

## QUICK GUIDE: SCHOOL ENROLLMENT PROBLEMS

Especially for children who are not living with their parents, schools often will use the **domicile requirement** to keep children from enrolling in their school. In general, children are considered to have a domicile wherever their parents or legal guardians live. For children who are living with relatives or friends who do not have legal guardianship, this can pose problems.

If the school is trying to prevent a child from enrolling because the parents do not live in the school district, there are four questions you can ask that may help get that child enrolled in school where he or she is living.

### **Is the child living with an adult other than the parent or legal guardian?**

If so, the child can attend school where the non-guardian adult lives if he or she meets certain conditions:

- The student is not under suspension or expulsion from another school district.
- The student has not been convicted of a felony.
- The student is living with an adult who is domiciled in the school district for the following reasons:
  - The death, serious illness, or incarceration of a parent or legal guardian;
  - The abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance;
  - Abuse or neglect by the parent or legal guardian;
  - The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student;
  - The loss or uninhabitability of the student's home as the result of a natural disaster.

If the child meets these requirements, the school must allow the child to attend if the child's parent or the adult taking care of the child executes an affidavit about the circumstances. Two affidavits, one that can be filled out by the parent and another that can be filled out by the adult taking care of the child, are attached.

**Warning:** Schools may be reluctant to accept these affidavits; some have said they will not accept the child unless the adult is pursuing legal guardianship. This is illegal – they *must* accept these affidavits if the student fits the criteria. If they do not, call your local legal aid office.

### **Is the child living in a group home or foster home?**

A specific statute (General Statute §115C-366(a1)) requires schools to allow children living in a group home or foster home to enroll in the district where the group home or foster home is located. If the child is living in such a home, the child must be allowed to attend.

### **Is the child living in a very unstable situation?**

A federal law, the McKinney-Vento Homeless Assistance Act, requires schools to provide free public education to “homeless children and youths.” That term has a very broad definition.

Children who are sharing housing with others because of loss of their primary home or other economic difficulties and children living in spaces that are not designed to be regular sleeping space (example: cars, abandoned houses, substandard housing) generally will be able to take advantage of this law and enroll in the district where the child resides.

Each school district has a coordinator to ensure the schools are complying with the federal law. If you think a child meets the definition of “homeless children and youths,” that person may be able to help you enroll the child.

## Residency Affidavit for a Custodial Adult

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

**IN THE MATTER OF:**

<p><b>Name(s) of Child(ren):</b></p> <p><b>Name of Custodian:</b></p> <p><b>Street Address:</b></p>	<p><b>EDUCATIONAL RESIDENCY</b></p> <p><b>AFFIDAVIT</b></p> <p><b>(CUSTODIAL ADULT)</b></p> <p><b>(N.C.G.S. Sec. 115C-366)</b></p>
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The undersigned being first duly sworn says:

1. I am the custodial adult with whom the following child(ren) reside(s) at the above address:

Full Name of Child(ren)	Age

2. I am domiciled in \_\_\_\_\_ County, North Carolina.

3. The above child(ren) reside(s) with the above custodian for the following reason(s):

- \_\_\_ a. The death of a parent or legal guardian.
- \_\_\_ b. The serious illness of a parent or legal guardian.
- \_\_\_ c. The incarceration of a parent or legal guardian.
- \_\_\_ d. The abandonment by a parent or legal guardian of the complete control of the child(ren) as evidenced by the failure to provide substantial financial support and parental guidance.
- \_\_\_ e. Abuse or neglect by a parent or legal guardian.
- \_\_\_ f. The physical or mental condition of a parent or legal guardian is such that he or she cannot provide adequate care and supervision of the child(ren).
- \_\_\_ g. The loss or uninhabitability of the student's home as the result of a natural disaster.
- \_\_\_ h. The child(ren) is(are) otherwise entitled to enrollment (i.e., special needs, homelessness).

