



Del Valle Independent School District Administrative Guidelines for Verifying Student Residency

The Superintendent of Schools is charged with making student enrollment determinations. The Superintendent has adopted the following Administrative Guidelines to assist staff in providing administrative support in this area.

Student Eligibility for Enrollment

A student is legally eligible for enrollment in the Del Valle Independent School District if the student meets one or more of the following enrollment criteria:

- The student and either parent of the student reside in the District;
- The student does not reside in the district but a parent of the student resides in the District and that parent is a joint managing conservator or possessory conservator of the student;
- The student and the student's guardian or other person having lawful control of the person under a court order reside within the District;
- The student had established as separate residence from the student's parent in the District for a purpose other than participation in extracurricular activities;
- The student is homeless;
- The student is a foreign exchange student placed with a host family that resides within the District;

- The student resides at a residential facility located within the District;
- The student resides in the school district and is 18 years or older or the student's disabilities of minority have been removed;
- The student does not reside in the school district, but a grandparent of the student lives within the District and provides a substantial amount of after-school care for the student as determined by the Board of Trustees.

What is a legal "residence"?

Residency has two parts-- a physical presence in the District *and* an intention to remain. *Byrd v. Livingston Indep. Sch. Dist.*, 674 F.Supp. 225 (E.D. Tex. 1987), *citing Martinez v. Bynum*, 461 U.S. 321, 331 (1983). An "intention to remain" does not imply an intention never to leave. Given the mobility of people and families in this country, changing a place of residence is commonplace. There must, however, be a **bona fide present intention to remain.**" *Martinez*, 461 U.S. at 332 n.13 (emphasis added).

How is residence determined?

The Education Code provides that the District shall establish minimum proof of residency acceptable to the district, and may make reasonable inquiries to verify a person's eligibility for admission. *See* TEX. EDUC. CODE §25.001(c). The District's *Student Residency Questionnaire* form part of the information the District uses to make this determination. The District also make additional reasonable inquiries to verify that the standards are being met.

What is acceptable proof of residency for enrollment purposes?

The District requires minimum proof of residency, which may be in the form of a driver's license, utility bill, property tax statement, and/or a current lease/rental agreement. In some situations where standard documentation is not available, the Superintendent may accept other information to support an enrollment determination.

Students Establishing Residency Apart from their Parents

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District is required to present a Power of Attorney assigning responsibility for the student in all school-related matters to an adult resident of the District.

- Any such student who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) will not be permitted to attend a District school.
- Based on the individual student's circumstance, the Superintendent has the authority to grant exceptions to the Power of Attorney requirement and to the exclusion for misconduct.
- The Superintendent shall determine whether a minor student residing in the District separate and apart from a parent, guardian, or other person having lawful control is present in the District for the primary purpose of participating in extracurricular activities.

Any person enrolling a student based with a Power of Attorney shall also be required to sign an acknowledgment that the person may be liable for tuition if the information provided is false.

Transfer Students

Transfer students are not permitted enrollment in the Del Valle Independent School District except as provided below:

- A resident student in grades 9-12 who becomes a nonresident during the last nine weeks of the school year may be permitted to continue in attendance for the remainder of the school year. The student must file a transfer request with the Superintendent or

designee if he or she wishes to continue in attendance for the remainder of the school year.

- A nonresident District employee, who is paid directly by the District for six or more hours of work per day, may request that his or her child be admitted into District schools by filing an application with the Superintendent or designee. Transfers shall be granted for one regular school year at a time, on a tuition-free basis.
- If the parent's or guardian's employment relationship with the District ends during the last nine weeks of the school year, the child may be permitted to continue in attendance for the remainder of the school year. When the parent or guardian is no longer employed with the District, then the child is not eligible to attend District schools.
- The District will not provide transportation for students of nonresident District employees or students who are granted permission to continue in attendance for the remainder of the school year.

In approving transfers, the Superintendent or designee shall consider availability of space and instructional staff and the student's disciplinary history and attendance records.

A transfer student will receive notification in the written transfer agreement that he or she must follow all rules and regulations of the District, including those for student conduct and attendance, and that violation of the District's rules and regulations may result in revocation of the transfer agreement. The effective date of the revocation will be set in accordance with the written transfer agreement.

When a student's transfer is revoked, written notification of the transfer revocation shall be sent to the school district of residence.

Verification of Student Residence

The District may take reasonable measures to verify a student's residence.

For students residing with someone other than a parent, the District will complete a *Certificate of Residency*. A request for *Verification of Student Residency* may also be initiated when District staff members have reason to believe that the residence information provided at enrollment was inaccurate or is no longer accurate. Such information may include:

- school mail returned by the Post Office;
- reports by school bus drivers of a change in student residence;
- information provided by citizens or other students that a student's residence has changed;
- information that a student who is dropped off by a parent is repeatedly late for school;
- student reports to school staff that their residency has changed;
- disconnection of home telephone service;
- information provided by landlords;
- multiple unrelated students using the same residence address;
- other information that tends to suggest that a student's residence may not be the same as that contained on school records.

Upon receipt of a Certificate of Residency request or a request for Verification of Student Residence, school attendance officials will initiate an investigation. The investigation will include a reasonable review of some of the following information by school attendance officers:

- verification of Austin Energy billing information;
- unannounced home visits/observations;
- interviews with landlord, apartment manager, neighbors, etc.;
- interviews with employers;
- review of information on Travis County Appraisal District;
- confirmation of mailing information with U.S. Postal Service;
- interviews with school bus drivers;
- review of documentation of residence provided to other governmental bodies or other officials; and
- interviews with other individuals who may have knowledge of the student's residence.

Upon completion of a Certificate of Residency or Verification of Student Residency investigation, the school attendance official will make a written report to the Assistant Superintendent of Curriculum and Instruction. The Assistant Superintendent of Curriculum and Instruction will then make a determination, based upon the investigation record, as to whether the student is properly enrolled in the District.

Administrative Withdrawal

Upon a determination by the Assistant Superintendent for Curriculum and Instruction that a student is ineligible for enrollment in the District, the student's parent or guardian will be notified that the student will be administratively withdrawn from the District at the conclusion of the current grading period. If the notice is provided less than 5 days prior to the conclusion of a grading period, the administrative withdrawal may be extended until the conclusion of the next grading period at the sole discretion of the Superintendent of Schools.

If the student became ineligible for enrollment during the last 9 weeks of the school year, the student will be permitted to complete the year without charge. Otherwise, the parent or guardian of the student will be charged tuition for each day the student was enrolled in the District after the student was no longer eligible for enrollment. Additionally, any person who knowingly provided false enrollment information to the District will be charged tuition for each day the student was enrolled in the District after the student was no longer eligible for enrollment. Tuition will be charged through the date of administrative withdrawal.

Student records should be promptly assembled in preparation for a request for student records from the student's district of residence.

Appeals

Appeals of any residency determination or decision to withdraw a student administratively should be handled pursuant to District policy FNG (Legal) and (Local).