



5100.1: ENROLLMENT OF STUDENTS - RESIDENCY REQUIREMENTS

I. Rules Governing the Enrollment of Students.

A. Enrollment of Resident Students. Students of school age residing in the District, students who have at least one (1) parent residing in the District, and students of school age who may be by law allowed to attend the District's schools without charge, shall be permitted to enroll in the District's schools tuition-free.

B. Questionnaire Form. Students who reside in the District with a person other than the student's parents or legal guardian will be required to complete District and Nebraska Department of Education questionnaire forms which shall include, among other things, the name and address of the contact person for medical emergencies, student disciplinary matters, school conferences, and excessive absenteeism. The forms must be completed and returned to the District within the time frame set by the District.

C. Enrollment of Future Residents. Students whose parents or guardian are planning to become District residents in the reasonably near future may be enrolled in the District tuition-free. Reasonable proof of future residency will be required by the District prior to enrollment. If the parents or guardian of such student have not become District residents within nine (9) weeks of enrollment, the student may be excluded from further attendance until residency is established.

D. Homeless Children and Youth. Children and youths who are homeless and who request admission, shall be admitted according to District Rule 5100.9.

E. Expelled Students. A student who has been expelled from a public school in any school district in any state or from a private, denominational, or parochial school in any state and who has not completed the terms of the expulsion, shall not be permitted to enroll in the District until the District's Board or the Board's designee approves, the enrollment of the student. As a condition of such enrollment, the District's Board may require attendance in an alternative school, class or education program pursuant to Nebraska Revised Statute §79-266 until the terms of the expulsion are completed. A student who has been expelled from a private, denominational, or parochial school or from a school in another state may not be prohibited from enrolling in the District for any period of time beyond the time limits placed on expulsion pursuant to the Student Discipline Act or for any expulsion for an offense for which expulsion is not authorized for a public school student under the Student Discipline Act, if the student is a resident of the District or the student has been accepted pursuant to the District's Open or Option Enrollment Programs.

II. Resident Students Who Move During the School Year.

Students who move out of the District during the school year may continue attending school in the District for the remainder of the school year tuition-free.

III. Enrollment of Nonresident Students.

A. The District may admit the following nonresident students:

- 1. Students who have at least one (1) parent residing in the District.**
- 2. Students accepted through the District's Open or Option Enrollment Programs.**
- 3. Nonresident students from Nebraska may be admitted pursuant to a contract with the school district where the student is a resident, with the payment and collection of tuition pursuant to the contract.**
- 4. Nonresident students of another state may be admitted, with the advance payment of tuition at a rate determined by the Board.**

B. Nonresident students may not attend schools which are closed to open or option enrollment due to capacity standards. Nonresident students may request enrollment at any District school which is not closed to open or option enrollment.

IV. Wards of the State or a Court.

Any student who is a ward of the state or a ward of any court and who resides in a foster family home within the District which is licensed or approved by the Department of Health and Human Services or who resides in a foster home within the District which is maintained or used pursuant to Nebraska Revised Statute §83-108.04 shall be deemed a resident of the District. Students who are placed in foster homes within the District by individuals, or by agencies other than the Department of Health and Human Services or in foster homes which are not maintained or used pursuant to Nebraska Revised Statute § 83-108.04, as hereinbefore provided, shall be required to complete a residency questionnaire and shall be subject to the same residency requirements as other nonresident students seeking enrollment in the District.

V. Improper Enrollment.

A. If a student is improperly enrolled in the District, the District in its sole discretion may:

- 1. Exclude the student from the schools of the District and charge tuition for the time period that the student was improperly enrolled; or**
- 2. Permit the nonresident student to remain enrolled as a nonresident student provided tuition is paid in advance.**

VI. Illegal Aliens.

Illegal aliens will not be denied a public education based on their illegal alien status.

VII. Definitions.

A. "Guardian" shall mean a legal guardian who has been appointed by a court or who has accepted a testamentary appointment as provided in Neb. Rev. Stat. § 30-2605.

B. "Homeless child or youth" shall mean:

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and

2. Includes:

a. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

b. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, within the meaning of 42 U.S.C. §11302(a)(2);

c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

d. Migratory children, as defined in 20 U.S.C. § 6399(3), who qualify as homeless because the children are living in circumstances described in subsections VII(B)(2)(a)-(c)

3. The term "homeless child or youth" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or State law.

C. "Improper enrollment" shall mean students enrolled in the District who do not meet the residency, option enrollment, open enrollment, or other statutory requirements to enable tuition-free admission into the District.

D. "Parents" shall mean the lawful father or mother of a child, including adoptive parents. A guardian or any other person in legal or actual charge or control of a child who enrolls a child in school, shall be considered to be acting as a parent for all educational purposes, unless otherwise restricted by law.

Date of Adoption

February 1, 1982

Date of Revision

January 8, 1996

August 21, 2000

August 6, 2001

May 5, 2003

January 11, 2010

July 11, 2011

December 19, 2011

June 3, 2019

Reaffirmed

June 3, 2019

Related Policies and Rules

[5100.3: Enrollment of Students - Nonresident Students: Enrollment Option Program](#)

[5100.8: Enrollment of Students - Learning Community Open Enrollment](#)

[5100.9: Enrollment of Homeless Children and Youths](#)

Legal Reference

Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982);

Neb. Rev. Stat. § 79-215

Neb. Rev. Stat. § 79-216

Neb. Rev. Stat. § 79-266.01

Title 92, Nebraska Administrative Code, Chapter 19

McKinney-Vento Homeless Assistance Act of 2001 42 U.S.C. § 11431 et seq.