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Related Entries: JED-RA, JEE, JEE-RA, KLA-RA

**Responsible Office:** ~~Deputy Superintendent for Planning, and Supportive Services~~  
~~Deputy Superintendent for Instruction~~  
**Chief Operating Officer**  
**Chief of Staff**  
**Student and Community Services**

Residency, Tuition, and Enrollment

A. PURPOSE

The Board of Education is committed to an effective, efficient, and equitable enrollment process for all eligible Montgomery County school-aged children. ~~To establish the process for determining residency, assessing tuition, and admitting students~~

B. ISSUE

All qualified school-aged **individuals**~~persons~~, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County **are to** ~~will~~ be admitted free to the Montgomery County Public Schools. ~~Since~~ ~~t~~There are circumstances that exist where students who are not residents of Montgomery County want or need to attend schools here;  
7

30 **therefore, issues of definitions for residency and the**  
31 **processes for paying tuition must be clearly articulated**~~need~~  
32 ~~to be established for those students who are not bona fide~~  
33 ~~residents.~~

34

35 C. POSITION

36

37 The Board of Education of Montgomery County supports the right  
38 of its residents to a free public education ~~and wishes to~~  
39 ~~specify clearly the definitions and terms related to residency~~  
40 ~~and the need for charging tuition.~~

41

42 ~~D. GUIDELINES~~

43

44 **13.** Bona fide residence is one's **principal** ~~actual~~ residence,  
45 maintained in good faith, and does not include a  
46 ~~temporary residence or superficial~~ residence established  
47 for convenience or for the purpose of free school  
48 attendance in the Montgomery County Public Schools.  
49 However, an intent to reside indefinitely or permanently  
50 at the present place of residence is not necessarily  
51 required. Determination of a person's bona fide residence  
52 is a factual one and must be made on an individual basis.

53

54 **21.** All qualified school-aged **individuals** ~~persons~~, whether  
55 U.S. citizens or noncitizens, who have an established  
56 bona fide residence in Montgomery County will be  
57 considered resident students and will be admitted free to  
58 the Montgomery County Public Schools.

59

60 32. All qualified school-aged ~~individuals~~persons, whether  
61 U.S. citizens or noncitizens, who do not have an  
62 established bona fide residence in Montgomery County,  
63 will be considered nonresident students and will be  
64 subject to paying tuition unless an exception is made  
65 under the terms of this policy.  
66

67 a)~~4~~. A qualified student placed in a group home or  
68 foster home located in Montgomery County by an **out-**  
69 **of-state** agency other than those specified in  
70 Section 4-1220.1 of the Education Article,  
71 *Annotated Code of Maryland*, shall be presumed to be  
72 a nonresident student.  
73

74 b)~~5~~. In the absence of evidence to the contrary, a  
75 qualified student who is a resident of another  
76 educational jurisdiction, but who elects to seek  
77 enrollment in a Montgomery County public school  
78 shall be presumed to be a nonresident student.  
79

80 E. ~~—~~ PRESUMPTIONS  
81

82 c)~~1~~. In the absence of evidence to the contrary, the  
83 bona fide residence of a qualified student who is  
84 under 18 years of age and not emancipated shall be  
85 presumed to be the bona fide residence of both or  
86 one of the child's parents. Throughout this policy  
87 and any implementing regulations, if the parents  
88 live apart, use of the word "parent" shall mean (1)  
89 the parent to whom legal custody is awarded or (2)

90 if legal custody is not awarded, the parent with  
91 whom the child regularly lives; and the child's  
92 bona fide residence shall be determined  
93 accordingly.

94  
95 ~~d)2-~~ In the absence of evidence to the contrary, a  
96 qualified student residing with a court-appointed  
97 guardian who has an established bona fide residence  
98 in Montgomery County shall be presumed to be a  
99 resident student provided that the guardianship was  
100 obtained for ~~necessary~~ reasons concerning the child  
101 and not for the primary purpose of attending school  
102 or for the convenience of the persons involved.

103  
104 **e) Qualified identified Montgomery County students who**  
105 **are homeless shall be enrolled in accordance with**  
106 **Regulation JEA-RD.**

107  
108 ~~f)3-~~ A qualified student placed in a group home or  
109 foster home in Montgomery County by **social service**  
110 **agencies** ~~the Department of Social or Juvenile~~  
111 ~~Services of Montgomery County,~~ the State of  
112 Maryland, or any other agency specified in Section  
113 4-1220.1 of the Education Article of the *Annotated*  
114 *Code of Maryland* shall be presumed to be a resident  
115 student for whom the Montgomery County Public  
116 Schools is eligible for reimbursement of actual  
117 educational expenses by another Local Educational  
118 Agency or the State of Maryland.

