

Millard School District

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MEMORANDUM

TO: Students enrolling who are not living with their parents/legal guardians, seeking residency by living with a relative (defined as noncustodial parent, grandparent, brother, sister, uncle or aunt) or other interested party.

FROM: George Richardson, Director of Student Services

SUBJECT: District Residency Requirements

Enrollment in the Millard School District requires completion of the following items. Students are not allowed to attend school until written authorization and/or designation of residency has been issued by the School Board or its representatives.

1. Complete the **Millard School District Entrance Application** (attached district form), to be signed by the parent (not the custodial parent with whom the student will reside) and the student. The "Reason for Requesting Admittance" must be completed in detail.
2. Provide a **Durable Power of Attorney** (use district forms ONLY), granting custodial rights to responsible adults living within the school district. The parent completes the "Grantor" section. The Millard County resident with whom the student will reside completes the "Custodian" section.
3. **Complete and notarize Affidavits** from the Custodial Parent, Responsible Adult, and the Student.
3. Provide the district with a **criminal/juvenile court record profile** from the county in which the student most recently resided. This can usually be obtained from the Juvenile Court Office in your county. It can only be requested by a parent or legal guardian.
4. Provide checkout grades, transcripts, and/or other pertinent records from the previous school attended.
5. Provide a birth certificate and current immunization records. If immunization records are not available, the student must report to the local Health Office to begin a series of immunizations or claim exemption thereto.
6. Present items mentioned in #1, #2, #3, #4, and #5 to the Director of Curriculum and Student Services at the Millard School District Offices for review and submission to the Millard School District Board of Education. All items must be **original**. Copies and faxes are not acceptable.

If you have specific questions or need assistance in completing the necessary paperwork, please feel free to telephone Mr. Richardson at (435) 864-1000.

GR/js

<p>DESCRIPTOR TERM:</p> <p>Students</p>	<p>Millard District Policy File Code: 6220</p> <p>Approved: 05-09-13</p>
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RESIDENCY and GUARDIANSHIP

A. Purpose

The purpose of this policy is to define the difference between, and explain the requirements of: In-State Student Residency, Out-of-State Student Residency and Guardianship for Residency purposes.

B. Definitions

1. **Affiant** – One who makes an affidavit.
2. **Affidavit** – A written declaration made under oath before a notary public or other authorized officer. Contained in the appendix of this policy are the following affidavits:
 - Affidavit from the Custodial Parent/Legal Guardian(s)
 - Affidavit from the Responsible Adult Resident(s)
 - Affidavit from the Student
3. **Custodian** – This term is used on the Millard School District Durable Power of Attorney and refers to the Responsible Adult Resident who assumes authority to take any appropriate action in the interests of the Student, including authorization for education or medical services.
4. **Designation of Guardian** – This is a legal document prepared by the district which appoints the Responsible Adult Resident as guardian of a student. It is filed with the District Court in and for Millard County. This document is included in the appendix of this policy.
5. **District** – This term is an abbreviation for the Millard County School District.
6. **Emancipated Minor** – An emancipated minor is a child who has been granted the status of adulthood by a court order or other formal arrangement.
7. **Grantor** – This term is used on the Millard School District Durable Power of Attorney and refers to the parent or legal guardian who grants to the custodian full authority to take any appropriate action in the interest of the student, including authorization for education and medical services.

8. **Millard School District Durable Power of Attorney** – This is a legal document that must be obtained before a student residency can be approved by the local school board. A durable power of attorney does not confer legal guardianship. In order to be sufficient, a durable power of attorney must be issued by the person who has legal custody of the child (grantor) and must grant a responsible adult resident (custodian) full authority to take any appropriate action in the interests of the child, including authorization for education and medical services.
9. **Responsible Adult Resident** – An individual who is 21 years of age or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for a minor child.
10. **School Entrance Application** – This form, included in the appendix of this policy, contains demographic information about the student, his/her parents and custodial guardians. It requests information about past schools attended, including reference to special services received, as well as historical information about suspensions and/or expulsions. It details the reason for requesting enrollment. The form also authorizes a search of Juvenile Court records.
11. **WPU** – This abbreviation stands for “weighted pupil unit.” The WPU is the basic funding tool for education in the state of Utah.

