

RESIDENCY REQUIREMENTS

I. Criteria for Establishing Residency

The primary domicile of the parent, the parent with physical custody, or the court appointed legal guardian, is the legal residence for purposes of enrollment in school. The legal residence, as used herein, shall mean the true, fixed, and permanent home and principal establishment to which, whenever absent, the parent, parent with primary physical custody, or the court appointed legal guardian of the student has the intention of returning. The legal residence, as used herein, is distinguished from a temporary or secondary place of residence established for some specific purpose, but is not the fixed permanent residence of the parent, parent with physical custody, or the court appointed legal guardian.

A **Delegation of Parental Authority**, *Ala. Code 26-2A-7*, does not establish residency for the purpose of school enrollment. The mere filing of a Dependent Complaint, or Custody Affidavit Petition, *Ala. Code 26-2A-75*, in Lee County Family Court does not create the necessary parental or custodial relationship required to establish residence for the purpose of school enrollment. A Dependent Complaint, Custody Affidavit, and/or Petition that includes an Appearance Agreement properly filed in family court then adjudicated by a judge is sufficient to confer the necessary custodial relationship for the purpose of school enrollment.

Auburn City Schools will accept Military Power of Attorney in the event a parent or legal guardian receives military activation orders for active deployment. In such cases official records must be presented.

Each student's legal guardianship or legal custody documents must be executed and final orders delivered to the school principal for approval prior to the first day of attendance.

The terms Legal Custody and Legal Guardianship used hereinafter shall mean:

Legal Custody: A relationship created by an order of court in the best interests of the minor which imposes on the custodian physical possession of a minor.

Legal Guardianship: A person appointed guardian or given custody of a minor by a circuit court of the state.

Joint Custody

If joint physical custody has been awarded and one of the parents resides within the Auburn city limits, the student will be eligible to attend the Auburn City Schools provided the student is living with that custodian for at least three (3) consecutive days during each school week. The court order must state that the parent with whom the child lives has residential custody if the other parent lives out of town.

The custodian residing within the city limits of Auburn will be the school's official contact and will be expected to assume responsibility for the student's attendance, behavior, and school work. All written communication will be sent to the designated guardian or custodian. The Superintendent is authorized to determine eligibility provided extenuating circumstances exist.

Guardianship

Conservatorship of the estate and/or guardianship shall not be used to determine school assignment. Guardianship of the person shall only be accepted upon the following conditions:

- A.** Legal Custody ordered issued by a court of competent jurisdiction;
- B.** The actual and full-time residence of the guardian must be within the Auburn City Schools zone attendance area;
- C.** The student must reside with the guardian on a full time basis.

Emancipation

A student must be (19) years old or older to establish a residence without a parent/guardian.

Transfer/Home School Students

Students transferring from another public school system, private, or other school will not be permitted to enroll if they are under a suspension or an expulsion until the student has satisfied the conditions for readmission set by the suspending or expelling board of authority, in addition to any applicable admission requirements established by the Board or administrative designee that may include temporary attendance in an alternative placement.

Additionally, students may not be eligible to attend Auburn City Schools if they have been indicted on charges of committing a criminal offense until such time as their case has been settled in court (additional regulations may apply for students who qualify for special education or 504 services).

Proof of Residency

All Auburn City Schools students must domicile within Auburn city limits with a parent/guardian.

By request of Auburn City Schools, it is the responsibility of the parent/guardian to provide current proofs of residency for their student(s). Submitted documents must be in the name of the parent/guardian, or custodial parent; with the primary residence listed for the address. Additional documentation may be required if residency is in question.

Current residency documentation is required for each school your children attend; he/she must have one of the following combinations of residency proofs on record at each location:

- 1. Current year property tax receipt, **PLUS** one current utility bill, or;
- 2. Current lease/rental agreement **PLUS** one current utility bill, or;
- 3. Current mortgage, mortgage statement, or Warranty Deed **PLUS** one current utility bill.

If the parent/guardian move within the city limits of Auburn and wish to enroll a student, or continue the enrollment of their ACS student and will be residing with others, the following documents must be submitted at the Board of Education Office:

The homeowner must provide current documents as outlined above; documents **must** include the name of the homeowner.

1. Parent/guardian must submit (2) current proofs of residency which may include bills, drivers license, car tag receipt, or other approved documents as determined by student services.
2. A notarized residency affidavit (*provided to the parent for completion at the Board Office*).

NOTE: THE BURDEN OF PROOF IN ESTABLISHING RESIDENCY IS THE RESPONSIBILITY OF THE PARENT/LEGAL GUARDIAN. IT IS THE RESPONSIBILITY OF THE PARENT/LEGAL GUARDIAN TO NOTIFY EACH RESPECTIVE SCHOOL IN WHICH THEIR CHILD ATTENDS WHEN THERE IS A CHANGE IN ADDRESS OR CONTACT NUMBERS.

Attendance Zone

Students will be assigned to the school serving the attendance zone in which his parent/legal guardian is domiciled. A student whose parent/legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school zone that serves the former residence until the end of the semester with the approval of the Superintendent or his/her designee.

A parent/legal guardian who has a student currently enrolled and has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent or his/her designee.

II. Residency Checks and Home Visits

As part of the process of confirming residency, the attendance officer, accompanied by a uniformed police officer, will make a home visit if the school principal or employee of the Board of Education receives one of the following complaints:

1. Students entering Auburn City Schools on a Residency Affidavit;
2. Student does not reside with the parent/legal guardian;
3. Guardianship documents have not been properly executed;
4. Parent, custodial parent, or legal guardian does not live within the Auburn city limits;
5. If the custodial parent/legal guardian parent has been found to live outside of the city limits, but has recently established residence within the city limits, the following criteria must be met prior to the approval for students to remain enrolled with Auburn City Schools:

- Complete documentation of residency
- A home visit to the residency by the Attendance Supervisor

6. Excessive tardies, check-ins and/or check-outs may result in a home visit.

If the guardian fails to cooperate with the attendance officer, the school principal will be informed that confirmation was not possible and termination of enrollment from the school system will be required. Parents are responsible for providing accurate and up-to-date information including, but not limited to, their legal address to school officials.

Giving false information to a public official in the performance of his/her duty is a violation of the Criminal Code of Alabama §13A-10-109 (a) and is punishable by a fine of \$500.00 and up to (90) days in jail.

III. Homeless, Immigrant, and Migrant Students

Homeless, Immigrant, and Migrant students are exempt from the residency requirements included in this policy. Homeless students are defined as individuals who lack a fixed, regular, and adequate residence.