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g) A qualified student who is a resident of Maryland residing in a valid kinship care arrangement pursuant to Section 4-122 of the Education Article of the *Annotated Code of Maryland* will be presumed to be a resident student for whom the Montgomery County Public Schools is eligible for reimbursement of actual educational expenses by another local education agency or the State of Maryland.

~~F. DETERMINATION OF RESIDENCY~~

4. The **Residency Compliance Unit** ~~Residency and Tuition Review Committee~~ will make individual determinations of residency. Individual determinations **of residency by the Residency Compliance Unit will be** ~~are subject to annual re-evaluation at least annually by the Residency and Tuition Review Committee.~~ **The Residency Compliance Unit will make determinations** in the following cases:

- a)~~1.~~ There is evidence rebutting the presumption of residency or nonresidency set forth in Section ~~3E~~.
  
- b)~~2.~~ 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.

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~~c)3-~~ 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 or individual acting on behalf of the student.

**5G. Admission** ~~DMISSION~~ ~~of~~ ~~OF~~ **Nonresident** ~~ONRESIDENT~~  
**Students** ~~TUDENTS~~

~~a)1-~~ Regardless of their willingness to pay tuition, nonresident students may be denied admission to the Montgomery County Public Schools. ~~if any of the following conditions exist:~~

~~a) Enrollment by the nonresident student is inconsistent with Board of Education Policy JEE: Student Transfer and Administrative Regulation JEE RA: Transfer of Students. This section will not be interpreted to require a student admitted under Section G2.a)(1) (60-day grace period) to transfer schools upon expiration of the grace period.~~

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~~b) The student is not of school age or has completed graduation requirements for a high school diploma~~

~~e) The student does not meet the enrollment criteria of the Montgomery County Public Schools for resident students~~

~~d) Necessary documentation or enrollment information required by the Montgomery County Public Schools under this or other policies and administrative regulations is not provided and kept current~~

~~e) Written evidence is not provided to show that the required tuition fee has been paid in advance, a tuition payment plan has been approved and the first payment made, or a waiver of tuition has been approved~~

~~f) The student is a danger to himself/herself or to others~~

~~g) Other cause is shown to deny admission~~

~~Under unusual and extraordinary circumstances, and with full documentation of the situation, the Residency and Tuition Review Committee may grant a special exception and waive one or more of the~~

207 ~~conditions (a. through g.) in this section. Any~~  
208 ~~such case(s) shall be individually described in the~~  
209 ~~superintendent's annual report to the Board of~~  
210 ~~Education on the status of nonresident students and~~  
211 ~~tuition payments.~~

212  
213 **b)2. Except to the extent to which the implementing**  
214 **regulation provides for either a grace period or**  
215 **permits a deposit to be made during the pendency of**  
216 **an appeal of a determination of nonresidency,**  
217 **Bbefore a nonresident student is enrolled in the**  
218 **Montgomery County Public Schools, tuition will be**  
219 **charged and paid unless an waiver exception is**  
220 **granted as provided below: under the terms of this**  
221 **policy.**

222  
223 **(12) The nonresident student is residing a**  
224 **participant in an exchange program approved by**  
225 **the Montgomery County with a host family for a**  
226 **maximum of one year and has met the criteria**  
227 **established and detailed in MCPS Regulation**  
228 **JEA-RC, Enrollment and Placement of**  
229 **International and Foreign Students, including**  
230 **the approval by the supervisor of the**  
231 **International Student Admissions Office Board**  
232 **of Education; holds a valid J visa; has**  
233 **completed plans to reside with a sponsoring**  
234 **family residing in Montgomery County; and has**  
235 **the approval of the principal of the receiving**



236 ~~school and the International Student Admission~~  
237 ~~Office~~

238  
239 (23) There is a crisis, unusual and extraordinary  
240 circumstances fully documented by the **parent,**  
241 **guardian, or emancipated** student, justifying  
242 waiver of tuition. ~~Any such case(s) will be~~  
243 ~~individually described in the superintendent's~~  
244 ~~annual report to the Board of Education on the~~  
245 ~~status of nonresident students and tuition~~  
246 ~~payments.~~

247  
248 a) ~~Tuition Exceptions~~

249  
250 ~~Nonresident students will be admitted without~~  
251 ~~paying tuition if any of the following~~  
252 ~~circumstances apply:~~

253  
254 (1) ~~Documentation is provided which~~  
255 ~~establishes that the parent(s) or~~  
256 ~~guardian(s) of the nonresident student~~  
257 ~~have definite plans to establish a bona~~  
258 ~~fide residence in Montgomery County, but~~  
259 ~~for reasons beyond their control cannot~~  
260 ~~establish such a residence prior to~~  
261 ~~enrolling the student in a Montgomery~~  
262 ~~County public school. Such a "grace~~  
263 ~~period" for establishing residency will~~  
264 ~~not exceed 60 calendar days from the date~~  
265 ~~of the student's enrollment or the first~~

