



ATTENDANCE/RESIDENCY/ENROLLMENT

1. Students are residents of school districts where: 20-A MRSA 5202

1. Parent resides or
2. Student resides if 18 or if emancipated by Court

2. Exceptions to the residency rules: 20-A MRSA § 5205

A. State wards/DHS Custody: resident of the school unit where placed

B. Superintendent determination: student is residing with someone who is not his/her parent is considered a resident of the school administrative unit where the student resides if the superintendent of the unit determines that it is in the best interest of the student because:

1. It is undesirable and impractical for that student to reside with the student's parent, or that other extenuating circumstances exist which justify residence in the unit; and
2. That person is residing in the school administrative unit for other than just education purposes.

The superintendent's decision is reviewed by the Commissioner of Maine DOE.
NOTE: guardianship is not required.

C. Students placed by state agencies in a residential placement other than a residential treatment center is a resident of the school administrative unit where the residential placement is located.

F. Transfer students between school units: Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- a. the transfer is in the student's best interest; and
- b. The student's parent approves.

The Commissioner reviews the decision of the superintendents.
Agreement is reviewed annually.

G. Homeless students have a right to unrestricted access to a free public education under the federal Stewart B. McKinney Homeless Assistance Act. Homelessness is broadly defined as lacking a fixed, regular and adequate nighttime residence, such as doubled up housing with other families or friends, youth shelter (even if parents will allow student to return), hotels/motels, transitional housing shelters, cars, abandoned building, parks, public spaces, streets or campgrounds or inadequate trailer homes. (42 USC 11431 et seq)

Students have the choice of attending the school of origin (where they were before becoming homeless) or school of placement (where they are now). Lack of transportation cannot prevent them from remaining at school. Homeless student must be immediately enrolled even if no proof of residency or no proof of immunization records.

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