4. The child(ren) is (are) not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit.
5. The child(ren)'s claim of residency in the unit is not primarily related to attendance at a school within the unit.
6. I have been given and accept responsibility for educational decisions for the child(ren), including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records.
7. Check if applicable:  
\_\_\_\_\_ The parent or legal guardian is unable or unavailable to sign an affidavit regarding these facts.  
\_\_\_\_\_ The parent or legal guardian refuses to sign an affidavit regarding these facts.

### **WARNING OF PENALTY**

THIS AFFIDAVIT IS MADE PURSUANT TO N.C.G.S. SECTION 115C-366 WHICH PROVIDES IN PART AS FOLLOWS: "IF IT IS FOUND THAT THE INFORMATION CONTAINED IN EITHER OR BOTH AFFIDAVITS IS FALSE, THEN THE LOCAL BOARD MAY, UNLESS THE STUDENT IS OTHERWISE ELIGIBLE FOR SCHOOL ATTENDANCE UNDER OTHER LAWS OR LOCAL BOARD POLICY, REMOVE THE STUDENT FROM SCHOOL. IF A STUDENT IS REMOVED FROM SCHOOL, THE BOARD SHALL PROVIDE AN OPPORTUNITY TO APPEAL THE REMOVAL UNDER THE APPROPRIATE POLICY OF THE LOCAL BOARD AND SHALL NOTIFY ANY PERSON WHO SIGNED THE AFFIDAVIT OF THIS OPPORTUNITY. IF IT IS FOUND THAT A PERSON WILLFULLY AND KNOWINGLY PROVIDED FALSE INFORMATION IN THE AFFIDAVIT, THE MAKER OF THE AFFIDAVIT SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL PAY TO THE LOCAL BOARD AN AMOUNT EQUAL TO THE COST OF EDUCATING THE STUDENT DURING THE PERIOD OF ENROLLMENT. REPAYMENTS SHALL NOT INCLUDE STATE FUNDS.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
AFFIANT

Subscribed and sworn to before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

## Residency Affidavit for a Parent

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

### IN THE MATTER OF:

<b>Name(s) of Child(ren):</b>	<b>EDUCATIONAL RESIDENCY AFFIDAVIT (PARENT OR GUARDIAN) (N.C.G.S. Sec. 115C-366)</b>
<b>Name of Parent/Legal Guardian:</b>	
<b>Street Address:</b>	

The undersigned being first duly sworn says:

8. I am the parent or legal guardian of the following child(ren) who reside with \_\_\_\_\_ in \_\_\_\_\_ County, North Carolina:

Full Name of Child(ren)	Age

9. The above child(ren) reside(s) with the above custodian for the following reason(s):

- \_\_\_\_\_ a. The death of a parent or legal guardian.  
\_\_\_\_\_ b. The serious illness of a parent or legal guardian.  
\_\_\_\_\_ c. The incarceration of a parent or legal guardian.  
\_\_\_\_\_ d. The abandonment by a parent or legal guardian of the complete control of the child(ren) as evidenced by the failure to provide substantial financial support and parental guidance.  
\_\_\_\_\_ e. Abuse or neglect by a parent or legal guardian.  
\_\_\_\_\_ f. The physical or mental condition of a parent or legal guardian is such that he or she cannot provide adequate care and supervision of the child(ren).  
\_\_\_\_\_ g. The loss or uninhabitability of the student's home as the result of a natural disaster.  
\_\_\_\_\_ h. The child(ren) is(are) otherwise entitled to enrollment (i.e., special needs, homelessness).

10. The child(ren) is (are) not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit.

11. The child(ren)'s claim of residency in the unit is not primarily related to attendance at a school within the unit.
12. I have given and the custodian has accepted responsibility for educational decisions for the child(ren), including receiving notices of discipline under G.S. 115C-391, attending conferences with school personnel, granting permission for school-related activities, and taking appropriate action in connection with student records.

**WARNING OF PENALTY**

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This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
AFFIANT

Subscribed and sworn to before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires