Guidance for Resident District

- Minnesota Statute 125A.15 (a) states:
  “The district of residence of a child shall be the district in which the child’s parent resides, if living, or the child's guardian. If there is a dispute between school districts regarding residency, the district of residence is the district designated by the commissioner.”
Rules of Thumb

• If the student is determined homeless, the McKinney-Vento Act prevails with respect to school of enrollment.

• If the student was placed by an out-of-state agency into Minnesota, the district needs to work with the placing agency to determine responsibility for instructional costs. This includes students placed into foster homes located in Minnesota.

First Priority - Parents

• If a student is living with a parent whose parental rights have not been terminated, the district of residence is where the parent and student reside together.

• If the student has an IEP and is in a foster facility, the resident district is the district where the parent with legal custody resides.

• If no IEP and the student is in a typical foster home, the district in which the foster home is located is the resident district.
First Priority – Parents (2)

• If IEP and the student is in a typical foster home, the resident district is where the parent with legal custody lives.

• If the student is in a typical foster home and the parental rights are terminated, the district where the student resides is the district of residence.

• If the student is in a foster facility and the parents are out-of-state, can’t be located or are unknown then we use the second priority as noted next. (M.S.) § 125A.17 (1Sp2001).

Second Priority – Legal Guardian

• This is a court-appointed guardian or conservator, not a notarized statement by the parents.

• The district of residence is where the court-appointed guardian or conservator lives when
  – Parental rights are terminated by court order, or
  – The parent is not known, or
  – The parent is not living within Minnesota, or
  – The parent is an inmate of a Minnesota Correctional facility or resident of a halfway house under the Department of Corrections (DOC).
Third Priority - Commissioner

- The Commissioner has authority in certain situations to appoint or determine a district of residence. This is very seldom used and only in cases where there is no other option.

Homelessness

- Each district or charter school has an individual appointed to serve as the Homeless Liaison.
- The Liaison has the responsibility to designate a student as homeless.
- The Minnesota Department of Education (MDE) does not determine that a student is homeless.
Legislative Changes - 2012

• The 2012 Legislature amended state statutes which have implications for children and youth who are homeless.
• Changes:
  – Consistency between students with IEPs and without IEPs.
  – Clarified transportation responsibilities.
  – Aligned district of residence for non-shelter students.

Temporary Foster

• Students placed in temporary foster situations are considered homeless until the appropriate hearings/court actions have been held.
• The homeless status stays with the student through the end of the school year.
• Next year:
  – Foster, if hearings have been held
  – Homeless, if hearings not completed
District of Residence

- The resident district, in most cases, is the district in which the parent/legal guardian is currently residing.
- The resident district will change each time the parent moves to a new district.
- More complicated family situations will be discussed later.

Education Responsibilities

- Federal law specifies that children and youth experiencing homelessness are eligible to:
  - Remain in his/her school of origin – the school the student was attending when the student became homeless or when the staff were first aware of the homeless situation.
  - Enroll in a school whose attendance area includes the place where the student is currently living.
**Education Responsibilities (2)**

- Minnesota Statutes allow all public school families, including those experiencing homelessness, to:
  - Open enroll to a third district, or
  - Transfer to a charter school.

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**Transportation**

- Transportation is only accessible if the student is returning to the school of origin.
- The local district transportation policies apply when the student chooses to attend school in the new district.
- The charter school’s transportation policies apply when the student chooses a charter school.
Transportation (2)

• School of origin is in an independent or special school district:
  – Enrolling/serving district provides transportation to and from the school of origin to the student’s current residence, even if outside the school’s designated attendance area.

Transportation (3)

• School of origin is a charter school:
  – The charter school or school district designated to transport the charter school students must provide transportation for the student experiencing homelessness.
  – The student is to be transported to and from the charter school and the student’s residence, even if the residence is outside the boundaries of the district where the charter school is located.
Transportation (4)

• School of origin is in a cooperative, joint powers or intermediate district:
  – The student’s resident district is responsible for providing transportation.
  – The resident district may change as the parent moves.

Transportation Reimbursement

• Minnesota reimburses school districts for transporting students who are experiencing homelessness.

• Districts and charter schools will code the transportation costs of homeless students to Finance Dimension 728 – following the required allocation procedures.
Complicated Family Situations

- Resident District is defined as follows:
  
  A. Where the parent or legal guardian resides.
  
  B. Where the student resides at the time when any of these occurred:
     - Parental rights terminated by court order.
     - Parent/guardian is not living in Minnesota.
     - Parent or guardian with custody is in the Minnesota correctional system, prison or halfway house.
     - No district of residence can be determined.

Complicated Family Situations (2)

C. If a district of residence cannot be determined, where the student is living, or

D. If district of residence is not agreed upon among involved districts, as determined by the Commissioner of MDE.
Complicated Family Situations (3)

• For a youth on his/her own (not under the direct control of his/her parent or legal guardian), having left home or was kicked out, the resident district remains where the parent or legal guardian resides even if the student is no longer living at home.

Enrollment of Children and Youth Experiencing Homelessness

• A student must be immediately enrolled and be attending school even if the resident district is not immediately determined or is in question.

