

<b>DESCRIPTOR TERM:</b>  Students	<b>Millard District Policy</b> <b>File Code: 6000</b>  <b>Approved: 6-11-2026</b>
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## ELIGIBILITY AND ADMISSIONS REQUIREMENTS

### **A. Eligibility and Admissions Requirements**

1. A child who is 3-years old or older may enter preschool if he or she has an Individual Education Plan (IEP) requiring such. If a student without an IEP turns 4-years old before September 2<sup>nd</sup>, he/she may enter preschool, on a space available basis as a tuition-paying student.
  - a. Tuition and fees are to be set in the annual board approved fee schedule.
  - b. The district shall determine according to the availability of open spots in pre-school sections, the number of tuition-paying preschool students to be accepted annually. The superintendent will develop a fair and consistent method to determine which fee paying students to accept if the number of applicants received exceeds the spaces available.
2. Any child who is 5-years old before September 2<sup>nd</sup> may enter kindergarten after presenting a birth certificate or other acceptable and evidence of proper immunizations or justifiable waiver. Medical and dental examinations are recommended.

### **B. 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 resides in Utah is:
  - a. The district in which the custodial parent resides; or
  - b. The school district in which the child resides;
    - i. While in the custody or under the supervision of a Utah state agency, local mental health authority, or substance abuse authority;
    - ii. While under the supervision of a private or public agency authorized to provide child placement services by the state of Utah;
    - iii. If the child is married or has been determined to be an emancipated minor by a court of law or authorized administrative agency;
    - iv. The child resides in the District while living with a responsible adult resident of the District who has been designated as the child's custodian through a durable power of attorney as provided for in this policy and the District has been determined to be the child's district of residency as provided for in "Alternative District of Residency" below; or
    - v. The child is receiving services from a health care facility or human services program (as defined by *Utah Code § 26B-2-201* and *Utah Code § 26B-2-101*) and the District has been determined to be the child's district of residency as provided for in "Alternative District of Residency" below.

[\*Utah Code § 53G-6-302\(1\), \(2\) \(2023\)\*](#)

[\*Utah Admin. Rules R277-621 \(September 24, 2021\)\*](#)

4. A "responsible adult resident" is 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 the child.

[\*Utah Code § 53G-6-303\(1\) \(2019\)\*](#)

### **C. Alternative District of Residency**

1. Procedure:
  - a. When a student's parent or legal guardian resides in Utah but not within the District, and the student resides in the District, the parent or legal guardian may request a determination that the District is the student's alternative district of residency by filing a written

request with the District for that determination. The written request shall demonstrate that:

- i. the child's physical, mental, moral or emotional health will be best served by considering the child to be a resident for school purposes;
- ii. exigent circumstances prevent the case from being considered under the procedures provided for in this policy for interdistrict transfers, and
- iii. considering the child to be a resident of the District will not violate any other law or rule of the State Board of Education.

[Utah Admin. Rules R277-621-3\(1\) \(September 24, 2021\)](#)  
[Utah Code § 53G-6-302\(2\)\(b\)\(iii\), \(iv\) \(2023\)](#)

- b. For alternative district requests, the District designates the District Superintendent as its review official.
- c. Upon receipt of an alternative district request, the review official shall review the request in light of the requirements set forth above and within 10 business days make a recommendation to the Board of Education (or its designee) on whether the student should be treated as a resident of the district.  
[Utah Admin. Rules R277-621-3\(2\) \(September 24, 2021\)](#)
- d. The Board of Education (or its designee) shall review the request and the recommendation and determine, based on the criteria set forth above, whether to grant or deny the request. The decision shall be in writing and shall set for the reasons for approval or denial in accordance with the criteria.  
[Utah Admin. Rules R277-621-3\(2\) \(September 24, 2021\)](#)
- e. If the request is denied by the Board of Education, the student or parent may appeal the denial to the State Superintendent within 10 business days. The State Superintendent will rule on the appeal within 10 business days.

[Utah Admin. Rules R277-621-3\(5\) \(September 24, 2021\)](#)

## 2. Requirements

- a. Pending a decision on the request, the district of residence of the student's custodial parent or legal guardian is responsible for the student's education services. If the request is approved, the district shall immediately enroll the student and assume responsibility for providing educational services to the student.

[Utah Admin. Rules R277-621-3\(3\) \(September 24, 2021\)](#)

- b. If the request is approved and the student qualifies for services under IDEA, the district shall conduct an IEP meeting with representation from the district and from the student's prior district (the district of residence of the student's custodial parent or legal guardian).

