



Section: Pupils

Title: Education of Children Residing with an Adult Other than Natural Parent

Adopted: 7.18.02

Revised:

202.1 – Education of Children Residing with an Adult Other than Natural Parent

<p>Purpose</p>	<p>The Board strives to offer all school age residents the best education possible. The Board also seeks to provide assurance to district taxpayers that their financial contribution is utilized for the benefit of the children properly residing within the district. Moreover, attendance by non-resident students who do not pay tuition constitutes a considerable drain on valuable and scarce resources and an unfair and illegal impediment to the proper education of resident students.</p>
<p>Authority</p> <p>24 P.S. §13-1302</p>	<p>Therefore, it is the policy of the Board that only school age persons legally resident in the district, and tuition paying non-resident students, may attend district schools. The Board recognizes §1302 of the School Code permits a resident of the district to keep a child of school age, not his own, and that under certain conditions such child shall be entitled to all free school privileges accorded to and requirements of resident students. Accordingly, the Board adopts this policy to comply with §1302 while also ensuring that only legal resident students or tuition paying non-resident students attend district schools.</p> <p>DEFINITIONS</p> <p>1302 resident student – a child, living with a resident of the district not a parent of the child, who is to be considered a resident student upon fulfillment of the requirements of this policy.</p> <p>Initial enrollment – the first time the student is properly and</p>

<p>Delegation of Duty</p>	<p>legally enrolled in the district and any enrollment after any period in which the student is not properly and legally enrolled in the district.</p> <p>Resident student – a child of school age physically residing within the geographic boundaries of the district with his or her parent(s) or the guardian of his or her person.</p> <p>Tuition-paying non-resident student – a child of school age not residing within the geographic boundaries of the district but attending district schools under a written agreement between the parent(s) or legal guardian to pay the prevailing tuition.</p> <p>When appropriate, the singular shall include the plural and the plural shall include the singular.</p> <p>PROCEDURES FOR ENROLLMENT OF A 1302 RESIDENT CHILD</p> <p>When a resident of the district keeps a child, not his or her own, in his or her home, and the resident of the district desires the child to attend district schools, the resident must first comply with the following requirements.</p> <p>At initial enrollment and each school year thereafter, the resident shall provide to the Superintendent or designee either (a) legal documentation of dependency or guardianship, for example, court order or (b) a sworn (notarized) statement that:</p> <ol style="list-style-type: none"> 1. the resident is a resident of the district; 2. the resident is supporting the child gratis (without personal compensation or gain); 3. the resident will assume all personal obligations for the child relative to school requirements; and 4. the resident intends to keep the child continuously and not merely through the school term. <p>If the resident submits a sworn statement, the resident must submit at least one of the items from each of the following categories in support of the sworn statement.</p>
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	<ol style="list-style-type: none">1. That the resident is a resident of the district:<ul style="list-style-type: none">• Driver’s license or Pennsylvania Department of Transportation identification card;• Pennsylvania Department of Transportation vehicle registration;• Copy of state or federal program enrollment, for example, food stamps, SSI;• Copy of paycheck stub with name and address of employee and employer;• Copy of a utility bill; or• Residency affidavit. 2. That the resident is supporting the child gratis:<ul style="list-style-type: none">• Copy of completed IRS form transferring tax exemption of child to resident;• Copy of federal or state tax form which lists the child as a dependent of resident;• Copy of completed county form transferring child support payments to resident;• Copy of completed state form notifying Department of Welfare of child’s new residence;• Copy of insurance policy / card / statement listing child as eligible for services;• Copy of lease / rental agreement identifying child as a tenant; or• Residency affidavit. 3. That the resident will assume all personal obligations for the child relative to school requirements:<ul style="list-style-type: none">• Sworn statement by resident. 4. That the resident intends to keep the child continuously and not merely through the school term<ul style="list-style-type: none">• Sworn statement by resident. <p>The sworn statement and residency affidavit shall be in a form substantially complying with those developed by the Superintendent or designee.</p> <p>Upon fulfillment of the foregoing, the child may be enrolled as a 1302 resident child.</p>
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24 P.S. §13-1316

STUDENT ILLEGALLY ENROLLED AS RESIDENT STUDENT

In the event it is determined that any student enrolled in the district is not properly a legal resident of the district or a tuition-paying non-resident student, the student’s natural parents, legal guardian(s), and / or any person submitting a sworn statement in accordance with this policy shall be responsible for the entire cost of the student’s education while the student was illegally enrolled in the district. The cost of education shall be the current rate per day for elementary or secondary pupils, whichever applies, for each day that the student illegally or improperly attended a district school.