• If no other district of residence can be determined, the school district of residence shall be the school district where the student currently resides.
Mobility

- For families that are homeless and highly mobile, the resident district changes as the parent and students move to another district.
- Therefore, tracking family movement and negotiating with the new resident district will be necessary.

MARSS for Homeless Students

- Flag student as homeless
- Flag remains in place through the remainder of the school year in which the student was determined to be homeless by the Homeless Liaison
- Determination must be re-evaluated the following school year by the Homeless Liaison
- Report Economic Indicator as 'Free' while reported as homeless
- Resident district is where parent resides
State Aid Category for Homeless

- SAC is dependent on school of enrollment and where parent resides
  - 00 if living in district of enrollment
  - 11 if returning to independent school district of origin
  - 08 if enrolled in charter school
  - 01 if utilizing open enrollment to transfer elsewhere

Transportation Category for Homeless

- 6 if additional busing is needed
- 0, 1, 2, or 5 if no additional busing is needed
- 0, 1, 2 or 5 if enrolled in a school that is not considered the school of origin
MARSS 51 Homeless Federal Count

- Local MARSS WES report
- List of all students flagged as homeless during the school year
- Export to excel and provide to Homeless Liaison to indicate:
  - Nighttime residence on first night of homelessness
  - Unaccompanied Youth
- Data used for state/federal reporting

| Dist Num | Dist Type | Sch Num | Student Number | Student Name | Birth Date | Grade | Gend | Status Begin Date | Hap | Am Ind | Asian | HAVPrt bl | Black | Wht | Econ Ind | LEP | Spec Ed | Mg | Title | Traps | Perce | Nighttime Res | Unaccom | Youth | Youth
|----------|-----------|---------|----------------|--------------|-----------|-------|------|-------------------|----|--------|-------|-----------|-------|-----|----------|-----|--------|----|-------|------|-------|----------------|----------|-------|-------|
Review of Other Residency Situations

• Reside With Parent
  – Resident district is where the parent and student are living together whether or not the student has an IEP.
  – This assumes parental rights have not been terminated.

Divorced Parents/ Shared Custody

• Resident of where student lives with parent.
• Resident of parent-designated district when joint physical custody.
Wards - Parental Rights Terminated

- Resident of where student is living.
- Includes parental rights permanently suspended by a Tribal Court.

Permanent Foster

Without IEP
- Resident of district in which student is living, i.e., the foster home district.

With IEP
- Resident of where parent lives, unless parental rights are terminated.
### Parent Placement

<table>
<thead>
<tr>
<th>Without IEP</th>
<th>With IEP</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Resident of where parent lives unless criteria in Attorney General’s (AG) opinion are met.</td>
<td>• Resident of where parent lives.</td>
</tr>
<tr>
<td>• AG:</td>
<td></td>
</tr>
<tr>
<td>– Financial, etc. support.</td>
<td></td>
</tr>
<tr>
<td>– No moving back and forth.</td>
<td></td>
</tr>
<tr>
<td>– In district for more than education reasons.</td>
<td></td>
</tr>
</tbody>
</table>

### Unaccompanied Youth

<table>
<thead>
<tr>
<th>Without IEP</th>
<th>With IEP or Homeless</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Resident of the district in which the self-supporting student lives.</td>
<td>• Resident of the district in which the parent lives.</td>
</tr>
</tbody>
</table>
Foreign Students

J-1

- J-1 visa in a cultural exchange program registered with the Secretary of State’s office is a resident of the enrolling district or the geographic area in which the charter/joint powers school is located.

F-1, Unregistered J-1 or B2

- Non-Minnesota resident

Care & Treatment

Placed in Minnesota

- Resident of the district in which the parent lives, whether or not the student has an IEP.

Placed by Parent

- Resident of the district in which the parent lives, whether or not the student has an IEP.
Students Age 18 - 21

Without IEP
• If self-supporting, resident of where student lives.
• If not self-supporting, resident of where parent lives.

With IEP
• If unmarried (even if a parent), resident of where parent lives.
• If married, resident where student lives.

Day Treatment

Live at Home
• Resident district is where parent lives.
• Resident district responsible for education and transportation.
  – Local school.
  – Other location.
  – At treatment site.
  – Contract with other district.
  – Contract with treatment program.

Live in Foster Facility
• Resident district is where parent lives.
• District in which group home is located is responsible for education and transportation.
  – Local school.
  – Other location.
  – At treatment site.
  – Contract with other district.
  – Contract with treatment program.
### MDE Contacts:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roberto Reyes</td>
<td>Homeless and Delinquent Education</td>
<td>651-582-8302</td>
</tr>
<tr>
<td>Sharon Peck</td>
<td>Student Accounting Specialist</td>
<td>651-582-8811</td>
</tr>
<tr>
<td>Kelly Wosika</td>
<td>Transportation Specialist</td>
<td>651-582-8855</td>
</tr>
<tr>
<td>George Holt</td>
<td>Special Education Supervisor</td>
<td>651-582-8889</td>
</tr>
</tbody>
</table>