

Lincoln County School District

Code: **JEC-AR**
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Orig. Code(s): R/R 5112

Admissions

Legal Residency

Students shall be considered to be residents of the district with a reasonable degree of permanency. A student shall conclusively be deemed a resident of the district if he/she resides within the Lincoln County School District with a parent, guardian, legally appointed person or persons in a parental relationship with the student. (See Appendix A.)

Nonresident Students

Nonresident students may be accepted upon payment of tuition when their acceptance will not overcrowd the school. The superintendent may designate the school to be attended by such students in keeping with established school attendance boundaries and variance procedures.

Tuition shall be charged for students who are 21 years of age or older or nonresident.

Tuition rates paid by parents or others for students from other districts shall be set annually on the basis of per student costs and according to the law. If a student is not attending full-time, the costs will be based on the number of credits in which the student enrolls.

Waiver of Tuition Payment

Students regularly enrolled in school who reached their 21st birthday during the course of a school year may complete that year without tuition charge.

Students who continue to live in the district after parents have moved their residence from the district will be considered residents of the school district and may finish the school year without payment of tuition.

The superintendent, after proper investigation and report from the principal, may waive the payment of tuition of students living with relatives in the district under the following conditions:

1. Children who cannot reside at home because of incompatibility with parents;
2. Financial inability of parent to support a child;
3. Inability of parent, because of occupation, to maintain a home;
4. Self-supporting children who have severed all connections with parents.

Emancipated Minors

An emancipated minor living in the district is considered a resident of the district. A student is emancipated only if he/she is living within the district and is:

1. Eighteen years of age or older;
2. Married; or
3. Legally emancipated from his/her parents by appropriate court action.

Homeless Students

1. Assignment to a school:
 - a. Consideration will be given to the preference of the parent or other person in parental relationship to the maximum extent possible;
 - b. Whether a student is living with his/her homeless parents or has been temporarily placed elsewhere by his/her parents shall not be a criterion in determining school assignment.
2. A homeless student shall be provided services comparable to those offered to other students in the school to which he/she is assigned, including, but not limited to:
 - a. Transportation;
 - b. Education services for which the student otherwise meets eligibility, such as:
 - (1) Compensatory education programs for the disadvantaged;
 - (2) Programs for students with disabilities;
 - (3) Programs for students with limited English proficiency;
 - (4) Vocational programs;
 - (5) Academically gifted programs.
 - c. Meal programs.
3. A record ordinarily kept by the school, such as immunization record, academic record, birth certificate, guardianship record and evaluations for special programs shall be maintained for a homeless student in accordance with the following criteria:
 - a. Such records will be available in a timely fashion if and when a student enrolls in a new school district;
 - b. Such records will be kept in a manner consistent with Section 438 of the General Education Provisions Act.

4. If the district receives funds under the Local Education Agency Grant Program, it will coordinate its services with those of local service agencies and other agencies or programs which provide services to homeless children and families.
5. The district will appoint a homelessness liaison who will ensure that:
 - a. Homeless students enroll in school and are ensured equal educational opportunities;
 - b. Homeless families and students receive the educational services for which they are eligible;
 - c. Homeless families and students are referred to health care services, dental services, mental health services and other appropriate services;
 - d. School personnel, service providers and advocates working with homeless families are informed of their responsibilities.

Certificate of Mastery

A student shall continue to be eligible for a free and appropriate education who has not yet attained 21 years of age if the student is shown to be in need of additional education in order to receive a Certificate of Initial or Advanced Mastery.

Appendix A Special Populations¹

- **Homeless and Temporarily-Housed**

The federal McKinney Homeless Assistance Act, Subtitle VII-B: Education of Homeless Children and Youth, protects homeless children and youth from being excluded from school enrollment due to the nature and impermanence of their night-time residence. A homeless individual is defined as one who lacks a fixed, regular and adequate residence. A *fixed* residence is one that is stationary, permanent, and not subject to change. A *regular* residence is one that is used on a regular (i.e., nightly) basis. An *adequate* residence is one that is sufficient for meeting both the physical and psychological needs typically met in home environments.

In addition to basic enrollment and school support services, such homeless children and youth are automatically eligible for Title IA services, as well as McKinney program services when available, from the district in which they are residing. Children and Youth who are highly mobile or are otherwise considered *at risk* of becoming homeless are also eligible for supplemental services under these programs, where available.

ORS 339.115(5) ensures that homeless children and youth will not be denied school enrollment for lack of a fixed place of residence or a supervising guardian. The following guidelines, derived from the non-regulatory guidance issued by the U.S. Department of Education on McKinney Act provisions, may be used to ascertain a student's eligibility for enrollment, supplementary services and other accommodations available to homeless students, based on the student's living situation.

Transitional or Emergency Shelters

Children and youth in transitional or emergency shelters, with or without other family members, are considered homeless. This applies to families and youth in shelters for economic reasons as well as to those who are displaced from housing due to natural or other disasters (e.g., earthquakes, flooding, house fire).

Trailer Parks, Camping Grounds, Vehicles

Children and youth staying temporarily in trailer parks or campgrounds because they lack adequate living accommodations should be considered homeless. Children and youth living in vehicles not meant for housing (e.g., in cars) should also be considered homeless, as should those who are camping outdoors, with or without their families.

Inadequate Housing

Inadequate housing may lack electricity, adequate plumbing, or sufficient heating, particularly when such circumstances lead to frequent school absences and/or poor school performance. Children and youth whose

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living situations involve inadequate or substandard space and sleeping accommodations should be provided enrollment assistance and supplemental services when needed.

“Doubled-Up” Housing, Overcrowded Conditions

Children living in “doubled-up” accommodations, sharing housing with relatives or others, are considered homeless if they are co-habiting due to loss of housing or similar circumstances which force them to share housing. Families voluntarily living in doubled-up accommodations to save money generally should *not* be considered homeless, but should be considered eligible for services if the accommodations are such that the children involved have difficulty accessing or succeeding in school. The U.S. Census Bureau considers housing overcrowded if there are more than 1.5 people per livable room per dwelling (i.e., more than one person per livable room, excluding the bathroom).

Motels, Hotels and Short-Term Rates Apartments

Some social service agencies will provide vouchers to clients for motel stays, in lieu of emergency shelter space. Children and youth living in motels for lack of shelter space are considered homeless. Other families find motels to be affordable, while move-in expenses and deposits for more permanent housing are not within reach. Children and youth who live under such circumstances are eligible for enrollment and homeless education services to the extent that they are inadequately housed (e.g., lack cooking facilities), are living in overcrowded situations and/or are highly-mobile.

• **Unsupervised, Emancipated and Runaway**

Unsupervised Youth

Resident youths who are otherwise eligible but are unaccompanied or unsupervised by an adult in a parental role still have the right to enroll in and attend public school. Reasonable steps may be taken by the school to link such a youth with the appropriate social service agency, or to notify law enforcement authorities, if preferred, in the case of a runaway youth. Approvals and signatures needed by such a student for participation in special activities and field trips, or to protect the school or district from liability, may be waived circumstantially. It may be appropriate for a school staff person, such as a counselor, to assume a temporary supervisory role over the student while he or she is enrolled.

Emancipated Youths

Youths ages 16-17 may choose to become emancipated from parents or legal guardians through a juvenile court procedure. Emancipated youths have been deemed by a court of law to be capable of independent living and decisions, and are therefore able to enroll themselves in public school and provide student information and signatures, without an accompanying adult. Under ORS 339.133(3), legally emancipated youths shall be considered resident in the district in which they actually reside, irrespective of the residence of their parents, guardians or other persons in parental relationships.

Runaway and Abandoned Youth

Children or youth who have left home and live in runaway shelters, abandoned buildings, with friends, on the streets, in parks or other accommodations, are considered homeless and eligible to attend the district where they are currently residing, even if their parents have provided or are willing to provide a home for

them elsewhere. A youth's right to attend public school in the area where he or she is located remains intact, even if the youth has been reported as a runaway to law enforcement or a youth services agency.

