

Policy 0602.65 Out-of-State Students in Residential Facilities

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, West Ada School District 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 any such 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 this 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 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. In no event will a guardianship established for the purpose of avoiding the provisions of this policy and Idaho Code § 33-1002B be considered as establishing residency for any student from outside the state of Idaho. 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.

Proof of Idaho residency of a student's parent or guardian will be established by showing an Idaho motor vehicle driver's license, payment of Idaho state income taxes, or other documentation definitely establishing the residency within the State of Idaho. In the event a guardianship of an out-of-state student is established with an individual residing in Idaho it will be presumed that the residency was established for the purpose of avoiding the provisions of this policy and Idaho Code § 33-1002B, and that student will be considered an out of state student, unless it can be established to the School District's satisfaction that the guardianship was not established in order to circumvent this policy or the provisions of Idaho Code § 33-1002B.

If this District is asked to provide special education services for students from outside the state of Idaho residing at a residential facility, this District will sign a contract with the residential facility. If the residential facility refuses to sign a contract agreeing to pay the full cost of providing the educational services as determined by the District, or is in breach of a current contract, the students' placement will be considered a unilateral change in placement by the parents, and the District will not be responsible for providing the students with special education services.

If this District is requested to provide education services which do not include special education services, this District may elect to sign a contract 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, the District will not be responsible for providing any educational services to the out-of-state students residing at the residential facility.

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

- The education services to be provided by the local school district.
- The amount to be paid by the licensed public or private residential facility.

The amount paid will be equal to this 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.