

**53A-2-201 Child's school district of residence -- Determination -- Responsibility for providing educational services.**

- (1) The school district of residence of a minor child whose custodial parent or legal guardian resides within Utah is:
  - (a) the school district in which the custodial parent or legal guardian resides; or
  - (b) the school district in which the child resides:
    - (i) while in the custody or under the supervision of a Utah state agency;
    - (ii) while under the supervision of a private or public agency which is in compliance with Section 62A-4a-606 and is authorized to provide child placement services by the state;
    - (iii) while living with a responsible adult resident of the district, if a determination has been made in accordance with rules of the district board of education that:
      - (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;
      - (B) exigent circumstances exist which would not permit the case to be appropriately addressed under Section 53A-2-207; and
      - (C) considering the child to be a resident of the district under this subsection would not violate any other law or rule of the State Board of Education; or
    - (iv) if the child is married or has been determined to be an emancipated minor by a court of law or by a state administrative agency authorized to make that determination.
- (2) A minor child whose custodial parent or legal guardian does not reside in the state is considered to be a resident of the district in which the child lives, unless that designation violates any other law or rule of the State Board of Education, if:
  - (a) the child is married or an emancipated minor under Subsection (1)(b)(iv); or
  - (b) 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 under Section 53A-2-202; or
  - (c) if permissible under policies adopted by the local school board, it is established to the satisfaction of the local school board that:
    - (i) the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;
    - (ii) the child's presence in the district is not for the primary purpose of attending the public schools;
    - (iii) 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
    - (iv) the child is prepared to abide by the rules and policies of the school and school district in which attendance is sought.
- (3)
  - (a) If admission is sought under Subsection (1)(b)(iii), or (2)(c), then the district may require the person with whom the child lives to be designated as the child's custodian in a durable power of attorney, issued by the party who has legal custody of the child, granting the custodian full authority to take any appropriate action, including authorization for educational or medical services, in the interests of the child.
  - (b) Both the party granting and the party empowered by the power of attorney shall agree to:
    - (i) assume responsibility for any fees or other charges relating to the child's education in the district; and
    - (ii) if eligibility for fee waivers is claimed under Section 53A-12-103, provide the school district with all financial information requested by the district for purposes of determining eligibility for fee waivers.

- (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of this section and accepted by the school district shall remain in force until the earliest of the following occurs:
  - (i) the child reaches the age of 18, marries, or becomes emancipated;
  - (ii) the expiration date stated in the document; or
  - (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee, or by order of a court of competent jurisdiction.
- (4) A power of attorney does not confer legal guardianship.
- (5) Each school district is responsible for providing educational services for all children of school age who are residents of the district.
- (6) Students who were enrolled in a Utah public school by October 1, 1992, and would, but for this part, have been allowed to attend public schools without payment of tuition shall be permitted to continue their attendance until graduation or termination of enrollment on the same basis as Utah resident students.

Amended by Chapter 282, 1995 General Session