

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: JEA, JEA-RC, JEA-RD, JEA-RE, JEB-RA, JEE-RA, JOA-RA
Responsible Office: Chief Academic Officer

Enrollment of Students

I. PURPOSE

The guidelines for determining what constitutes a resident and nonresident student in Montgomery County are established in Montgomery County Board of Education Policy JEA, *Residency, Tuition, and Enrollment*.

This regulation sets forth the procedures for determining the bona fide residence and other qualifications for enrolling students in Montgomery County Public Schools (MCPS)

II. DEFINITIONS

A. *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 MCPS. However, intent to reside indefinitely or permanently at the present place of residence is not necessarily required. Determination of a student's bona fide residence is a factual one and must be made on an individual basis. In the absence of evidence to the contrary, bona fide residence is the residence of the parent/guardian.

If the student's parents/guardians live apart, the student's bona fide residence, absent evidence to the contrary, is presumed to be the bona fide residence of the parent/guardian to whom sole custody is awarded, or the parent/guardian with whom the child regularly resides. Determination of where a student regularly resides is a fact-based analysis that takes into consideration the totality of the circumstances. Staff typically looks to where the student is living on school days as well as any custody order or agreement.

The bona fide residence of an eligible student is one which is established independently from their parents/guardians.

- B. *A qualified student* is a student, whether U.S. citizen or noncitizen, who is at least five years old by September 1, and not older than 20 years of age, on the first day of the current school year.
- C. *An eligible student* is a student, whether U.S. citizen or noncitizen, who has reached the age of majority (18) or is emancipated prior to the age of 18, but is not older than 20 years of age on the first day of the current school year.
- D. *Home school* – the school for the established attendance area in which a student resides or the school a student is assigned in accordance with an Individualized Education Program (IEP). Information for determining home school can be obtained from the MCPS Division of Capital Planning Office montgomeryschoolsmd.org/departments/planning.

III. BACKGROUND

All qualified students whose parents/guardians have bona fide residency within Montgomery County (or eligible students as set forth in section IV.B.) must be accepted for enrollment, except as follows:

- A. MCPS may deny enrollment to any student who is currently expelled from another school system for the length of time equal to that expulsion.
- B. Enrollment of students will be considered temporary until such time as the records show there has been no expulsion.

IV. PROCEDURES FOR ENROLLING STUDENTS

- A. All qualified students, whose parents/guardians have bona fide residency in Montgomery County, will enroll in their home schools, except as set forth in sections IV.A.1. and IV.A.2 below.
 - 1. Middle and high school students whose home address is within the community of an MCPS consortium must enroll at the MCPS Consortia office to participate in the choice process and be assigned a school. Information for the Choice process can be obtained from the Division of Consortia Choice and Application Program Services montgomeryschoolsmd.org/departments/school choice.
 - 2. Students age seven or older by September 1 who have not attended school within the U.S. or a U.S. school system (i.e. Department of Defense schools or an accredited American International school in a foreign country) within the past two years must be referred to International Admissions and

Enrollment (IAE). Enrollment of these students will be handled in accordance with MCPS Regulation JEA-RC, *Enrollment and Placement of International and Foreign Students*.

3. Principals/designees shall refer all students to their home school if they are seeking to enroll in a school other than their home school and, if appropriate, provide information about the change of school assignment process provided in MCPS Regulation JEE-RA, *Student Transfers and Administrative Placements*.
- B. All eligible students who have established bona fide residency within Montgomery County will enroll at their home schools as set forth in section IV.A. above.
- C. Additional circumstances in which students may enroll at their home school include—
1. the qualified student’s parent/guardian provides a ratified contract for the purchase of a home within the established attendance area of the school with a settlement date within 60 days of the enrollment date or a signed future dated lease for a home within the established attendance area of the school which begins within 60 days of the enrollment date, or
 2. the qualified student is a homeless student or unaccompanied homeless youth as defined in MCPS Regulation JEA-RD, *Enrollment of Homeless Student*, or
 3. the qualified student is placed in a group home, foster home, or valid Kinship Care arrangement in Montgomery County by a Maryland or Montgomery County social service agency. In such circumstances, MCPS Form 560-35, *Enrollment of a Child in Maryland State-Supervised Care and Transfers of Educational Records*, must be completed, or
 4. the qualified student resides in a valid Maryland Informal Kinship Care arrangement:
 - a) Maryland Informal Kinship Care applies to a student who was a resident of Maryland prior to coming into the care of a relative, related to the child by marriage or blood within the fifth degree of consanguinity, in Montgomery County due to a serious family hardship.
 - b) The relative caring for the student must sign MCPS Form 334-17, *AFFIDAVIT: Children in Informal Kinship Care*, attesting to their

relationship to the child and the reason for the informal kinship care as well as provide proof of the serious family hardship.

- c) Serious family hardships for Maryland Informal Kinship Care are limited to—
 - (1) death of parent/guardian, as documented by the death certificate, or other proof;
 - (2) serious illness of parent/guardian, as documented by the physician's statement, copy of physician's report, note, or other proof;
 - (3) drug addiction of parent/guardian, as documented by letter from the treatment provider or parent/guardian, or other proof;
 - (4) incarceration of parent/guardian, as supported by documentation from the legal system, detention center, or other proof;
 - (5) assignment of parent/guardian to active military duty, as documented by military orders or other proof; or
 - (6) abandonment by parent/guardian, as documented by notarized statements from all legal guardians, or documentation from court, social services, or other proof.

- D. When a qualified student under 18 years of age living in Montgomery County with a court-appointed guardian, or other adult, whose circumstances do not qualify for Informal Kinship Care, and whose parents do not have bona fide residency within Montgomery County, seeks to enroll, school staff must consult with IAE as set forth in MCPS Regulation JEA-RE, *Tuition Based Enrollment*, to determine if a waiver of tuition is necessary.

