

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, Wendell School District No. 232 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, a students' 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 students 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 the out-of-state students 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 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 33-1002B.

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

LEGAL REFERENCE:

Idaho Code Section 33-1002B

Wise v. Ohio Department of Education, 80 F.3d 177 (6th 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: November 19. 2013

AMENDED: