

Provo City School District

Policy Series: 3000



Policy No. 3160

Student Residency: Parent/Guardian Does Not Reside in Utah

Purpose:

The purpose of this policy is to articulate enrollment requirements for non-resident students whose parent(s)/guardian(s) reside outside of the State of Utah. Provo City School District requires that non-resident students seeking to enroll within the district fulfill specific requirements, in accordance with Utah State Law. Students whose parent(s)/guardian(s) reside outside of Utah may be considered residents if they fit within specific circumstances. Non-resident students are required to pay a tuition fee at least equal to the per capita cost of the school program.

Definitions for Residency:

A minor child whose parent or legal guardian does not reside within Utah may be considered a resident of the district in which the child lives if it is established to the satisfaction of the local Board that:

1. The child is either married or has been determined to be an emancipated minor by a court of law or authorized state administrative agency;
2. The child was placed and is being supervised by a child placing agency which is authorized by the State of Utah to provide residential or child placement services and the agency is paying the child's tuition and fees to the extent required by [*Utah Code § 26B-2-131*](#);
3. The child is in custody or under the care of a Utah state agency;
4. The child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal guardian as provided for below; or
5. The district, in its sole discretion, may accept a non-emancipated student as a resident of the district if each of the following are demonstrated to the Board's satisfaction:
 - a. The child's physical, mental, moral, or emotional health would best be served by considering the child to be a resident for school purposes; and
 - b. The child is prepared to abide by the rules and policies of the district; and

- c. The person with whom the child resides in the district has been given authority in a durable power of attorney, as specified below, which the district agreed in its sole discretion to accept; and
- d. One of the following two sets of circumstances exists:
 - i. The child lives with a responsible adult who resides in the district and is the student's non-custodial parent, grandparent, brother, sister, uncle or aunt, and the child's presence in the district is not for the primary purpose of attending the public schools; or
 - ii. The child's parent has moved from the state, and the child resides with a responsible adult who resides in the district, and the child's attendance in the school will not be detrimental to the school or to the district.

NOTE: A document issued by someone other than a court of law that purports to award guardianship to a person who is not a resident of the jurisdiction in which guardianship is awarded is not valid until reviewed by a court of law.

Durable Power of Attorney

In certain circumstances identified above, a durable power of attorney must be obtained before a child can be admitted to attend school within the district. This durable power of attorney does not confer legal guardianship. In order to be sufficient, this durable power of attorney must be issued by the person who has legal custody of the child and must grant the custodian full authority to take any appropriate action in the interests of the child, including delegating powers regarding care, custody, and property, including authority over schooling.

In addition, the person with legal custody of the child (the grantor of the power of attorney) and the person with whom the child is to reside (the person empowered by the power of attorney) must both agree to:

1. Assume responsibility for any fees related to the child's education in the district, and
2. Provide the District with all requested financial information needed to determine eligibility for fee waivers, if those are claimed.

Forms for this power of attorney and for acceptance of custodianship can be obtained by contacting Student Services for Provo City School District.

The Board directs the Superintendent or designee to develop further procedures necessary for determining the enrollment of students whose parent(s)/guardian(s) do not reside in the State of Utah.

Legal References

[Utah Code § 26B-2-131 \(2023\)](#)
[Utah Code § 53G-6-302\(3\) \(2024\)](#)
[Utah Code § 53G-6-302\(4\) \(2024\)](#)
[Utah Code § 75-5-103 \(2018\)](#)

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