

The District may designate a responsible adult to be the legal guardian of a minor child if:

1. All persons recognized under the law as the child's parent(s) or legal guardian(s) submit to the Superintendent a signed and notarized document which states that:
 - a. The child's presence in the district is not for the primary purpose of attending the public schools;
 - b. The child's physical, mental, moral or emotional health would be best served by transfer of guardianship to a Utah resident;
 - c. The affiant is aware that designation of a guardian is equivalent to a Court established guardianship and will suspend or terminate any existing parental or guardianship rights in the same manner as a court-established guardianship;
 - d. The affiant consents and submits to suspension or termination of parental or guardianship rights;
 - e. The affiant submits to jurisdiction of Utah State courts in which the District is located for any action related to guardianship or custody of the student;
 - f. The affiant designates the responsible adult as agent to accept service of process and notice; and
 - g. It is the affiant's intent that the student become a permanent resident of the District under the supervision of the responsible adult.
2. The responsible adult seeking guardianship must also submit a personal affidavit stating that:
 - a. The affiant is a resident of the school district and desires to become the guardian of the student;

- b. The affiant will accept responsibilities of guardianship to provide adequate supervision, discipline, food, shelter, educational and emotional support, medical care and pay all school fees; and
 - c. The affiant accepts the parent or prior guardian's appointment of agency.
3. The student who lives with the responsible adult must submit an affidavit stating that:
- a. The student desires to reside in the District with the responsible adult; and
 - b. The child will abide by rules and policies of the District and schools.

E. Provisions for Children Seeking Residence under Power of Attorney or Guardianship

Prior to considering a child a resident of the District under a Power of Attorney or prior to designating a legal guardian, the Student Services Department shall receive:

- 1. The child's transcript; and
- 2. For children older than 11 years of age:
 - a. a statement signed by both the parent or legal guardian and the child listing any suspensions, expulsions, or major disciplinary proceedings past or currently pending against the student;
 - b. a certificate from the police authorities where the child has lived the past two years stating whether there have been any criminal charges filed against the child and whether the child is currently the subject of criminal investigation;
 - c. a parent or legal guardian release for the District allowing full access to all criminal records where the child has lived the past two years; and
 - d. a parent or guardian release allowing access to all school records.
- 3. For children 11 years of age and younger a parent or guardian release allowing access to all school records.

F. District Action

Upon receipt of the documents required under Section e., the Student Services Department shall make the determinations required by Sections b.(2), b.(3), or b.(4) and shall then report the determinations together with a recommendation to the Superintendent to:

- 1. consider the student a District resident by way of Power of Attorney,

2. designate a legal guardian, or
3. decline to do either.

The Superintendent will consider the recommendation and accept or reject the recommendation.

G. Tuition

Children who are not residents of Utah may attend District schools by paying tuition at least equal to the per capita cost the school program.

H. Attendance Data

Attendance data shall be maintained on all non-resident students attending schools within the District as required for school funding.

I. Exigent Circumstances: Examples

1. A child's father is deceased and mother is incarcerated. The child is living with a relative in the District. The mother has refused to grant guardianship or power of attorney to any person. This could be an exigent circumstance and after considering other requirements of this memorandum, the Superintendent could recognize the child as a resident of the District.
2. A child from outside of the U.S. has lived in the U.S. with an aunt for the summer and would like to go to school with the new friends. To return home and receive appropriate papers such as a student visa, etc. would be costly and time consuming. This would **not** be an exigent circumstance and the Superintendent would not recognize the child as a resident of the District. (Note: if the country of origin issued a legal guardianship to the aunt or a Utah court granted guardianship, the child's residence would be with the aunt and enrollment would be appropriate. However, this circumstance is not exigent for the purposes of a District designated guardian or power of attorney.)