Abandoned youth, those whose parents will not permit them to live at home and/or who have been left on their own, are also considered eligible for enrollment and supplemental services in the district in which they currently reside. If school personnel are concerned about the status of a runaway or abandoned youth with the authorities, it is their option to report on the location of the student to law enforcement agencies, Child Find Hotline, juvenile services agencies, or even the parents. Delay or denial of school enrollment under these circumstances, however, is not warranted.

“Constructive Runaway” is a term which has been applied in Oregon legislation to describe a youth who has purposefully left a parent or guardian's home to avoid physical or sexual abuse or neglect. Even though such a youth may be unsupervised by an adult in a parental relationship, he or she is still eligible to enroll in and attend public school in the district where he or she currently resides.

Other Unaccompanied Youth

Some youths may find housing with non-related adults in non-parental, nonfamilial relationships. For the purposes of school enrollment and provision of supplemental services, such youths may be considered homeless. When a youth in this situation has not reached the age of consent (age 17 in Oregon), school personnel may contact the local law enforcement agency or to the county youth services agency.

• **Highly-Mobile, Migrant and Immigrant**

Highly-Mobile Children and Youth

Highly-mobile children and youth may move frequently as part of families in search of housing or work, as part of the seasonal labor force, for safety from domestic violence or other reasons. Children and youth who experience frequent school changes may show reduced school attendance, instability, erratic performance and/or socialization difficulties. Highly-mobile children and youth have some of the same needs as homeless students and can benefit from some of the same accommodations and services. Students who have had two or more school changes in a year should be regarded as highly-mobile and eligible for homeless program services, if in need.

Migrant Children and Youth

A *migrant child* is one who is in the custody of migrant workers, whether or not they are parents of the child. *Migrant workers* refers to individuals engaged in agricultural labor who do not regularly reside in the county where the labor is performed (ORS 343.810-835). Eligibility for the Migrant Education Program is for three years beyond the date of the last qualifying move. Migrant children and youth are eligible for school enrollment in the district in which they currently reside. Migrant students should not be considered “homeless” simply because they are children of migratory families, but they are usually highly-mobile. To the extent that migratory children and youth are staying in accommodations which are unfit for habitation or are overcrowded, they should be considered homeless. In Oregon, children from qualifying migratory farmworker families who are not receiving supplemental services from a local Migrant Education Program are eligible for services through Title IA and McKinney projects.

Immigrant and Refugee Children and Youth

Children and youth who have moved to the U.S. from another country for residency purposes may enroll in public schools, provided they have obtained the proper health tests and immunizations. Enrollment may be delayed for students arriving *directly* from another country who do not have updated immunizations, but should not be for students who are transferring from another public school within the United States.

Children are sometimes identified as “Immigrant” or “Refugee” for funding purposes under certain federal programs. In general, “Immigrant” students (ages 3-21), as defined by ESEA-Title VII, were not born in any U.S. state or territory, and have not been enrolled in U.S. schools for more than three years. They have come to the U.S. seeking permanent residency. Refugee children, as defined by the Office of Refugee Resettlement of the U.S. Department of Health and Human Services, have come to this country, with or without their parents, to escape political oppression. Such students should be enrolled following the same guidelines and policies outlined in this publication for other students, without discrimination based on national origin, immigration or refugee status.

“Undocumented” Immigration Students

Both state and federal laws affirm the right of undocumented youth to an education in Oregon without regard to the citizenship or immigration status of the child or parent. Under ORS 339.115, the resident school district is obligated to provide a free education for all children between the ages of 5 and 19 residing in the district. Whether or not a student is a resident must be determined by ORS 339.133, which contains no provision for citizenship. Although districts may ask for the student’s residence and age, care should be taken to not suggest that the student must have immigration papers in order to be enrolled in school. School personnel should be aware that they have no legal obligation or authority to enforce U.S. Immigration laws.

According to a 1982 decision of the U.S. Supreme Court (*Plyler vs. Doe*), school districts must not:

- Deny admission to a student during initial enrollment or at any other time on the basis of undocumented status (this could be considered impermissible discrimination under ORS 659.150);
- Treat a student disparately to determine residency;
- Engage in any practices to deter or discourage the right of access to school;
- Require students or parents to disclose or document their immigration status; and
- Require social security numbers from all students, as this may expose undocumented status (also impermissible under the Privacy Act of 1974).

