

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #53  
Burnham – Detroit – Pittsfield**

**Student Residence Policy**

This policy sets forth the residency requirements for attendance at MSAD #53 schools, including private schools to which the District may pay tuition.

1. General Rule

Title 20-A, Section 5202 (2) MRSA provides “General Rule. A person is eligible to attend schools in the school administrative unit where the person’s parent resides, where the person resides upon reaching the age of 18 years or upon becoming an emancipated minor.”

Under this statute, the following persons shall be considered residents of MSAD #53 for purposes of attendance at MSAD #53 schools and contract schools:

- (1) A student who has at least one parent who is a resident of the district.
- (2) A student who is 18 years old and is a resident of the district.
- (3) A student who is a legally emancipated minor and is a resident of the district.
- (4) A student who lives in the district with someone other than his parent or guardian with legal custody and the Superintendent has made the determinations provided in 20-A MRSA #5205 (2), or;
- (5) A student who is a ward of the state and has been placed in the district as provided by 20-A MRSA #5205 (1).

2. Definition of “Parent”

“Parent” means a biological or adoptive parent with legal custody or guardian with legal custody. Where a court has made a determination as to legal custody or parental rights and responsibilities with respect to a child, only a parent with whom a child has primary physical residence during the school year shall be deemed a “parent” within the meaning of this policy. To have legal custody, a guardian must have been declared to have legal custody in a court judgment or decree that is enforceable in a Maine court, and must demonstrate that the guardianship was obtained for necessary reasons regarding the student and not just for education purposes.

3. Definition of “Resident”

- A. (1) Lawfully occupies on a regular and continuing basis a dwelling place within the District where he or she ordinarily sleeps, takes meals and conducts other day-to-day activities, and

(2) If he or she is not present within the District only for the purpose of attending District schools or other schools for which the District pays tuition.

- B. Presence within MSAD #53 for educational purposes only will not qualify a student for tuition-free attendance at MSAD #53 schools or other schools for which the District pays tuition.
- C. Ownership of property within the District alone is not sufficient to establish residence in the District for purposes of this policy.
- D. Any student attending Maine Central Institute with tuition paid by a person or entity other than MSAD #53 who applies to be treated as a resident of MSAD #53 for tuition purposes shall be presumed in the District for educational purposes only and therefore not a resident of the District for purposes of this policy. A student may overcome this presumption by demonstrating that he or she is not present in the District for educational purposes only.

#### 4. Exceptions; transfers

Exceptions to the general residency rules and transfers into the district may be made as permitted by Maine Statutes.

Local standard requires the use of transfer as a means of providing a student with reasonable access to a public school in a neighboring district due to geographical location hardship.

Homeless students have the right to attend, and be transported to, their school of origin as long as they remain homeless, or if the student becomes permanently housed, until the end of the academic year during which housing is acquired.

#### 5. Procedures

- A. Residence decisions shall be made by the Superintendent. Parents or students seeking to establish residency in the District have the burden of proving that they are residents as defined by this policy. They will be permitted to present relevant evidence to the Superintendent. The Superintendent may conduct his own investigation of relevant facts.
- B. The Superintendent's decision may be appealed to the Commissioner of the Department of Educational and Cultural Services to the extent provided by law.

Policy Reference: (9.32) Education of Homeless Children and Youth

Legal Reference: Title 20A, MSRA§5202

NcKinney – Vento Homeless Education Assistance Improvement Act of 2001, 42 United States Code, Section 11431 Et Seq.

Amended: February 3, 1999

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