

## **SPECIAL EDUCATION STUDENTS**

For school-age special education students from outside the state of Idaho who, due to the nature and severity of their disabilities, are residing in licensed public or private residential facilities within the state of Idaho, Aberdeen School District No. 58 will provide education services to such students if requested by the licensed public or private residential facility and an agreement is entered into with the residential facility. The district will be given the opportunity to provide input on any federally required education programs or plans for such students.

In the event the residential facility refuses to sign a contract with the district agreeing to pay the full cost of providing the educational services as determined by the district, the student's placement will be considered a unilateral change in placement by the parents and the district will not be responsible for providing any educational services to the out-of-state student residing in the residential facility.

## **NON-SPECIAL EDUCATION STUDENTS**

For school-age non-special education students from outside the state of Idaho who are residing in licensed public or private residential facilities within the state of Idaho, the district may provide education services to such students if requested by the licensed public or private residential facility and an agreement is entered into with the residential facility.

In the event the district elects not to sign a contract with the residential facility or the residential facility refuses to sign a contract with the district agreeing to pay the full cost of providing the educational services as determined by the district, the district will not be responsible for providing any educational services to out-of-state student(s) residing in the residential facility.

## **CONTRACT FOR EDUCATION SERVICES**

The contract with a residential facility will include the following provisions:

1. The education services to be provided by the district.
2. The amount to be paid by the licensed public or private residential facility.

The amount paid will be equal to the district's full cost of providing the education services delineated by the contract as determined by the district. Such students will be excluded from all average daily attendance and other reports provided to the state that would result in the distribution of state funding to the district.

**DETERMINING RESIDENCY**

In determining whether a student is from outside the state of Idaho, the district will determine the primary residency of the student’s parent or guardian. Proof of Idaho residency will be established by showing an Idaho motor vehicle driver’s license, payment of Idaho state income taxes, or other documentation definitively establishing residency within the state of Idaho.

In the event guardianship of an out-of-state student is established with an individual residing in Idaho, it will be presumed that the guardianship was established for the purpose of claiming in-state residency and circumventing the provisions of this policy and Idaho Code Section 33-1002B. In this case, the student will be considered an out-of-state student, unless it can be established to the district’s satisfaction that the guardianship was not established in order to circumvent this policy or the provisions of Idaho Code Section 33-1002B.

In the event the district is unable to determine the student’s residency, it will be presumed the student’s residency is outside the state of Idaho.

**COURT ORDERED STUDENT PLACEMENT EXCEPTION**

Students who are placed by court order under the provisions of the Idaho juvenile corrections or child protective services acts and reside in licensed homes, agencies, and institutions will be received and admitted by the school district in which the facility is located without payment of tuition.



**LEGAL REFERENCE:**

Idaho Code Sections

33-1002B – Pupil Tuition-Equivalency Allowances

33-1404 – Districts to Receive Pupils

*Wise v. Ohio Department of Education*, 80 F.3d 177 (6<sup>th</sup> Cir. 1996)

*School Comm. of Burlington v. Department of Ed. of Mass.*, 471 U.S. 359 (1985)

*Florence County Sch. Dist. Four v. Carter*, 510 U.S. 7 (1993)

**ADOPTED:** February 19, 2014

**AMENDED:**

Note: Districts that educate students placed by Idaho court order in licensed homes, agencies, institutions or juvenile detention facilities are eligible for a tuition allowance. The allowance is in addition to support unit funding and included in district apportionment payments, subject to approval of district applications by the state superintendent of public instruction. See Idaho Code Section 33-1002B.