District forms used to fulfill the requirements of this policy shall contain a prominent notice regarding possible liability for education costs of a student illegally or improperly attending district schools.

**The Local Agency
Law, 2 Pa. Con. Stat.
§§551-555**

HEARING / ADDITIONAL SUPPORTING INFORMATION

Residents, parents, and or guardians, as well as the district, may request a hearing as provided in this Policy to determine the residency of a child or legality of enrollment of child in the district.

Where the Superintendent or designee believes the evidence in support of the sworn statement is inconsistent, insufficient, or otherwise suspect for articulable reasons, or where additional or subsequent information reasonably indicates the student may not be a proper legal resident of the district, the Superintendent or designee may request additional information or may hold a fact finding hearing to obtain additional information.

Notice of a request for additional information or of a hearing shall be sent to the resident, parent(s), guardian, and /or other appropriate persons. Notice of a request for additional information shall inform the resident, parent(s), guardian, and / or other appropriate persons of the reason for the requested additional information, the type of information sought, and allow a reasonable time to provide such information.

Notice of a hearing shall timely inform the resident, parent(s),

	<p>guardian, and / or other appropriate persons of the time and place of the hearing which are reasonably convenient to the parties, the reason for the hearing, the right to bring documents and witnesses and to be represented by counsel, and a brief description of the procedures for the hearing.</p> <p>The hearing shall substantially comply with guidelines or administrative regulations developed by the Superintendent or designee in conformance with this Policy, including the following.</p> <ul style="list-style-type: none">• Hearings shall be informal in nature.• Hearings may be stenographically recorded at a party's cost provided transcripts are available to the other party at the other party's costs.• If a person authorized to administer oaths is present, witnesses may be sworn before providing evidence.• Technical rules of evidence shall not apply.• The presiding person shall have authority to control and conduct the hearing in an efficient and expeditious manner and may disallow irrelevant, duplicative, and impertinent evidence and arguments. <p>The presiding person shall issue a report and recommendation containing findings of fact, conclusions of law, and recommendations. The report should issue to all parties in advance of the next Board meeting or three (3) weeks after the hearing, which ever is greater.</p> <p>The Board shall consider the report and recommendation. The Board shall have sole discretion whether to request additional evidence and whether any party to the hearing may make further presentations before the Board. The Board shall defer to the report's reasonable findings of fact and shall have plenary consideration of the report's recommendations.</p>
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1302 RESIDENCY HEARING GUIDELINES

REASONS FOR HEARING

An informal fact finding hearing may be held when, at the reasonable discretion of the Administration, the documentation submitted in support of a 1302 sworn statement is deemed to be inconsistent, insufficient, or otherwise suspect for some reason than can be articulated.

A hearing may also be held when, at the reasonable discretion of the Administration, other information indicates the student may not be a proper legal resident of the district.

A hearing may also be held at the request of a resident, parent, and or guardian to determine the residency of a child or the legality of enrollment of a child in the district.

The Administration may, at its discretion, determine to hold a hearing without first requesting additional information from the resident.

NOTICE

When a hearing is deemed appropriate, the Administration shall send notice to the resident, parent(s), guardian, and / or other appropriate person(s) of a fact finding hearing. The notice shall reasonably identify:

1. the student(s) involved;
2. the time and place of the hearing which are reasonably convenient to the parties;
3. the reason(s) for the hearing;
4. the right to bring documents and witnesses and to be represented by counsel; and
5. a brief description of the procedures for the hearing.

Notice should be timely. Two weeks advance notice is deemed sufficient. The resident may request, and the Administration may grant, reasonable extensions of time.

HEARING PROCEDURES

Hearings shall be informal in nature. At the option of any party, or by agreement, a hearing may be recorded by a stenographer and at the expense of the party electing to record the proceedings. Transcripts must be available to both parties

at individual expense. If not stenographically recorded, the presiding person may tape record the hearing, which tape will be preserved for an appropriate amount of time for transcription if necessary.

If the hearing is recorded, or if any person authorized to administer oaths is present and who is not a party, any witness may be sworn before providing evidence at the discretion of the presiding person.

The presiding person shall have authority to control and conduct the hearing in an efficient and expeditious manner and may disallow irrelevant, duplicative, and impertinent evidence and arguments.

