

Idaho Code Section 33-1401, defines, among other terms, "residence" of a pupil as that of his/her parent or guardian. A minor's residency is determined not by his or her location or intention, but rather by that of the minor's parent or guardian. A guardianship of a child by one other than the natural parent is permissible in Idaho even when the natural parents are living. However, the fact that the child lives with the family other than his or her natural parents does not establish a guardianship where the natural parents are still living. To establish a guardianship which would change the residency of a child requires a court decree. If a court of competent jurisdiction establishes a guardianship of a child, then the residency of the child is determined by the residency of the guardian.

All students who reside in another district must obtain permission of the Board of Trustees to attend school in St. Maries Joint School District No. 41. Tuition for students whose legal residence is in another school district will be set on the actual costs as certified by the Idaho State Department of Education.

Local residence is given students when they reside in St. Maries Joint School District No. 41 because the parents maintain a home in the District, or the student has made his/her permanent home with persons other than parents, for a period of years.

However, an Attorney General's opinion states that students who move into a district and reside with someone other than their parents cannot be billed for tuition. Parents of the student can be billed but their failure to pay does not preclude the student's attending school.

**Policy Cross Reference:**

**Legal Reference:**

Idaho Code §33-1401	Definitions
Idaho Code §33-1407	Payment of Tuition – Suit to Recover Payment

**Policy History:**

Adopted:	08/20/1975
Reviewed:	07/01/2008