

STUDENT PERSONNEL  
DETERMINATION OF STUDENT RESIDENCY

According to Minnesota Statutes 120.06, Subd. 1 (1984), "Whether a student has established "residence" for purposes of receiving free tuition is a question of fact for the local School Board. In order to determine residence, the School Board must ascertain the actual purpose of the student's presence within the district. All factors bearing on purpose should be considered including from whom the student receives care and support, and over what period of time."

In cases where a student resides with a parent or legal guardian living within the Bemidji School District, the student is considered a resident of the district. In cases where a student does not reside with a parent or a legal guardian living within the Bemidji School District, the following procedure shall be used to determine residency status.

Is the student in the district only to receive a free education?

If the answer to this question is "yes," the student is not a resident and cannot attend Bemidji Area Schools unless an arrangement has been made between the student's resident district and Bemidji Area Schools.

Is the student, who does not reside with a parent or legal guardian, enrolling in the district for the purpose of receiving personal care, attention, supervision and nurture, such as is usually provided in a home?

The following criteria must be met in order for this question to be answered "yes." The student is a resident of the district if:

Criteria 1: The current living arrangement is permanent. The student cannot move back with parents in another school district on weekends, vacations and summers;

and

Criteria 2: Evidence indicates that the student receives clothing, medical expenses and support from an adult in the current living arrangement;

and

Criteria 3: To act "in loco parentis," relatives or friends must have assumed the obligations incident to the parental relation such as providing financial support and making all decisions which affect the child. Designating a relative or friend as agents for the parent for all school matters relating to the student does not, in itself, satisfy the residency requirement.

Students whose residency status is in question should not enter school until the issue is resolved. The question of whether a student is a district resident shall be made within five (5) school days from application.

This policy does not apply to students who qualify as homeless according to State guidelines or students placed in the district by the courts or county human services.