C. Student Residency

Student residency is established in one of the following ways:

1. As part of a recognized agreement between another school district and the Millard School District (i.e. students from West Desert High School in the Tintic School District attending Delta High School to increase their academic options).
2. When student athletes or extra-curricular participants attend a Millard School District secondary school, in accordance with UHSAA guidelines, because the school of their home residence does not offer the program they wish to participate in (i.e. students from West Desert High School in the Tintic School District or students from EskDale High School in our own district attending Delta High School to play football, etc.).
3. The district of residence of a minor child whose custodial parent or legal guardian resides in Utah is:

- a. The district in which the custodial parent or guardian who has legal custody of the child resides; or
- b. The school district in which the child resides and one of the following circumstances exist:
 - 1) the child is in the custody or under the supervision of a Utah state agency;
 - 2) the child is under the supervision of a private or public agency authorized to provide child placement services by the State of Utah;
 - 3) the child is married or has been determined to be an emancipated minor by a court of law or authorized administrative agency;
 - 4) the child resides in the district while living with a responsible adult resident of the district, and the Millard School District Board of Education (hereafter referred to as the "Board") has determined that all of the following conditions exist:
 - (a) the child's physical, mental, moral, or emotional health is best served by considering the child to be a resident for school purposes;
 - (b) there are exigent circumstances that prevent the case from being considered under the procedures provided for in this policy for inter-district transfers;
 - (c) considering the child to be a resident of the district will not violate any other law or rule of the State Board of Education; and
 - (d) the person with whom the child is living has been designated as the child's custodian through a durable power of attorney as provided for in this policy.

D. Student Residency (Parent or Guardian Resides in Utah)

1. A minor child whose custodial parent or legal guardian resides in the State of Utah, but does not reside in the Millard School District may be considered a resident of the Millard School District if it is established to the satisfaction of the local board that:

- a. the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's custodial guardian, and
 - b. the child's presence in the district is not for the primary purpose of attending the public schools; and
 - c. the child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and
 - d. the child is prepared to abide by the rules and policies of the school district and the school in which attendance is sought; and
 - e. the person with whom the child resides in the district has been designated as the child's custodian in a durable power of attorney which the district agreed in its sole discretion to accept.
2. Outlined below are the requirements and procedures for students seeking admission whose parents are not residents of the Millard School District.
- a. The district will require the person with whom the child lives to be designated as the child's custodial guardian in a durable power of attorney, issued by the party who has legal custody of the child, granting the custodial guardian full authority to take any appropriate action, including authorization for educational or medical services in the interests of the child.
 - 1) Both the party granting and the party empowered by the power of attorney shall agree to:
 - (a) assume responsibility for any fees or other charges relating to the child's education in the district; or
 - (b) provide the district with all financial information requested by the district for purposes of determining eligibility for fee waivers.
 - 2) A power of attorney meeting the requirements of this policy and accepted by the district shall remain in force until the earliest of the following occurs:

- (a) the child reaches the age of eighteen (18), marries, or becomes emancipated;
 - (b) the expiration date stated in the document; or
 - (c) the power of attorney is revoked or rendered inoperative by the grantor, custodian or grantee, or by order of a court of competent jurisdiction.
- 3) A durable power of attorney does not confer legal guardianship.
- b. Prior to granting residency, the student and the student's parent or legal guardian shall provide the district with the information requested on the "Entrance Application," attached hereto as an addendum.
- c. Upon receipt and review of the aforementioned information and documentation and a determination by the board that the information is accurate, that the requirements of this policy have been met, and that the interests of the child would be best served by granting the requested residency, the board or its authorized representative may grant residency under the completed durable power of attorney.

E. Student Residency (Parent or Guardian Does Not Reside in Utah)

- 1. A minor child whose parent or legal guardian does not reside in Utah may be considered a resident of the Millard School District if it is established to the satisfaction of the local board that:
 - a. The child is either married or has been determined to be an emancipated minor by a court of law or authorized state administrative agency; or
 - b. the child was placed and is being supervised by a child placing agency which is authorized by the State of Utah to provide residential or child placement services and the agency is paying the child's tuition and fees to the extent required by Utah Code Ann. §62A-4a-606; or
 - c. the child is in custody or under the care of a Utah state agency; or
 - d. the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal

guardian under Section F Guardianship for Residency Purposes below; or

- e. the district, in its sole discretion may accept a non-emancipated student as a resident of the district if each of the following are demonstrated to the board's satisfaction:
 - 1) the child lives with a responsible adult who resides in the district and is the student's non-custodial parent, grandparent, brother, sister, uncle, or aunt; and
 - 2) the child's presence in the district is not for the primary purpose of attending the public schools; and
 - 3) the child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and
 - 4) the child is prepared to abide by the rules and policies of the school district and the school in which attendance is sought; and
 - 5) the person with whom the child resides in the district has been designated as the child's custodian in a durable power of attorney which the district agreed in its sole discretion to accept.

