

**NEBO SCHOOL DISTRICT
DETERMINATION OF RESIDENCY STATUS OR SCHOOL TRANSFER**

| STATUS OF STUDENTS REQUESTING ADMISSION | MUST ADMIT AS RESIDENT | MAY ADMIT AS RESIDENT | MAY ADMIT UNDER OPEN ENROLLMENT ¹² | REQUIRES POWER OF ATTORNEY ¹¹ | MUST ADMIT IF MEETS MCKINNEY CRITERIA | CHARGE TUITION | MAY ADMIT UNDER ADMINISTRATIVE TRANSFER ¹⁴ |
|---|------------------------|-----------------------|---|--|---------------------------------------|-----------------------|---|
| 1. Parent or legal guardian of minor¹ lives in district: | | | | | | | |
| a. Student lives in district with parent or legal guardian. | S | | | | | | |
| b. Resident student lives in district but wishes to transfer to another school in the district outside his/her school's boundary area. | | | D | | | | E |
| 2. Parent or legal guardian of minor¹ lives out of district but within Utah: | | | | | | | |
| a. Student lives in district and is in custody of or supervised by a Utah State agency. (i.e., foster parents) (Need documentation) | D | | | | | | |
| b. Student lives in district and is supervised by an approved ² child placement agency. (i.e., proctor parents) (Need documentation) | D | | | | | | |
| c. Student lives with a responsible ³ adult resident of the district, but parents or legal guardian lives elsewhere in the state. | | D | D | D | | | |
| d. Student lives in district and is emancipated. ⁴ | E | | | | | | |
| e. Student lives in district and is homeless. ⁵ | | | | | E | | |
| 3. Both parents of minor¹ live outside Utah: | | | | | | | |
| a. Student lives with person designated by the court as legal guardian. ¹³ | E | | | | | | |
| b. Student lives with responsible adult. ⁷ | | D | | D | | D | |
| c. Student lives in district and is emancipated. ⁴ | E | | | | | | |
| d. Student lives in the district and is homeless. ⁵ | | | | | E | | |
| e. Student is supervised by a Utah State agency under an Interstate Compact. ⁸ | | D | | | | D⁹ | |
| f. Student is a USBE approved ¹⁰ exchange student. (i.e., J-1 Visa students) | | D | | D | | D¹⁰ | |

FOOTNOTES

- 1 A “minor student” is under the age of 18 years. Students 18 years of age or older are adults and entitled to choose their own residence. Students may be required to conform to the same
2 rules as minors if they wish to attend the regular high school instead of the adult high school.
3 Agency must be licensed by the State of Utah and meet education support and coordination requirements. Agency shall pay student fees, deposits, or other charges in accordance with
4 state law and district policy. (See [UTAH CODE ANN. §§ 62A-2-108.1](#) and [62A-4a-606](#)).
- 5 A resident 21 years of age or older who is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child (see [UTAH CODE ANN. § 53G-6-303\(1\)](#)),
6 and a determination has been made in accordance with district policy that all of the following criteria are satisfied:
1. The student’s physical, mental, moral, or emotional health is best served;
 2. Exigent circumstances exist that cannot be appropriately addressed under [UTAH CODE ANN. § 53G-6-402](#) (“Open Enrollment”); AND
 3. Enrollment does not violate any other law or rule of the Utah State Board of Education.
- 7 A “minor student” (under 18 years of age) can only be emancipated by: (a) marriage; (b) court order; OR (c) determination by an authorized state administrative agency.
8 A “minor student” (under 18 years of age) who does not have a fixed, regular, and adequate residence. (See [UTAH ADMIN. CODE R277-616](#) and [Stewart B. McKinney Homeless Assistance](#)
9 [Act, 42 U.S.C. § 11431, et seq.](#)).
- 10 The student may be admitted as a resident if: (a) the student resides with responsible adult; (b) the responsible adult obtains an appropriate Power of Attorney from the custodial parent;
11 (c) the responsible adult is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for the child (see [UTAH CODE ANN. § 53G-6-303\(1\)](#)); AND (d) a
12 determination has been made in accordance with district policy that all of the following criteria are satisfied:
1. The student’s physical, mental, moral, or emotional health is best served;
 2. The student is prepared to abide by district and school policies and rules, and an appropriate “Provisional Enrollment Contract” is executed; AND
 3. Tuition is paid.
- 13 A legal contract between states which must be effectuated through Utah State Human Services and an analogous agency in another state. (See [UTAH CODE ANN. § 62A-4a-701, et seq.](#))
14 Student must be admitted to school. Tuition must be paid unless the Utah State agency has assumed all financial responsibility for the student in which case the
15 student is to be viewed as falling under category 1. b. (See [UTAH CODE ANN. §§ 62A-2-108.1](#) and [62A-4a-606](#)).
- 16 Exchange program and student must satisfy requirements of [UTAH CODE ANN. § 53G-6-707](#) and [UTAH ADMIN. CODE, R277-612](#); otherwise student pays tuition.
- 17 A Power of Attorney issued by the party who has legal custody of the minor student designating the “responsible adult” as the student’s custodian and granting the “responsible adult”
18 authority to take any appropriate action on behalf of the student, including authorization for education and medical services in the interest of the student. A Power of Attorney
19 does not confer legal guardianship (see [UTAH CODE ANN. § 53G-6-302\(4\)](#)). Both the granting party and the “responsible adult” empowered by the Power of Attorney shall agree
20 to:
1. Assume responsibility for any fees or other charges relating to the child’s education; AND
 2. If eligibility for fee waivers is claimed, provide the district with all financial information requested by the district for purposes of determining eligibility for fee waivers.
(See [UTAH CODE ANN. § 53G-6-302\(3\)](#)).
- 21 Follow procedures set forth in [Nebo School District Policy JECB, Student Enrollment and School Transfer](#). (See [UTAH CODE ANN. § 53G-6-302](#) and [UTAH ADMIN. CODE,](#)
22 [R277-437](#)).
- 23 Generally, a legal guardianship is the preferred way in which to enroll a student who lives in the district but whose parents live outside the state of Utah.
24 “Administrative Transfers” are reserved for resident students and are permitted in very special and unique circumstances to address the critical educational needs of a student.
Administrative Transfers require the approval of the principals of both the receiving school and the sending school and the respective Director of Elementary Education, Secondary
Education, or Special Education. Administrative Transfers may also be effectuated by the respective Director of Elementary Education, Secondary Education, or Special Education.
Students transferred on Administrative Transfer are also generally placed on a “Provisional Enrollment Contract” which lists conditions of attendance in relation to behavior,
grades, and attendance.