

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: BLB, JEA-RB, JEA-RC, JED, JEE, KLA-RA
Responsible Office: Deputy Superintendent of Schools
Chief Operating Officer
Deputy Superintendent for Strategic Technologies and Accountability

Residency and Tuition

I. PURPOSE

To set forth the procedures for verifying the bona fide residency of students and determining whether tuition should be charged

II. GUIDELINES

The guidelines for determining resident and nonresident students are established in Policy JED: *Residency, Tuition, and Enrollment*.

III. DEFINITIONS

- A. A *qualified student* is a student 5 years old or older and under 21.
- B. An *eligible student* is a student who has reached the age of majority (18) or is emancipated.
- C. An *exchange student* holds a J-1 visa and is under an approved exchange program.
- D. A *foreign student* is defined as any person of school age who is not a U.S. citizen, maintains official residency in another country, and comes to the United States with visa status to visit or study.
- E. *International students* are:
 - 1. Nationals from other countries with bona fide residency in Montgomery County who have not attended school in the United States at any time during the prior two years
 - 2. U.S. citizens who attended a foreign school outside the U.S., and interpretation of documentation, including educational records, is needed by the school for placement

- F. *Bona fide residence* is one's actual or true residence, maintained in good faith, and does not include a temporary residence or superficial residence established for convenience or for the purpose of free school attendance in the Montgomery County Public Schools.

IV. PROCEDURES

- A. Students are referred to Residency Compliance Services in accordance with Regulation JEA-RB, *Enrollment of Students* by either the principal/designee or the International Students Admissions Office (ISAO). When a student is referred to Residency Compliance Services, the principal/designee, or ISAO in case of an international or foreign student, will:
 - 1. Inform the parent/guardian/eligible student of the requirements and circumstances that necessitate a review of the particular case, steps in the review process, the opportunity for appeal, and information on the appeal process
 - 2. Have the parent/guardian/eligible student complete MCPS Form 335-73: *Determination of Residency and Tuition Status*, and forward it with the required documentation to Residency Compliance Services
 - 3. Pending a residency determination:
 - a. For referrals from schools, the principal will wait until notification of status is received from Residency Compliance Services or the Division of Controller before enrolling the student.
 - b. For referrals from ISAO, records will be forwarded to the school with notification that a residency determination is pending from Residency Compliance Services.
 - 4. Notify the parent of a currently enrolled student that tuition may be assessed for the student to remain in school
- B. Residency Compliance Services is responsible for expediting the review process and returning a decision to the parent/guardian/eligible student within 10 working days of receipt of all completed required documents.

Residency Compliance Services performs the following review process steps:

- 1. Determines bona fide residence of the student

If the parents live apart, the child's bona fide residence is the bona fide residence of:

- a) The parent to whom legal custody is awarded, or
 - b) The parent with whom the child regularly lives, if legal custody is not awarded.
2. Reviews requests for enrollment for all students living with a court appointed guardian who has an established bona fide residence in Montgomery County when there are questions about the reasons for obtaining guardianship. Students may be enrolled provided that the guardianship was obtained for necessary reasons concerning the child and not for the convenience of the persons involved or for the primary purpose of attending school in Montgomery County.
 3. Reviews requests for enrollment for any student living with nonresident parents/guardians willing to pay tuition provided the enrollment is approved by the principal/designee and the requested school is not overutilized and is consistent with Regulation JEE-RA: *Transfer of Students*. The rate and collection of tuition will be consistent with Policy JED: *Residency, Tuition, and Enrollment*.
 4. Logs the request with the receipt date and establishes a file which includes the request form and any supporting documentation submitted with the application by the parent/guardian/eligible student.
 5. Reviews the file to ensure that MCPS Form 335-73: *Determination of Residency and Tuition Status*, is complete and all necessary documentation has been included. Original documents must be presented and will be returned. Residency Compliance Services will make copies as needed. Documentation must be retained.