- 2. Outlined below are the requirements and procedures for students seeking admission whose parents/legal guardians are not residents of the State of Utah.
 - a. The district will require the person with whom the child lives (a non custodial parent, grandparent, brother, sister, uncle or aunt) to be designated as the child's custodial guardian in a durable power of attorney, issued by the party who has legal custody of the child, granting the custodial guardian full authority to take any appropriate action, including authorization for educational or medical services in the interests of the child.
 - 1) Both the party granting and the party empowered by the power of attorney shall agree to:
 - (a) assume responsibility for any fees or other charges relating to the child's education in the district; or

- (b) provide the district with all financial information requested by the district for purposes of determining eligibility for fee waivers.
 - 2) A power of attorney meeting the requirements of this policy and accepted by the district shall remain in force until the earliest of the following occurs:
 - (a) the child reaches the age of eighteen (18), marries, or becomes emancipated;
 - (b) the expiration date stated in the document; or
 - (c) the power of attorney is revoked or rendered inoperative by the grantor, custodian or grantee, or by order of a court of competent jurisdiction.
 - 3) A durable power of attorney does not confer legal guardianship.
- b. Prior to granting residency, the student and the student's parent or legal guardian shall provide the district with the information requested on the "Entrance Application," attached hereto as an addendum.
- c. Upon receipt and review of the afore mentioned information and documentation and a determination by the board that the information is accurate, that the requirements of this policy have been met, and that the interests of the child would be best served by granting the requested residency, the board or its authorized representative may grant residency under the completed durable power of attorney.

F. Guardianship for Residency Purposes

- 1. Subject to the district's acceptance and approval, a responsible adult resident residing in the district may obtain guardianship of a child whose custodial parent or legal guardian does not reside in the district for the limited purpose of establishing school district residency of a minor child by submitting to the superintendent a signed and notarized statement by all persons recognized under the law as the child's parent(s) or legal guardian(s) 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 best be served by transfer of guardianship to the 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 the District Court in and for Millard County in 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 must also submit a signed and notarized 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 consents and submits to the jurisdiction of the District Court in and for Millard County in any action relating to the guardianship or custody of the child in question;
 - c. the affiant will accept responsibilities of guardianship, to provide adequate supervision, discipline, food, shelter, educational and emotional support, medical care, and pay for all school fees; and
 - d. the affiant accepts the parent or prior guardian's appointment of agency.
3. The student who lives with the responsible adult must submit a notarized affidavit stating that:
- a. the student desires to become a permanent resident of the State of Utah and reside in the district with, and be responsible to, the named responsible adult; and

- b. the student will abide by all applicable rules and policies of the district and schools.
4. If the child's custodial parent or legal guardian cannot be found in order to execute the statement required under subsection E1, the responsible adult resident must submit a signed and notarized affidavit to that effect to the district. The district shall also submit a copy of the affidavit to the Criminal Investigations and Technical Services Division of the Department of Public Safety.
5. Prior to designating guardianship, the student and the student's parent or legal guardian shall provide the district with the information requested on the "Entrance Application," attached hereto as an addendum.
6. The district may require the responsible adult to also submit any other relevant documents that it reasonably believes to be necessary to substantiate any claim made in connection with the application.
7. Upon receipt of the required information and documentation and a determination by the board that the information is accurate, that the requirements have been met, and that the interests of the child would best be served by granting guardianship, the board or its authorized representative may designate the applicant as guardian of the child by issuing a Designation of Guardian letter to the applicant.
8. The district shall deliver the original documents filed with the district, together with a copy of the Designation of Guardian letter issued by the district, in person or by any form of mail requiring a signed receipt, to the Clerk of the District Court in and for Millard County.
9. Intentional submission to the district of fraudulent or misleading information under this policy is punishable under Utah Code Ann. § 76-8-504.
 - a. If the district has reason to believe that a party has intentionally submitted false or misleading information pursuant to this policy, it may, after notice and opportunity for the party to respond to the allegation:
 - 1) void any guardianship, authorization, or action which was based upon the false or misleading information; and
 - 2) recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, and

other unpaid school charges, together with any related costs of recovery.

