

POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: JEA-RB, JEA-RC, JEA-RD, JED-RA, JEE, JEE-RA, KLA-RA
Responsible Office: Special Education and Student Services
Related Sources: *Annotated Code of Maryland*, Education Article § 4-122.1

Residency, Tuition, and Enrollment

A. PURPOSE

The Board of Education (Board) is committed to an effective, efficient, and equitable enrollment process for all eligible Montgomery County school-aged children.

B. ISSUE

All qualified school-aged individuals (5 years old or older and under 21), whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County are to be admitted free to the Montgomery County Public Schools (MCPS). There are circumstances that exist where students who are not residents of Montgomery County want or need to attend schools here; therefore, issues of residency and the processes for paying tuition must be clearly articulated.

C. POSITION

The Board supports the right of its residents to a free public education.

1. Bona fide residence is one's principal residence, maintained in good faith, and does not include a residence established for convenience or for the purpose of free school attendance in MCPS. However, intent to reside indefinitely or permanently at the present place of residence is not necessarily required. Determination of a person's bona fide residence is a factual one and must be made on an individual basis.
2. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County will be considered resident students and will be admitted free to MCPS.
3. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who do not have an established bona fide residence in Montgomery County, will be

considered nonresident students and will be subject to paying tuition unless an exception is made under the terms of this policy.

- a) Nonresident students may be denied admission to MCPS regardless of their willingness to pay tuition.
- b) A nonresident student applicant with the exception of foreign students, including exchange (J-1) and non-immigrant students (F-1), may request a specific school; however, MCPS reserves the right to determine the school of enrollment.
- c) A qualified student placed in a group home or foster home located in Montgomery County by an out-of-state agency other than those specified in Section 4-122.1 of the Education Article, *Annotated Code of Maryland*, shall be presumed to be a nonresident student.
- d) In the absence of evidence to the contrary, a qualified student who is a resident of another educational jurisdiction, but who elects to seek enrollment in a Montgomery County public school shall be presumed to be a nonresident student.
- e) In the absence of evidence to the contrary, the bona fide residence of a qualified student who is under 18 years of age and not emancipated shall be presumed to be the bona fide residence of both or one of the child's parents. Throughout this policy and any implementing regulations, if the parents live apart, use of the word "parent" shall mean (1) the parent to whom legal custody is awarded or (2) if legal custody is not awarded, the parent with whom the child regularly resides; and the child's bona fide residence shall be determined accordingly.
- f) In the absence of evidence to the contrary, a qualified student residing with a court-appointed guardian who has an established bona fide residence in Montgomery County shall be presumed to be a resident student provided that the guardianship was obtained for reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.
- g) Qualified identified Montgomery County students who are homeless shall be enrolled in accordance with MCPS Regulation JEA-RD, *Enrollment of Homeless Student*.

- h) A qualified student placed in a group home or foster home in Montgomery County by social service agencies of the state of Maryland, or any other agency specified in Section 4-122.1 of the Education Article of the *Annotated Code of Maryland* shall be presumed to be a nonresident student for whom MCPS is eligible for reimbursement of actual educational expenses by another local educational agency or the state of Maryland.
 - i) A qualified student who is a resident of Maryland residing in a valid kinship care arrangement pursuant to Section 4-122.1 of the Education Article of the *Annotated Code of Maryland* will be presumed to be a nonresident student for whom MCPS is eligible for reimbursement of actual educational expenses by another local education agency or the State of Maryland.
4. The Residency and International Admissions (RIA) Unit will make individual determinations of residency. Individual determinations of residency by RIA will be reevaluated annually, if needed. RIA will make determinations in the following cases:
- a) There is evidence rebutting the presumption of residency or nonresidency set forth in Section 3
 - b) When there is a qualified student who is 18 years of age or older and essentially self-supporting or an emancipated minor who may or may not have established a bona fide residence in Montgomery County without regard to the residency of the parents
 - c) When there is a qualified student under 18 years of age who is living in Montgomery County with friends or relatives who are not parents or court-appointed guardians

In addition to individual verification, MCPS reserves the right to initiate specific grade-level or schoolwide residency verification activities. The burden of producing evidence establishing bona fide residence is on the student, parent/guardian or individual acting on behalf of the student.

5. Tuition
- a) Tuition rates will be established annually by the Board upon the recommendation of the superintendent of schools.

b) Exceptions to tuition requirements

- (1) The exchange student (J-1) is residing in Montgomery County with a host family for a maximum of one year and has met the criteria established and detailed in MCPS Regulation JEA-RC, *Enrollment and Placement of International and Foreign Students*, including the approval by the director of RIA.
- (2) There is a crisis, unusual and extraordinary circumstances fully documented by the parent, guardian, or emancipated student, justifying waiver of tuition.
- (3) The Appeals/Transfer Team Office has permitted a deposit to be made during the pendency of an appeal of a determination of nonresidency.

6. Responsibilities

- a) Parents, guardians, or students who have reached the age of majority are responsible for signing an affidavit as to their bona fide residence or nonresidence in Montgomery County as a prerequisite to a student's initial enrollment in MCPS. Additionally, there is an acknowledgment that tuition will be paid for any period(s) of nonresidency, even if the period(s) of nonresidency should occur or be identified after the date of initial enrollment.
- b) The school principal or designee (or RIA for noncitizens who have not attended school within the United States at any time during the prior two years) is responsible for making the initial determination of the residency status of students who seek enrollment in MCPS and, based on that determination, for taking the appropriate administrative steps specified in MCPS regulations.
- c) RIA is responsible for determining the residency and tuition status of all students referred by the individual schools.

7. Appeals

Decisions made under this policy and any implementing regulations may be appealed under the provisions of Regulation KLA-RA: *Responding to Citizen Inquiries and Complaints From the Public*. The superintendent or a designee may assign a hearing officer to hear residency and tuition appeal cases on the superintendent's behalf and make recommendations to the superintendent or designee.

D. DESIRED OUTCOME

An effective, efficient, and equitable enrollment process which recognizes the right of eligible students to a free public education, ensures payment of tuition in appropriate cases, and minimizes barriers for enrollment.

E. REVIEW AND REPORTING

1. The superintendent will annually request approval from the Board for nonresident tuition rates and provide data on nonresident students paying tuition, as well as those requesting and receiving waivers.
2. This policy will be reviewed in accordance with the Board policy review process.

Policy History: Adopted by Resolution No. 366-87, July 14, 1987; amended by Resolution No. 65-92, January 27, 1992; amended by Resolution No. 328-04, June 8, 2004; amended by Resolution No. 239-11, May 10, 2011.