• **International Students**

For the purposes of public school admission in Oregon, an international student should be viewed as any other minor child when determining district residency and eligibility. The student’s host family would serve as person(s) in a parental relationship.

Nonimmigrant, foreign students or “exchange students” who are in the U.S. specifically for the purpose of attending school in this country are required to have a student visa. The Immigration and Nationality Act provides nonimmigrant visa categories for students: the “F” visa for academic studies and the “M” visa for nonacademic or vocational studies. “I-20” visas, which have other limitations, are also available to some

exchange students. International students coming directly from another country must comply with standard health and immunization requirements prior to enrollment in public schools.

As a general guideline for districts on admission of a youth on a student visa: questions about the status of the visa should not delay school enrollment. Schools are obligated to admit school-age youths who reside in the district, yet they are not obligated to enforce immigration regulations. More information on international student visas may be obtained through the U.S. Department of State, Bureau of Consular Affairs.

- **Non-English Speaking Students and Parents**

The right to a public education must not be denied to eligible children and youth solely because they, or their parents or guardians, do not speak or read English. Denial of prompt enrollment for such a reason would constitute discrimination on the basis of national origin, in violation of state and federal civil rights laws. Schools should anticipate the arrival of non-English proficient students and families and have a plan for how they will be expediently and equitably accommodated. Districts and ESDs often have translation services available locally. For further information, contact the Office of Student Services at the Oregon Department of Education, (503) 378-3606, ext. 676.

- **Foster Children and Youth**

Foster children may be in the care of a public agency or a foster family, awaiting permanent placement. The foster home, although often temporary, serves as a fixed, regular and adequate night-time residence. The foster home should be considered the student's residence for enrollment purposes. Children placed in foster homes or other institutions for lack of homeless shelter space can still be considered homeless and thus eligible for the supplemental services available to homeless students through Title IA and McKinney Projects.

While children who are placed into foster care are generally considered residents of the district where they are currently residing, a child with a disability who has been voluntarily placed outside of the home shall be considered a resident of the school district in which his or her parent or guardian resides, if there is a plan for the child to return home. To maintain enrollment at the child's school of origin, the foster care placement should be within 20 miles of the school, and the best interest of the child must be demonstrated. The child's best interest may be demonstrated if, for example, the child's siblings attend the school, a change in the child's routine would be detrimental to the child, or the child has a personal sense of belonging to the community within the school.

- **Students with Identified Health Conditions**

Districts shall adopt policies and procedures which address admission, placement and supervision of students with communicable diseases, including but not limited to Hepatitis B, Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) (OAR 581-022-0705). Parents and students are not obligated to inform the school of a student's HIV-positive status. The educational rights of all children should be upheld through accommodations when needed.

Schools are advised to follow State Health Division instructions on preventing the spread of infectious, communicable and restrictable diseases among students and employees. Schools should have written policies in place and staff should be trained in safety procedures. Students seeking enrollment who have identified health conditions may be enrolled, even though their attendance may be temporarily restricted. Long-term (i.e., more than ten school days) school absences without instructional accommodations must be avoided.

This policy can also be applied to children who arrive at school with head lice; enrollment should not be denied, yet attendance may be restricted with appropriate accommodations provided for continued student participation in coursework. Where available, programs such as Title I can provide supplemental resources to assist families with recurring head lice problems that cause children to miss school.

The occurrence of head lice (pediculosis) is considered by the State Health Division to be a “school restrictable disease.” Under Oregon Revised Statutes and Administrative Rules (ORS 433.260 and OAR 333-019-0015), a school administrator or designated staff person can exclude from attendance any student, teacher or school employee suspected of being inflicted with or exposed to a school restrictable disease. Further, there is nothing to prohibit a district from adopting more stringent rules for exclusion from school under these circumstances. Should a student or family be unwilling to comply with school policies, such as those aimed at protecting students and staff from the spread of communicable diseases, administrators may elect to enforce rules which could involve school exclusion.