

Residency Determination Examples

Situation	Resident? Enroll?	Other Remarks
Student lives with someone other than parent/guardian because of family problems or personal problems—not for school reasons.	Yes. Student is a resident and must be enrolled tuition-free, without requiring guardianship papers	Emergency contact—must be someone who can make a decision about the student (parent or court-appointed guardian, e.g.) or who can quickly contact the decision-maker. Report cards, communiqués from school still go to parent, unless a parent gives written permission to school to send documents to the person with whom the student resides.
Same as above, but student is in district for school purposes (athletics, other extracurriculars, not doing well in former school).	Not a resident; per Iowa Code 282.6 the district must charge tuition and may not include student on certified enrollment.	Same comments as above.
Same as first situation, but student is in district neither for school purposes nor because of personal or family problems (e.g., student is playing in a hockey league).	Depends. Factors to consider include: 1. Does the student intend to return to parent’s home in the near future? How frequently does the child return to the parental home to visit? 2. Does the parent furnish significant financial support for the child? 3. Does the parent still have authority over the child? Most of the time, these students are not going to be residents and must be charged tuition. An exception may exist for a student who is 18 or older and who sets up his/her own household (all above questions would have to be answered in the negative).	Same comments as previously. Creating a legal guardianship does not affect whether the student is a resident. It merely clarifies who gets information from the district and who can make decisions for a minor child.
Student lives with parent(s) in District A, but is with a relative (not a parent) before and/or after school in District B.	This does not establish residency in District B.	If parents want student to attend District B, they must file an open enrollment request.
Student resides with a court-appointed guardian.	Doesn’t automatically make the student a resident for purposes of Iowa Code 282.6 ; still need to determine why the student is in the district.	The rights of a court-appointed guardian are superior to those of the parents; guardian is emergency contact and is the recipient of all documents from school. Therefore, make sure this is a legal guardianship (as evidenced by a court order signed by a judge or by “letters of appointment” signed by the clerk of court with a seal of court).

Situation	Resident? Enroll?	Other Remarks
Student splits time equally between parents who live in different districts.	Student is a resident of both districts, but only one district gets to include the student in its September count. It is permissible for the districts to determine which one will count the student and that district can reimburse the other.	This analysis would apply as well to a student who requires special education services.
Family moves into the district from another country.	Children in the family are residents of district, regardless of whether they are aliens and even regardless of whether the family's presence in the U.S. is legal.	<p>The U.S. Supreme Court ruled in 1972 that a free education must be provided to resident children, even if they are illegal aliens.</p> <p>A district cannot require any documents from this family that it would/could not request from any other family. That is, you may ask for proofs of birthdates and relevant health information. Period.</p>
Student with dual citizenship (of which U.S. citizenship is included) moves into the district.	Whether this student is a "resident" depends on why the student is in the district. If living with a parent for purposes of making a home, the student is a resident. If living with another relative or even a guardian for purposes of going to school, the student is not a resident.	This student will not have a visa, because the student is a citizen. But remember that citizenship is not relevant to the issue of who is a resident.
Family refuses to give a street address, just gives P.O. box.	Iowa Code 282.6 requires district to charge tuition; without proof of residency (A P.O. Box is not proof of residency in the district), charge tuition until the parent provides required proof.	<p>There are legitimate reasons why a family would want its street address kept confidential; however, districts must have proof of residency and can still take measures to protect this information.</p> <p>If an individual participating in the Secretary of State's Safe at Home program (providing an alternative address under Iowa Code chapter 9E) enrolls a child in school, please contact local counsel.</p>
Student lives with a foster family.	Is a resident of the district for purposes of receiving a tuition-free education.	<p>Under Iowa law, foster parents are not guardians (unless there is a separate order). DHS is custodian for placement in foster care; unless parental rights have been terminated by a court, the natural parents still have the right to participate in meetings and receive reports.</p> <p>Call local DHS office (the one that made the placement) to get some guidance in writing.</p>