10. If the board denies the application for a guardianship designation, the applicant may either appeal the denial to the District Court in and for Millard County, or may file an original petition for guardianship with the court.
11. A guardianship designation issued by the district may be terminated, and the authority and responsibility of the prior custodial parent or legal guardian may be restored, upon submission to the district of:
 - a. a signed and notarized statement by the person who consented to the guardianship which requests termination of the guardianship; or
 - b. a signed written request by the designated guardian requesting termination of the guardianship.
12. If the district determines that it would not be in the best interest(s) of the child to terminate the guardianship, the district may refer the request for termination to the District Court in and for Millard County where the original documents were submitted.
13. A student whose guardianship or enrollment has been terminated may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.
14. The district shall retain copies of all documents required by this policy until the child in question has reached the age of eighteen (18) unless directed to surrender the documents by the District Court.

G. Tuition Issues

1. The board shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls unless the board, in open meeting, determines to waive the charge for that child in whole or in part. The official minutes of the meeting shall reflect the determination.
 - a. In-state and out-of-state students who have been admitted to the Millard School District through the residency procedures outlined in this policy are considered residents of the state and do not have to pay tuition. They can be claimed by the district for the WPU (weighted pupil unit).

- b. Parents of out-of-state students who do not wish to relinquish their parent/guardian rights and responsibility as outlined in Section E above must pay tuition. Their students cannot be claimed by the district for the WPU (weighted pupil unit).
2. If the board so determines, it shall pay tuition to any accredited district outside the state with which it has a written agreement to educate students attending school in the out-of-state district. The agreement shall be approved by both districts and filed with the State Board of Education. The district is not required to pay tuition to any district with which it has not contracted. (*Utah Code Ann. §53A-2-204 (2012)*)

References:

Utah Code Ann. §53A-2-202 (2012)
Utah Code Ann. §53A-2-204 (2012)
Utah Code Ann. §53A-3-402 (2012)
Utah Code Ann. §62A-4a-606 (2012)
Utah Code Ann. §76-8-504

Appendix:

Millard School District School Entrance Application
Millard School District Durable Power of Attorney
Affidavit from the Custodial Parent/Legal Guardian(s)
Affidavit from the Responsible Adult Resident(s)
Affidavit from the Student
Designation of Guardian

Millard School District
SCHOOL ENTRANCE APPLICATION

Student's Name: _____ Grade: _____

Student's Millard County Address: _____

Student's Telephone: _____ Student's Birth Date: _____

Student's Prior Address: _____

Parent's Name: _____ Parent's Phone: _____

Parent's Address: _____

Custodian/Guardian: _____ Custodian/Guardian Phone: _____

Custodian/Guardian's Address: _____

Primary Language Spoken in the Home: _____

Last School Attended: _____ Phone: _____

Address: _____

Reason for Requesting Admittance: _____

Has student received Special Education services or been classified for Special Education Services in another school district? Yes _____ No _____

Have student been suspended or expelled in another school or school district? If yes, please explain the circumstances. Yes _____ No _____

Juvenile Court Records:

Above student does does not have a **Juvenile Court Record Profile.**

Signature (Court Official)

I certify that this information is true and correct. I authorize Millard School District to obtain and review academic and citizenship information necessary to recommend appropriate placement if admission is granted. I authorize the district to review police and criminal records relative to this application, including juvenile court records, all of which we agree to provide to the school district, prior to the student's entrance.

Student's Signature

Date

Parent's/Guardian's Signature

Date

Millard School District DURABLE POWER OF ATTORNEY

The undersigned Grantor(s) is/are the custodial parent(s) or legal guardian(s) of _____, a minor child (the "Student"). Pursuant to Section § 53A-2-201(3) Utah Code Ann. 1953 (1995), Grantor(s) hereby designate(s) _____ (Custodian/s), living at _____ as the Custodian(s) of the Student, and grant(s) to said Custodian(s) a Durable Power of Attorney with full authority to take any appropriate action in the interests of the Student, including authorization for education or medical services. Such action shall have the same force and effect, and shall bind the undersigned Grantor(s), their heirs and assigns, to the same degree as would have been the case had the action been taken by the Grantor(s).