REPORT AND RECOMMENDATION

After completion of the fact finding hearing, the presiding officer shall issue a report and recommendation to the Board. The report shall contain findings of fact, conclusions of law, and recommendations to the Board whether the student is a proper legal resident of the district and, if not, identify the amount of tuition owed. The report is to be completed and distributed to all parties in advance of the next Board meeting or three (3) weeks after the hearing, which ever is greater.

Re: NOTICE OF FACT FINDING HEARING

Residency of _____

Dear Mr. and Mrs. _____:

A hearing regarding the residency of _____, will be held on _____

at _____am/pm. The location for the hearing is _____

The hearing will address inconsistencies/insufficiencies/other [identify] in the 1302 sworn statements of [name] _____ and the evidence offered in support of residency under §1302 of the School Code, including but not limited to the right to attend school in the district.

The hearing is intended as an informal fact finding session. The hearing will proceed in a manner substantially in conformance with the enclosed 1302 RESIDENCY HEARING GUIDELINES.

Should you have any question regarding the hearing, including the issues and procedures, you may contact _____.

COLONIAL SCHOOL DISTRICT
SWORN STATEMENT BY RESIDENT UNDER §1302
(To be completed by resident only for each school year.)

Instructions. Complete the following statement fully. If the potential student is living, or will be living, in a household with two resident adults who will assume responsibility for the student, both residents must complete and sign this statement.

1. Your Name _____ Name of Spouse _____
Home Address _____
Location of Residence: Conshohocken Borough / Plymouth Twp. / Whitemarsh Twp. / Other _____
Home Telephone Number _____ Work Number _____
Is residency affidavit attached? Yes _____ No _____

2. Child's Full Name _____
Birth Date _____ Grade _____
Name & Address of Last School Attended _____

Date child began/will begin to reside in your home? _____
Relationship of child to
you _____

3. Do you intend to keep and support the child continuously and not merely through the school term?
Yes _____ No _____

4. Will anyone contribute to the child's support? Yes _____ No _____
If yes, explain. _____

5. Is there currently a support order for the child that has been entered by a court or other party?
Yes _____ No _____
If yes, to whom are the payments made? _____

6. Who will claim this child as a dependent for state/federal income tax purposes?

7. Will you assume all personal obligations related to school requirements for this child that may include providing for required immunizations, uniforms, fees/fines, citations/fines for truancy, attending parent-teacher conferences, attending meetings/hearings concerning discipline, and fulfilling any special education requirements? Yes _____ No _____

8. Will you assume the responsibility and obligation for making all education decisions?
Yes _____ No _____

I grant the School District permission to investigate the information I have presented in this statement by discussing the presented information with all appropriate parties, including tax authorities, as necessary to confirm the factual accuracy.

I further understand and agree that I bear responsibility to notify the School District should any of the above circumstances change.

I further understand and agree that, should it be determined that the child is improperly or illegally attending Colonial School District schools, I MAY BE RESPONSIBLE FOR THE ENTIRE COST OF TUITION in accordance with district Policy from the date on which the child began to improperly or illegally attend district schools.

Signed by resident(s) and notarized _____

**COLONIAL SCHOOL DISTRICT
RESIDENCY AFFIDAVIT, 24 PS § 13-1302**

I/We attest that all information provided here is correct and current. I/We understand that if residency should change, for any reason, it is our responsibility to notify the School District and amend the residence affidavit. Any false statements can and will be punishable by law.

I/We, _____, currently reside at
(Resident's name)

Address _____

Location of Residence: Conshohocken Borough / Plymouth Twp. / Whitemarsh Twp. / Other

Phone _____

Homeowner's Verification

Homeowner's name _____ Telephone Number _____

Approval has been granted for _____ to reside with
(Child's name)

_____, at the address identified above.
(Resident's name)

Homeowner's signature _____ Date _____

Landlord Verification

Landlord's name _____ Telephone Number _____

Approval has been granted for _____ to reside with
(Child's name)

_____, at the address identified above.
(Resident's name)

Landlord's signature _____ Date _____

Through my notarized signature, I/we grant the School District permission to investigate the above information that I/we have presented in this affidavit for confirmation and factual accuracy.

I/we further understand and agree that, should it be determined that the child is improperly or illegally attending Colonial School District schools, I/WE WILL BE RESPONSIBLE FOR THE ENTIRE COST OF TUITION in accordance with district Policy from the date on which the child began to improperly or illegally attend district schools.

Signed by resident(s) and notarized _____

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