[Utah Admin. Rules R277-621-3\(7\) \(September 24, 2021\)](#)

- c. The district is not responsible for a student's required transportation between a health care facility or a human services program facility and the district's facility.

[Utah Admin. Rules R277-621-4\(3\) \(September 24, 2021\)](#)

- d. The Board of Education or its designee may periodically re-evaluate the student's eligibility for educational services from the district.

[Utah Admin. Rules R277-621-4\(4\) \(September 24, 2021\)](#)

**D. 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 affidavit by the child's parent 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 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 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. Forms for the affidavits of the parent and the responsible adult are provided below. If the child's custodial parent cannot be found in order to execute the statement required under subsection (6), then the responsible adult resident must submit a signed affidavit to that effect to the District. A form for this affidavit is provided below. The District shall also submit a copy of the affidavit to the Criminal Investigations and Technical Services Division of the Department of Public Safety.
- a. The student who lives with the responsible adult must submit a signed affidavit stating that:
    - i. 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
    - ii. 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 § 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:
    - i. void any guardianship, authorization, or action which was based upon the false or misleading information; and
    - ii. 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.

[Utah Code § 53G-6-303 \(2019\)](#)

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 affidavit 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 Utah District Court where the original documents were submitted.
13. If the District determines, after giving notice and an opportunity to respond, that an individual has intentionally submitted false or misleading information to the District in connection with a guardianship designation, the District may
  - a. void any guardianship, authorization, or action which was based on the false or misleading information, and
  - b. recover from the person submitting the false or misleading information the full cost of any benefits received by the child based on the false or misleading information, including tuition, fees, and other unpaid school charges, along with any related costs of recovery.

**E. Students Attending a Private Human Services Program**

When the district is established as the alternative district of residence of a student while the student is attending a private human services program, the student is entitled to educational services from the district at district facilities, as determined by the district. The district is not required to provide educational services on site at the private human services program facility unless the district's IEP team determines that on site services are required to meet the needs of the student under federal law.

**F. 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;
  - 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 § 26B-2-131](#)
  - c. the child is in custody or under the care of a Utah state agency; [Utah Code § 26B-2-131 \(2023\)](#)
  - 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 as provided for 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:
    - i. 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
    - ii. The child is prepared to abide by the rules and policies of the District; and
    - iii. The person with whom the child resides in the District has been given authority in a durable power of attorney, as specified below, which the District agreed in its sole discretion to accept; and
    - iv. One of the following two sets of circumstances exists:
      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 the child's presence in the District is not for the primary purpose of attending the public schools; or
      2. The child's parent has moved from the state, and the child resides with a responsible adult who resides in

the District, and the child's attendance in the school will not be detrimental to the school or to the District.

[Utah Code § 53G-6-302\(3\) \(2023\)](#)

**G. Durable Power of Attorney**

1. In certain circumstances identified above, a durable power of attorney must be obtained before a child can be admitted to attend school within the District. This durable power of attorney does not confer legal guardianship. In order to be sufficient, this durable power of attorney must be issued by the person who has legal custody of the child and must grant the custodian full authority to take any appropriate action in the interests of the child, including delegating powers regarding care, custody, and property, including authority over schooling.
2. In addition, the person with legal custody of the child (the grantor of the power of attorney) and the person who the child is to reside with (the person empowered by the power of attorney) must both agree to:
  - a. Assume responsibility for any fees or other charges related to the child's education in the District, and
  - b. Provide the District with all requested financial information needed to determine eligibility for fee waivers, if those are claimed.

[Utah Code § 53G-6-302\(4\) \(2023\)](#)

[Utah Code § 75-5-103 \(2018\)](#)

3. Forms for this power of attorney and for acceptance of custodianship are provided below.

**H. Transfer from a Persistently Dangerous School**

1. The State Superintendent may designate a school as "persistently dangerous" when at least 3% of students for three consecutive school years have been suspended or expelled for either a gun free school violation or for a reported violent criminal offense that took place either on school property or at a school-sponsored activity.

[20 U.S.C. § 7912](#)

[20 U.S.C. § 7961](#)

[Utah Code § 53G-8-205\(2\) \(2019\)](#)

[Utah Admin. Rules R277-714-2 \(April 9, 2020\)](#)

[Utah Admin. Rules R277-714-3\(1\) \(April 9, 2020\)](#)

2. If a District school is designated by the State Superintendent as persistently dangerous, then the District shall within 15 days of receiving notice of the designation, notify the parents of the school's students:
  - a. That the school has been designated as persistently dangerous and the criteria that caused the designation;
  - b. That a parent may transfer the parent's student to a safer school within the District if the parent chooses; and
  - c. That the parent may request the transfer within 30 days after the parent received notice of the designation.
3. Upon receipt of a timely transfer request, the student shall be promptly transferred to a safe school within the District notwithstanding other limitations on transfers or enrollment changes contained in this policy.  
[\*Utah Admin. Rules R277-714-3\(3\) \(April 9, 2020\)\*](#)
4. In the event of a persistently unsafe school designation, the District shall also provide the State Superintendent with the information and materials required under [Utah Administrative Rules R277-714-3 and R277-714-4.](#)  
[\*Utah Admin. Rules R277-714-3 \(April 9, 2020\)\*](#)  
[\*Utah Admin. Rules R277-714-4 \(April 9, 2020\)\*](#)

#### **I. Required Identification**

1. An "enroller" is an individual who enrolls a student in a public school. Upon enrollment of a student for the first time in a particular school in the District, that school shall notify the enroller in writing that within 30 days the enroller shall provide the school with either (1) a certified copy of the student's birth certificate, or (2) other reliable proof of the student's identity, biological age, and relationship to the student's legally responsible individual, together with an affidavit explaining the enroller's inability to produce a copy of the student's birth certificate. If the documentation inaccurately describes the student's biological age, the enroller shall also provide an affidavit explaining the reason for this inaccuracy and supporting documentation that establishes the student's biological age.  
[\*Utah Code § 53G-6-603 \(2022\)\*](#)
1. Supporting documentation to establish a student's biological age may include:
  - a. A religious, hospital, or physician certificate showing the student's date of birth;
  - b. An entry in a family religious text;
  - c. An adoption record;
  - d. Previously verified school records;

- e. Previously verified immunization records;
- f. Documentation from a social service provider (as defined by Utah Code § 53E-3-524); or
- g. Other legal documentation, including from a consulate, that reflects the student's biological age.

[Utah Code § 53G-6-603\(3\)\(b\) \(2022\)](#)

2. If supporting documentation to establish the student's biological age is not available, the school shall assign a review team to determine the student's biological age for the District to use in enrolling and placing the student. The review team shall consist of at least three members, with at least one of the members having completed the child sexual abuse and human trafficking prevention training described in Policy 4350 within the prior two years. Review team members may include any of the following: an appropriate district administrator, the student's teacher or teachers, the school principal, a school counselor, a school social worker, a school psychologist, a culturally competent and trauma-informed community representative, a school nurse or other school health specialist, an interpreter (if necessary), or a relevant educational equity administrator.

[Utah Code § 53G-6-603\(4\)\(a\), \(b\) \(2022\)](#)

3. In addition to meeting the mandatory reporting requirements regarding suspected physical or sexual abuse, the school shall also report to local law enforcement and to the Division of Child and Family Services any sign of child trafficking that the review team identifies in performing its duties.

[Utah Code § 53G-6-603\(4\)\(c\) \(2022\)](#)

[Utah Code § 53E-6-701 \(2022\)](#)

[Utah Code § 80-2-602 \(2022\)](#)

#### **J. Distribution of Kits for Missing Child Identification Program**

The Missing Child Identification Program administered by the Utah Attorney General provides for distribution of fingerprint and DNA identification kits that parents may use to collect and store fingerprint and DNA information for potential use by law enforcement in the event that the child is missing. Each elementary school in the District which receives a supply of such kits through the program shall offer a kit to a parent or guardian of each student entering kindergarten at the school.

[Utah Code § 67-5-38\(3\) \(2022\)](#)

#### **K. Missing Child**

If a school within the District receives notification from the Bureau of Criminal Identification that a child that is currently or was previously enrolled is missing, the school shall flag that child's records sufficiently to alert school officers that the

record is that of a missing child. If the school receives notification from the Bureau of Criminal Investigation that the child is no longer missing, it shall remove the flag from the record.

[Utah Code § 53G-6-602 \(2018\)](#)

**L. Tuition Issues**

1. The board may 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.

[Utah Code § 53G-6-306 \(2019\)](#)

- 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.

**M. Eligibility and Admissions Requirements**

1. All documents submitted for proof of guardianship shall be kept by the District until the student has reached the age of eighteen (18) unless the District receives a valid court order to do otherwise.  
[Utah Code § 53G-6-303\(9\) \(2019\)](#)
2. The District may require evidence that a child is eligible to attend the public free schools of the District at the time it considers an application for admission of the child. The District may withdraw any student who ceases to be a resident; however, a student who guardianship or enrollment has been terminated under this policy 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.

*Plyler v. Doe, 102 S. Ct. 2382 (1982)*

*Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*

## **N. Transfer Students**

1. Within fourteen (14) days after enrolling a transfer student (simultaneously if the student is a military child), a school shall request, directly from the student's previous school, a certified copy of his record and shall exercise due diligence in obtaining the record.

[Utah Code § 53G-6-604 \(2018\)](#)

[Utah Code § 53E-3-905\(2\) \(2018\)](#)

2. If a school within the District is requested to forward a copy of a transferring student's record to the student's new school, it shall comply within thirty (30) school days (10 days if the student is a military child) unless the record has been flagged as being that of a missing child, in which case the copy shall not be forwarded and the school shall notify the Bureau of Criminal Identification of the request. Any knowledge as to the whereabouts of a missing child shall be reported immediately to the Bureau of Criminal Identification.

[Utah Code § 53G-6-602 \(2018\)](#)

[Utah Code § 53G-6-604 \(2018\)](#)

[Utah Code § 53E-3-905\(2\) \(2018\)](#)

## **O. Health Examinations**

1. The Board shall implement policies as prescribed by the Department of Health and Human Services for vision, dental, abnormal curvature of spine, and hearing examinations of students attending the District's schools.
2. Qualified health professionals shall provide instruction, equipment and material for conducting the examinations.
3. Upon written request from any parent of a student who contends that an examination provided by this policy would violate the personal beliefs of the person making the request and of the student, the student shall be exempt from submitting to the examination.
4. The school shall give notice in writing to a student's parent of any impairment disclosed by the examination.

[Utah Code § 53G-9-402 \(2023\)](#)

## **P. Credits and Records Transfer**

The District shall accept credits from accredited secondary schools and accredited special purpose schools.

[Utah Code § 53G-7-206 \(2019\)](#)

**Q. Graduation**

The District shall award a diploma to a nonresident student attending school within the District during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.

[Utah Code § 53G-6-406 \(2019\)](#)

**R. Placement of Transfers**

Records and transcripts of students from Utah nonpublic schools or from out of state shall be evaluated, and students shall be placed promptly in appropriate classes.

**S. Expelled Within Twelve Months**

A student who has been expelled from a public school within the prior 12 months who is otherwise eligible to enroll may be denied enrollment in a District school for that reason. A student who has been expelled within the past 12 months may be allowed to enroll upon approval by the superintendent or designee, subject to such conditions and requirements as are determined to be appropriate.

[Utah Code § 53G-8-205\(3\) \(2019\)](#)

**T. Student Identification Number**

The District may not use a nine-digit number as a student's identification number with the District.

[Utah Code § 63G-15-201 \(2012\)](#)

**Appendix:**

*Millard School District School Entrance Application*

*Millard School District Durable Power of Attorney*

*Acceptance of Designation as Guardian*

*Affidavit Granting Guardianship*

*Affidavit for Guardianship Where Parent Cannot Be Found*

*Affidavit Accepting Guardianship*

*Student Guardianship Affidavit*

Millard County 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 \_\_\_\_\_

Has 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. I will abide by all applicable rules of any school within the Millard School District.

\_\_\_\_\_  
*Student's Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Parent's/Guardian's Signature*

\_\_\_\_\_  
*Date*

MILLARD COUNTY SCHOOL DISTRICT  
DURABLE POWER OF ATTORNEY  
UTAH ADMINISTRATIVE CODE 53G-6-302

- To be completed by the party who has legal custody of the child -

- Must be submitted and approved by MSD Board of Education prior to registration -

Student's name: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Grade \_\_\_\_\_ Age \_\_\_\_\_

Previous School: \_\_\_\_\_ Previous District: \_\_\_\_\_

Mother's Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Phone# \_\_\_\_\_ Email \_\_\_\_\_

Father's Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Phone# \_\_\_\_\_ Email \_\_\_\_\_

Pursuant to Utah Code Subsection 53G-6-302(4), The parent hereby **designates person as listed below as the Custodian(s)** of their child/student:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Phone# \_\_\_\_\_ Email \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Phone# \_\_\_\_\_ Email \_\_\_\_\_

The Custodian Relationship to parent(s): \_\_\_\_\_

The Grantor(s) give to said Custodian(s) a Durable Power of Attorney with full authority to take any appropriate action, including authorization for educational or medical services in the interest of the child.