Depending on circumstances for the referral to Residency Compliance Services, necessary documentation could include:

- a) Proof of residence of person with whom student is living
 - (1) Homeowner—acceptable document is current property tax bill; or

- (2) Renter—acceptable document is current rental lease; if lease is over 1 year old, copy of lease and current utility bill; if lease is for less than a period of one year, a current utility bill and additional documentation, such as:
 - Letter from employer indicating relocation to Montgomery County
 - Military housing orders
 - Other documents deemed acceptable by MCPS staff, such as the supporting documents listed in the Student Recordkeepers Manual;
 - (3) Shared Housing—acceptable documents are completed and notarized MCPS Form 335-74: *Shared Housing Disclosure* and either a copy of current property tax bill of homeowner with whom student and parent are living or a copy of rental lease (if lease is over 1 year old, copy of lease and current utility bill) of renter with whom student and parent are living; and at least three appropriate supporting documents, in accordance with the Student Recordkeepers Manual; or
 - (4) A home visit by school staff or the Pupil Personnel Worker may be used to document residency in the rare instances that families are unable to provide necessary documentation.
- (b) A signed and notarized letter from the person with whom the student is living explaining why the student is not living with his or her parents
 - (c) A signed and notarized letter from the parent/guardian transferring responsibility to the person with whom the student is living and a notarized letter from the person with whom the student is living accepting responsibility for the student
 - (d) Guardianship documents, if applicable

- (e) Documents establishing the existence of a crisis situation, if applicable, of the type described in MCPS Policy JED: *Residency, Tuition, and Enrollment*, such as:
 - (1) Death certificate of parent or guardian
 - (2) Physician's statement of health problems
 - (3) Social services or juvenile services documentation
 - (4) Court records
 - (5) Other documents that clearly link the child to unusual and uncontrollable circumstances in the home that detrimentally impact the student's educational needs or well being
 - (6) Military deployment papers
 - (f) Proof of self-support for eligible students – acceptable documentation is a current pay stub
- 6. Prepares a case summary
 - 7. Residency Compliance Services makes a determination about enrollment and attendance on a tuition-paying basis, including applicability of any waivers or exceptions

V. PROCEDURES FOLLOWING DECISION BY RESIDENCY COMPLIANCE SERVICES

- A. Following the review and determination of each case, Residency Compliance Services will:
 - 1. Complete Part III of MCPS Form 335-73: *Determination of Residency and Tuition Status*
 - 2. Log the review date, determination, and date of follow-up review, if appropriate
 - 3. Notify the parent/guardian/eligible student by mail of the outcome of the review and the provisions for appealing the decision

- a) Send a copy to the school and, if the student is an international student, to the ISAO
 - b) If tuition is owed, forward a copy to the Division of Controller
 - c) Retain a copy for the residency and tuition status file
- B. Upon receipt of the letter stating the Residency Compliance Services' decision, the principal/designee will:
1. Complete the enrollment process in accordance with Regulation JEA-RB: *Enrollment of Students*.
 2. Wait for receipt from the Division of Controller showing that the tuition has been paid.
 3. Wait for notification from Residency Compliance Services that the tuition decision has been reversed on appeal.
 4. Notify Residency Compliance Services and/or the Division of Controller if a nonresident student elects not to enroll or, once enrolled, withdraws from MCPS or transfers to another MCPS school.
- C. When tuition is owed:
1. For kindergarten, grades 1-6, middle schools, and high schools, the full tuition rates will equal the estimated average per-student costs including debt service, and will reflect as nearly as possible the actual cost of educating students at each of these grade levels.
 2. For students whose tuition rates are established under Section C.12, but who receive additional special services, the regular full-year tuition rates for the appropriate grade level may be increased by the estimated cost of providing the additional service(s).
 3. For special education students, the full year tuition rate will reflect as nearly as possible the actual costs of educating the student, including debt service, based on educational and related services provided.
 4. The rates of school-year and/or summer school tuition for the children of full-time MCPS employees who reside outside of Montgomery County will

be one-half the rates for other nonresident students who are enrolled at the same grade level and receiving the same level of services.