Grantor(s) agree(s) to assume full responsibility for payment of any fees or other charges relating to the Student's education in the Millard School District. If eligibility for fee waivers is claimed under §53A-12-103, Grantor(s) also agree(s) to provide all financial information requested by the Millard School District in determining eligibility for fee waivers.

This Durable Power of Attorney shall remain in force until the earliest of the following:

- A. The Student reaches the age of eighteen (18), marries, or becomes emancipated;
- B. The following date: _____;
- C. This Durable Power of Attorney is revoked or rendered inoperative by the Grantor(s), Custodian(s), Grantor (Millard School District) or a court of competent jurisdiction.

This Durable Power of Attorney does not confer legal guardianship.

Grantor(s):

_____ On this _____ day of _____ personally appeared before me _____, the Grantor(s), personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

(Seal)

Notary Public

Custodian(s):

_____ On this _____ day of _____ personally appeared before me _____, the Custodian(s), personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is signed, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.

(Seal)

Notary Public

Millard School District (grants does not grant residence under the above Power of Attorney.

For Millard School District

AFFIDAVIT FROM THE CUSTODIAL PARENT/LEGALGUARDIAN(S)

To: Millard School District

From: State of _____
County of _____

_____ **being first duly sworn, deposes and states as follows:**
(Parent Name)

1. We (I) are (am) the parent(s) of _____, and make this Affidavit based upon our (my) own personal knowledge and belief;
2. _____ presence in the District is not for the primary purpose of attending the public schools;
Student Name
3. _____ physical, mental, moral, or emotional health would best be served by the transfer of guardianship to the Utah resident;
Student Name
4. The affiant is aware that designation of a guardian under Millard District policy is equivalent to a court-ordered guardianship under state law and will suspend or terminate any existing parental or guardianship rights in the same manner as would occur under a court-ordered guardianship;
5. The affiant consents and submits to any such suspension or termination of parental guardianship rights;
6. The affiant consents and submits to the jurisdiction of the District Court in and for Millard County in any action relating to the guardianship or custody of the child in question;
7. The affiant designates _____, as responsible adult(s), authorized to accept the responsibility to provide adequate supervision, discipline, food, shelter, educational and emotional support, and medical care for the child in question; and
8. It is the affiants' intent that the child becomes a permanent resident of the state of Utah and reside with and be under the supervision of _____.

Custodial Parent/Legal Guardian Signature _____

Dated this Day _____.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DATE _____

(Seal)

Notary Public Signature

Notary Public for the State of _____

Commission Expiration Date _____

AFFIDAVIT FROM THE RESPONSIBLE ADULT RESIDENT(S)

STATE OF UTAH)
 : ss.
COUNTY OF _____)

_____ being first duly sworn, deposes and states as follows:

1. The affiant is a resident of the Millard School District and desires to become the guardian of _____, hereinafter referred to as the "child";
2. The affiant consents and submits to the jurisdiction of the District Court in and for Millard County in any action relating to the guardianship or custody of the child in question;
3. The affiant will accept the responsibilities of guardianship, including the responsibility to provide adequate supervision, discipline, food, shelter, educational and emotional support, and medical care for the child if designated as the child's guardian; and
4. The affiant accepts the designation as agent of the child and agrees to accept service on behalf of the child's custodial parent or legal guardian of any process, notice or demand required or permitted to be served in connection with any action filed in the Fourth Judicial District Court of the State of Utah relating to the guardianship or custody of the child.

Signature

SUBSCRIBED AND SWORN BEFORE ME ON THIS DATE: _____

(Seal)

Notary Public Signature

Notary Public for the State of: _____

Residing at: _____

Commission Expiration Date: _____

AFFIDAVIT FROM THE STUDENT

STATE OF UTAH)
 : ss.
COUNTY OF _____)

_____ being first duly sworn, deposes and states as follows:

1. I desire to become a permanent resident of Utah and reside with and be responsible to
_____.

2. I will abide by all applicable rules of any public school within the Millard School District which I may attend after guardianship is awarded to the individual(s) named in #1 above.

Student's Signature

SUBSCRIBED AND SWORN BEFORE ME ON THIS DATE: _____

(Seal)

Notary Public Signature

Notary Public for the State of: _____

Residing at: _____

Commission Expiration Date: _____