

4.01—RESIDENCE REQUIREMENTS

“In loco parentis” means relating to the responsibility to undertake the care and control of another person in the absence of:

1. Supervision by the person's parent or legal guardian; and
2. Formal legal approval.

Definitions:

“Reside” means to be physically present and to maintain a permanent place of abode for an average of no fewer than four (4) calendar days and nights per week for a primary purpose other than school attendance.

“Resident” means a student whose parents, legal guardians, persons having, lawful control of the student, or persons standing in loco parentis reside in the school district.

“Residential address” means the physical location where the student’s parents, legal guardians, persons having, lawful control of the student, or persons standing in loco parentis reside. A student may use the residential address of a parent, legal guardian, person having, lawful control of the student, or person standing in loco parentis only if the student resides at the same residential address and if the guardianship or other legal authority is not granted solely for educational needs or school attendance purposes. A parent or legal guardian can have only one residence according to the definition. Ownership of property in the district does not qualify one as a legal resident.

The schools of the District shall be open and free through the completion of the secondary program to all persons between the ages of five (5) and twenty one (21) years whose parents, legal guardians, or other persons having lawful control of the student, or person standing in loco parentis reside within the District and to all persons between those ages who have been legally transferred to the District for educational purposes.

Any person eighteen (18) years of age or older may establish a residence separate and apart from his or her parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis for school attendance purposes.

In order for a person under the age of eighteen (18) years to establish a residence for the purpose of attending the District’s schools separate and apart from his or her parent, legal guardian, person having lawful control of the student, or a person standing in loco parentis, the student is required to reside in the District for a primary purpose other than that of school attendance. However, a student previously enrolled in the district who is placed under the legal guardianship of a noncustodial parent living outside the district by a custodial parent on active military duty may continue to attend district schools. A foster child who was previously enrolled in a District school and who has had a change in placement to a residence outside the District, may continue to remain enrolled in his/her current school unless the presiding court rules otherwise.

Under instances prescribed in A.C.A. § 6-18-203, a child or ward of an employee of the district or of the education coop to which the district belongs may enroll in the district even though the employee and his/her child or ward reside outside the district.

Children whose parent or legal guardian relocates within the state due to a mobilization, deployment, or available military housing while on active duty in or serving in the reserve component of a branch of the United States Armed Forces or National Guard may continue attending school in the school district the children were attending prior to the relocation or attend school in the school district where the children have relocated. A child may complete all remaining school years at the enrolled school district regardless of mobilization, deployment, or military status of the parent or guardian.

ELEMENTARY ATTENDANCE ZONES

Benton School District Attendance Zone

All elementary pupils shall attend school within the attendance zone where they reside. Parents who move from one attendance zone to another within the district must transfer their children to the proper school by the end of the current semester. Exceptions to the attendance zone regulations will be limited.

Exceptions will include:

- a. Children of employed personnel of Benton School District may attend school in the attendance zone of their choice.
- b. Special Education classes and other designated classroom functions may be exempted from the attendance zone regulations, provided these classes cannot be made available at the proper attendance zone school.

The Benton School District reserves the right to assign students to another attendance zone based on new enrollment that would cause overcrowding conditions in a particular school or grade within a school.

Cross Reference: Policy 4.40 Homeless Students
Policy 4.52- Students Who Are Foster Children

Legal References: A.C.A. § 6-4-302
A.C.A. § 6-18-107
A.C.A. § 6-18-202
A.C.A. § 6-18-203
A.C.A. § 9-28-113

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