5. Full-year tuition rates may be prorated for students whose period of nonresidency is less than a full school-year.
6. Tuition paid in advance for any period of enrollment for which it is subsequently determined that the student was a resident student or was otherwise entitled to a waiver of tuition will be refunded on a prorated basis.
7. Tuition is effective from the date of enrollment of a student.
8. Tuition may be prorated for less than a full course load in secondary schools if that program has been approved by the principal/designee. The prorated schedule is the following:
 - a) One course -- 25 percent of annual tuition
 - b) Two courses -- 50 percent of annual tuition
 - c) Three courses -- 75 percent of annual tuition
 - d) Four courses or more -- 100 percent of annual tuition
9. Tuition will be prorated if a student is enrolled for less than a full year. The prorated fee is based on dividing the annual tuition rate by the number of instructional days to establish daily rate, and then multiplying by the number of instructional days for which the student is enrolled.
10. Refunds of tuition are based on official withdrawal date.
11. No refunds of tuition are made for instructional days on which the student is absent, but still enrolled in MCPS.
12. Tuition fees are established annually by the Board of Education.
13. Information regarding tuition rates may be obtained from either Residency Compliance Services or the Division of Controller.
 - a) Interest will be assessed at the rate of one percent per month on the unpaid balance.

- b) Nonpayment of tuition will result in the student's withdrawal from MCPS and any unpaid fees may be referred to a collection agency.
14. Tuition is payable on a yearly, semester, quarterly or monthly basis and is due before the first day of classes. For students who enter during the year and are found to owe tuition, tuition is due before the student may attend classes. (Note: Under Regulation JEA-RC: *Enrollment and Placement of International and Foreign Students*, students holding an F-1 (student) visa are required to pay tuition in advance.)
15. Students moving into Montgomery County are subject to tuition charges up to the time they have established bona fide residence in the county. A 60 day grace period may be granted as provided in Policy JED: *Residency, Tuition, and Enrollment*. If residency is not established within the 60 day period and a waiver has not been granted for additional time, tuition will be assessed from the date of enrollment, unless waived.
16. Upon receipt of MCPS Form 335-73: *Determination of Residency and Tuition Status* indicating tuition is owed, the controller's staff will:
- a) Determine the appropriate amount of tuition based on the Board-adopted rates
 - b) Assure that MCPS Form 335-73: *Determination of Residency and Tuition Status* is completed
 - c) Invoice the parent/guardian
 - d) Collect the tuition payment
 - e) Periodically reconcile financial accounts on tuition with the records of Residency Compliance Services
 - f) If tuition (either in full or a payment under an approved plan) is not paid within 30 days of the due date:
 - (1) Begin charging interest on the unpaid amount
 - (2) Notify parent/guardian/eligible student of default, interest charge, notification to collection agency of unpaid balance, and/or the possibility of withdrawal from classes

- (3) Notify the school and Residency Compliance Services

VI. APPEAL PROCEDURES

In accordance with Board of Education policy, the appeal of a decision regarding residency and tuition status should be made under the procedures of Regulation KLA-RA: *Responding to Inquiries and Complaints from the Public*. The appeal is to the superintendent, who may appoint a hearing officer to serve as designee. Further appeal is then to the Board of Education under Policy BLB: *Rules of Procedure in Appeals and Hearings*.

The following procedures should be observed in appeals of residency and tuition decisions:

- A. Residency Compliance Services will assist with the appeal process so as to expedite a decision, especially when school has already begun and the student may be waiting to attend classes.
- B. If the parent(s)/guardian(s) wishes to have the student attend classes during the appeal process, ten percent of the yearly tuition must be paid in advance and MCPS Form 335-73A: *A Nonresident Financial Obligation* must be completed. Tuition will be refunded in whole or in part based on a reversed or modified appeal of the original decision.
- C. If new information is introduced during an appeal, the case should be remanded to Residency Compliance Services for further consideration.

Regulation History: Formerly Regulation No. 560-1, February 26, 1981; revised and split into two regulations (this and JEA-RC) August 26, 1987; revised October 12, 1992; revised July 6, 2001; revised March 8, 2005.