Services for Homeless Students

Definitions

1. “Domicile” means the place which a person considers to be the permanent home, even though temporarily residing elsewhere.

2. “Emancipated minor” means:

a. a child under the age of 18 who has become emancipated through marriage or by order of a court consistent with Utah Code Title 80 Chapter 7; or

b. a child recommended for school enrollment as an emancipated or independent or homeless child/youth by an authorized representative of the Utah State Department of Social Services.

3. “Enrolled” for purposes of this rule means a student has the opportunity to attend classes and participate fully in school and extracurricular activities based on academic and citizenship requirements of all students.

4. “Homeless child/youth” means a child who:

a. lacks a fixed, regular, and adequate nighttime residence;

b. has primary nighttime residence in a homeless shelter, welfare hotel, motel, congregate shelter, domestic violence shelter, car, abandoned building, bus or train station, trailer park, or camping ground;

c. sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;

d. is, due to loss of housing or economic hardship, or a similar reason, living with relatives or friends usually on a temporary or emergency basis due to lack of housing; or

e. is a runaway, a child or youth denied housing by his family, or school-age unwed mother living in a home for unwed mothers, who has no other housing available.

5. “School district of residence for a homeless child/youth” means the school district in which the student or the student’s legal guardian or both currently resides or the charter school that the student is attending for the period that the student or student's family satisfies the homeless criteria.

Utah Admin. Rules R277-616-2 (October 8, 2025)

Criteria for Determining Where a Homeless or Emancipated Student Shall Attend School

Under the McKinney-Vento Homeless Assistance Act of 1987, Title VII, Subtitle B, as amended, 42 U.S.C. §§ 11431 through 11435 (“the Act”), homeless students are entitled to immediate enrollment and full participation even if they are

unable to produce records which may include medical records, birth certificates, school records, or proof of residency normally required for enrollment. A homeless student shall:

1. be immediately enrolled even if the student does not have documentation required under Utah Code sections 53G-9-402, 302, 303, 304 and Utah Code sections 53G-6-301 through 306;

2. be allowed to continue to attend their school of origin, to the extent feasible, unless it is against the parent/guardian’s wishes; be permitted to remain in the student’s school of origin during the homelessness and until the end of any academic year in which the student moves into permanent housing; or

3. transfer to the school district of residence for a homeless child or youth or charter school if space is available; and

4. have all fees waived as described in Utah Admin. Rules R277-407-9 and in accordance with the Act. Determination of residence or domicile may include consideration of the following criteria:

5. the place, however temporary, where the child sleeps;

6. the place where an emancipated minor or an unaccompanied child/youth or accompanied child’s/youth’s family keeps its belongings;

7. the place which an emancipated minor or an unaccompanied child/youth or accompanied child's/youth's parent considers to be home; or

8. such recommendations concerning a child’s domicile as made by the State Department of Health and Human Services. Determination of residence or domicile may not be based upon:

9. rent or lease receipts for an apartment or home;

10. the existence or absence of a permanent address; or

11. a required length of residence in a given location. If there is a dispute as to residence or the status of an emancipated minor or an unaccompanied child/youth, the issue may be referred to the State Superintendent for resolution. The purpose of federal homeless education legislation is to ensure that a child’s education is not needlessly disrupted because of homelessness. If a child’s residence or eligibility is in question, the child shall be admitted to school until the issue is resolved.

Utah Admin. Rules R277-616-3 (October 8, 2025)

Transfer of Guardianship

If guardianship of a minor child is awarded to a resident of a school district by action of a court or through appointment by a school district under Utah Code § 53G-6-303, the child becomes a resident of the school district in which the guardian resides. If a child's residence has been established by transfer of legal guardianship, no tuition may be charged by the new school district of residence.

Utah Admin. Rules R277-616-4 (October 8, 2025)

Source Traceability

Source	Use in this policy
USBA Model Policy FAC, modified 5 February 2026	Model policy retained as the controlling homeless-student and emancipated-student enrollment, school-of-origin, fee-waiver, residence, dispute, and guardianship framework.
MSD Policy 6010, approved 2021	Reviewed. The old Millard policy substantially matches the USBA model and did not add a separate local practice that required a dashed subsection.
MSD Policy 6000, approved 2026	Reviewed for residency and documentation coordination. Homeless-student immediate enrollment remains controlled by FAC and law rather than by normal admission-document deadlines.

Disposition: No separate Millard local subsection was inserted. The 2026 USBA FAC model is more current and carries forward the substantive old MSD homeless-student framework.