A power of attorney meeting the requirements **and accepted by the school district** shall remain in force until the earliest of the following occurs:

- a) The child reaches the age of 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 or grantee, or by order of the court of competent jurisdiction.

**THIS POWER OF ATTORNEY DOES NOT CONFER LEGAL GUARDIANSHIP**

<b>PARENT(S):</b>	
_____ Signature (parent/legal guardian)	_____ Signature (parent/legal guardian)
<b>Notary Completes</b>	
On this _____ day of _____, 20____,	
_____ personally appeared before me or is personally known to	
me proved to be the person whose name is signed.	
<b>NOTARY PUBLIC</b> _____	
<b>MY COMMISSION EXPIRES</b> _____	

Reason for missing signature of one or both parents \_\_\_\_\_

MILLARD COUNTY SCHOOL DISTRICT  
DURABLE POWER OF ATTORNEY  
UTAH ADMINISTRATIVE CODE 53G-6-302

**CUSTODIAN(S):**

The undersigned accepts the designation as Custodian(s) of (Student Name) \_\_\_\_\_, and agrees to take all action necessary for the health and welfare of the student, including authorizing for educational or medical services and full cooperation with Millard County School District. The undersigned also agrees to assume responsibility for any fees or other charges relating to the student's education in the district and, if application is made for fee waivers, will provide all financial information requested by the district for the purposes of determining eligibility for fee waivers.

\_\_\_\_\_  
Signature of Custodian

\_\_\_\_\_  
Signature of Custodian

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_ personally appeared before me or is personally known to me proved to be the person whose name is signed.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**\*\*TO BE COMPLETED BY MSD DISTRICT DESIGNEE/DEPARTMENT OF STUDENT SERVICES\*\***

Millard County School District is responsible for providing educational services for all children of school age who are **residents** of the District.

Custodian(s) must be a responsible adult(s) 21 years of age or older, who is/are resident(s) of the District and who is/are willing and able to provide reasonably adequate food, clothing, shelter, supervision, medical care, and educational and emotional support of the minor child.

There are several considerations that the District reviews in determining that the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident of the district/school.

For Grantors/Custodial parents(s), in addition to the Durable Power of Attorney, a Millard School District **School Entrance Application** must be completed.

- The school district of residence of the minor child **whose custodial parent resides within Utah** is considered to be Millard County School District.
- The school district of residence of the minor child **whose custodial parent does not reside in Utah** is considered to be Millard County School District.
- Provisional** enrollment pending receipt of required records.
- The requirements have not been satisfactorily met; therefore, the Millard County School District does not consider the child to be a resident of the school and/or district. Should the student be approved to attend MSD, tuition must be paid. Contact Student Services for further info and current amount.

\_\_\_\_\_  
DISTRICT DESIGNEE/DIRECTOR OF STUDENT SERVICES

\_\_\_\_\_  
DATE

## Millard County School District Affidavit of Unavailable Parent/Temporary Educational Guardianship

### Section 1: Statement That Parent/Legal Guardian Cannot Be Located

I certify that I have made a reasonable effort to locate the parent or previous legal guardian of the following student:

Student Name: \_\_\_\_\_ Student Birthdate: \_\_\_\_\_

I am unable to locate the parent or legal guardian because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As a result, no parent or legal guardian is available to provide consent or assume responsibility for the student's educational decisions.

I declare under criminal penalty under the law of the State of Utah that the foregoing is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Location: \_\_\_\_\_

### Section 2: Temporary Educational Guardianship Acceptance

I, \_\_\_\_\_, agree to serve as the temporary educational guardian for:

Student Name: \_\_\_\_\_

I affirm the following:

- I am a resident of Millard County School District.
- I am willing to assume temporary responsibility for the student for school enrollment and educational decision-making.
- I understand I must provide appropriate care, supervision, and support including educational, medical, and emotional needs as applicable.
- I agree to comply with district policies and pay required fees associated with enrollment.
- I understand this affidavit does not replace a court-issued guardianship order if required.
- I consent to jurisdiction of Utah courts if applicable regarding custody or guardianship matters.

I declare under criminal penalty under the law of the State of Utah that the foregoing is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Location: \_\_\_\_\_

**\*\*NOTARY ACKNOWLEDGMENT IF STUDENT IS OVER 18 YEARS OF AGE\*\***

State of \_\_\_\_\_ County of \_\_\_\_\_  
 The foregoing instrument was acknowledged before me  
 on this \_\_\_\_\_ day of 20\_\_\_\_\_  
 by \_\_\_\_\_  
 Notary Public Signature: \_\_\_\_\_