

### STUDENT RESIDENCY CHECKLIST

**The student's parent/guardian or adult caretaker (if the parent/guardian cannot be reached) must complete the Student Residency Verification Form (FACB-E) in order for your district to answer the questions below.**

#### RESIDENCY DETERMINATION

1. <input type="checkbox"/>	<p>Is the student homeless? <i>If box is checked, stop. The student is deemed to be a resident of the district in which they intend to enroll. If box is not checked, proceed to box 2.</i></p> <p>The term homeless children and youths means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and includes:                  (a) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;                  (b) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));                  (c) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and                  (d) migratory children (as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).</p>
2. <input type="checkbox"/>	<p>Is the student residing in the district? <i>If box is checked, proceed to box 3. If box is not checked, stop. The student is not a district resident.</i></p> <p>"The term 'residing in the district' means what it says -- a child who makes its [sic] home in that particular district, whether with its parents, or with other persons, when that place is the only home it [sic] has, a place to which she comes and where she remains when not 'called elsewhere for labor or special or temporary purpose.'" <i>Anderson v. Breithbarth</i>, 245 N.W. 483(N.D. 1932)</p>
3. <input type="checkbox"/>	<p>Is the student residing in the district for reasons other than education placement (e.g., parent left child behind while pursuing temporary work outside district, child is no longer living with parents for personal reasons)? <i>If box is checked, proceed to box 4. If box is not checked, stop. The student is not a district resident and their home district is where custodial parent(s) or legal guardian reside.</i></p> <p>Legal reference: <i>Anderson v. Breithbarth</i>, 245 N.W. 483(N.D. 1932), ND AG Opinion 2000-L-11</p>
4. <input type="checkbox"/>	<p>Check this box only if the following conditions <b>do not apply</b>:</p> <ol style="list-style-type: none"> <li>a. The student has been placed in the district by a court or juvenile services for foster care.</li> <li>b. The student has been placed in the district by Social Services for foster care.</li> <li>c. The student has been placed in a state institution in the district.</li> </ol> <p><i>If boxes two, three, and four are checked the student is a resident of your school district. If boxes two, three, and four are not <b>all</b> checked, the student is not a resident of your school and their place of residency is determined by NDCC 15.1-29-14.</i></p>

#### STEPS AFTER DETERMINING RESIDENCY

<b>Resident students</b>	<p><input type="checkbox"/> Have student's parent complete a FERPA waiver form if student is not living with parents</p> <p><input type="checkbox"/> Ensure that student's education records or identity records are received by statutory deadlines (identity records must be received within 40 days <b>or</b> education records must be received by your district from issuing school within 60 days). If not received within this timeframe, report child to law enforcement and North Dakota BCI in compliance with missing child reporting deadlines under NDCC 12-60-26.</p> <p><input type="checkbox"/> Enroll the student in your school district immediately unless s/he does not have immunization records, in which case delay enrollment until immunization records are received or immunization opt-out waiver is submitted (NDCC 23-07-17.1). If the student is homeless and does not have immunization records, you are required to enroll him/her in school immediately.</p>
<b>Nonresident students</b>	<p><input type="checkbox"/> Enter into a tuition agreement with district of residence or parent prior to enrolling the student and then follow enrollment procedure for resident students above OR</p> <p><input type="checkbox"/> Have the student's parent complete an open enrollment agreement prior to enrollment if your district participates in open enrollment or the student meets an exemption under open enrollment law and all other applicable conditions under law have been satisfied (NDCC 15.1-31) and then follow enrollment procedure for resident students above OR</p> <p><input type="checkbox"/> Inform student's parents that the child must attend their district of residence and inform the student's parents of the compulsory attendance reporting requirements under law (NDCC 15.1-20-02.1 and NDCC 15.1-20-03).</p>