- E. When a principal/designee is uncertain whether a qualified student meets the requirements for direct enrollment at their home school, the principal/designee shall consult with, and, when appropriate, refer the student to IAE.

- F. Once it is determined that a student has met enrollment criteria, the principal/designee is responsible for the following:

1. Completing the enrollment process. The enrolling student must be present during the enrollment appointment, unless—
 - a) presence is waived by the principal/designee, or
 - b) they are currently enrolled in an MCPS school and have moved within the boundaries of a different MCPS school.
2. Establishing the appropriate student records in accordance with MCPS Regulation JOA-RA, *Student Records*.
3. Making a student's grade and class assignment in accordance with MCPS Regulations JEB-RA, *Placement, Promotion, Acceleration, and Retention of Students* and JEA-RC, *Enrollment and Placement of International and Foreign Students*.

V. DOCUMENTATION FOR ENROLLMENT

- A. Consistent with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, MCPS does not discriminate based on citizenship status and does not require disclosure/collection of information that pertains to citizenship status.
- B. The burden of producing evidence establishing bona fide residence is on the parent/guardian or eligible student. Such documentation establishes the presumption of residency; however, this presumption can be rebutted if MCPS identifies contradictory evidence. In addition to individual verification, MCPS reserves the right to initiate specific grade-level or schoolwide residency verification activities.
- C. When the family of a student currently enrolled in MCPS moves to the established attendance area of a different school within MCPS, parents/guardians need to present evidence of residency in the established area of the new school.
- D. To enroll a student in an MCPS school for the first time, or to reenroll after having withdrawn from MCPS, parents/guardians/eligible students are responsible for the following:
 1. Completing MCPS Form 560-24, *New Student Information* and MCPS Form 565-1, *Student Emergency Information*.
 2. Presenting the following documents unless the student qualifies for homeless status:

- a) proof of student's name and date of birth (Acceptable documents are a birth certificate, passport/visa, physician's certificate, baptismal or church certification, hospital certificate, parent's notarized affidavit, birth registration, other legal or notarized identification)
- b) proof of parent/guardian identity that includes a photograph (Acceptable documents are a driver's license, passport, Motor Vehicle Administration identification card or other legal form of identification)
- c) proof of parent/guardian relationship to student or custody of student (Acceptable documents are a birth certificate which identifies the parents, court order, separation agreement or divorce decree or other legal identification)
- d) proof of immunization
 - (1) Acceptable documents are Maryland Department of Health (MDH) Form 896, *Maryland Department of Health Immunization Certificate*, or computer form generated by a physician or health clinic
 - (2) MDH Form 896 is the appropriate form for documenting parents'/guardians' objections to vaccine(s) because of bona fide religious beliefs and practices
- e) evidence of residency
 - (1) Homeowner (An acceptable document is a current property tax bill)
 - (2) Renter
 - (a) An acceptable document is a current rental lease.
 - (b) If the original term of the lease has expired, a copy of a current utility bill or a lease extension should be provided
 - (3) Shared Housing

When a parent/guardian/eligible student seeks to enroll on the basis of shared housing with a homeowner or renter who

has a bona fide residence within an MCPS school area, MCPS Form 335-74, *Shared Housing Disclosure*, must be completed.

- (a) MCPS Form 335-74 requires the homeowner or renter with whom the parent/guardian/eligible student is living to provide evidence of residency as set forth in section V.D.2.e)(1) or (2) above, and
 - (b) sign and have notarized the affidavit on MCPS Form 335-74, attesting that the parent/guardian/eligible student resides with them in good faith and not solely for the purpose of attending a public school in Montgomery County, and
 - (c) provide three documents to demonstrate that the parent/guardian or eligible student is living at the address. (Examples of such documents are included in the MCPS *Student Record Keeper Manual* and on MCPS Form 560-24B, *Quick Guide to Enrollment*. The completed, signed and notarized MCPS Form 335-74 may be counted as one of the three required proofs of address.)
- (4) A home visit by school staff or the Pupil Personnel Worker, using MCPS Form 560-34, *Documentation of Residency Through Home Visit*, may be used to document or to verify residence in instances when parents/guardians/eligible students are unable to provide necessary documentation.

VI. APPEAL PROCEDURES

In accordance with Board Policy JEA, *Residency, Tuition, and Enrollment*, the appeal of a principal's decision regarding bona fide residency should be made under the procedures of MCPS Regulation KLA-RA, *Responding to Inquiries and Complaints from the Public*.

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

- A. IAE will assist with the appeal process so as to expedite a decision, especially when school already has 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, they may be required to pay 10 percent of the yearly tuition, as

described in MCPS Regulation JEA-RE, *Tuition Based Enrollment*, and MCPS Form 335-73A, *Request to Enroll Nonresident, Tuition-Paying Student*, must be completed. Tuition will be refunded in whole or in part if the original decision is reversed or modified.

Related Sources:

Annotated Code of Maryland, Education Article, §7-301, §7-305, and §7-403; *Code of Maryland Regulations*, §13A.02.06.02, Definitions, §13A.02.06.03, State Financial Assistance under the Foundation Program, §10.06.04.03, Required immunizations, §10.06.04.05, Religious exemptions; *MCPS Student Record Keeper Manual*.

Regulation History: Formerly part of Regulation 355-3 and JEB-RA; established as a new separate regulation on August 26, 1987, revised May 2, 1995; revised October 4, 1996; revised June 27, 1997; revised July 6, 2001; revised March 10, 2005; added related source February 6, 2008; revised July 29, 2015; revised September 24, 2018; added related sources October 10, 2019.