266 ~~day of the school year, whichever is~~  
267 ~~later. If a bona fide residence is not~~  
268 ~~established by the end of the 60 day~~  
269 ~~period, no extension will be granted.~~  
270 ~~Tuition will be paid, or the student will~~  
271 ~~no longer be permitted to attend school.~~  
272 ~~(See Section H.6 regarding tuition~~  
273 ~~payment plans for nonresident situations~~  
274 ~~anticipated to be of less duration than a~~  
275 ~~full semester.)~~

276  
277 **cb)** Tuition rates will be established annually by the  
278 Board of Education upon the recommendation of the  
279 superintendent of schools., ~~based on the following~~  
280 ~~criteria:~~

281  
282 ~~1) For kindergarten, grades 1-6, intermediate/middle~~  
283 ~~schools, and senior high schools, the full year~~  
284 ~~tuition rates will equal the estimated average per-~~  
285 ~~pupil costs including debt service, and will~~  
286 ~~reflect as nearly as possible the actual cost of~~  
287 ~~educating students at each of these grade levels~~

288  
289 ~~(2) For students whose tuition rates are established~~  
290 ~~under Section G2.b) (1), but who receive additional~~  
291 ~~special services, the regular full year tuition~~  
292 ~~rates for the appropriate grade level may be~~  
293 ~~increased by the estimated cost of providing the~~  
294 ~~additional service(s)~~

295

296 ~~(3) For special education students, the full-year~~  
297 ~~tuition rates will reflect as nearly as possible~~  
298 ~~the actual costs of educating these students,~~  
299 ~~including debt service, based on educational and~~  
300 ~~special services provided~~

301  
302 ~~(4) The rates of school-year and/or summer school~~  
303 ~~tuition for the children of full-time MCPS~~  
304 ~~employees who reside outside of Montgomery County~~  
305 ~~will be one-half the rates for other nonresident~~  
306 ~~students who are enrolled at the same grade level~~  
307 ~~and receiving the same level of services~~

308  
309 ~~(5) Full-year tuition rates may be prorated for~~  
310 ~~students whose period of nonresidency is less than~~  
311 ~~a full school-year~~

312  
313 ~~(6) Tuition paid in advance for any period of~~  
314 ~~enrollment for which it is subsequently determined~~  
315 ~~that the student was a resident student or was~~  
316 ~~otherwise entitled to a waiver of tuition will be~~  
317 ~~refunded on a prorated basis~~

318  
319 **d) A non-resident student applicant may request a**  
320 **specific school; however, MCPS reserves the right**  
321 **to determine the school of enrollment**

322  
323 **6H. Responsibilities ESPONSIBILITIES**

324

325 a)1- Parents, guardians, or students who have reached  
326 the age of majority are responsible for signing an  
327 affidavit as to their bona fide residence or  
328 nonresidence in Montgomery County as a prerequisite  
329 to a student's initial enrollment in the Montgomery  
330 County Public Schools. **Additionally, there is** and  
331 an acknowledgment that tuition will be paid for any  
332 period(s) of nonresidency, even if the period(s) of  
333 nonresidency should occur or be identified after  
334 the date of initial enrollment.

335  
336 b)2- The school principal or designee ~~(or the~~  
337 ~~International Student Admissions Office for~~  
338 ~~noncitizens)~~ is responsible for making the initial  
339 determination of the residency status of students  
340 who seek enrollment in a Montgomery County public  
341 school and, based on that determination, for taking  
342 the appropriate administrative steps specified in  
343 MCPS regulations.

344  
345 c)3- The **Residency Compliance Unit** ~~Residency and Tuition~~  
346 ~~Review Committee~~ is responsible for determining the  
347 residency and tuition status of all students  
348 referred to it by the individual schools or the  
349 International Student Admission Office. ~~The~~  
350 ~~committee will be appointed by the deputy~~  
351 ~~superintendent for instruction and be composed of~~  
352 ~~at least three members.~~

353

354 ~~4. The residency and tuition administrator is~~  
355 ~~responsible for:~~

356  
357 a) ~~Coordinating the process described in this~~  
358 ~~policy and any implementing administrative~~  
359 ~~regulations~~

360  
361 b) ~~Expediting the processing of individual cases,~~  
362 ~~especially when the parent(s) or guardian(s)~~  
363 ~~desires immediate enrollment for the student~~

364  
365 c) ~~Serving as secretary of the Residency and~~  
366 ~~Tuition Review Committee~~

367  
368 d) ~~Maintaining necessary records~~

369  
370 e) ~~Preparing required reports~~

371  
372 5. ~~The Department of Financial Services is responsible~~  
373 ~~for collecting all tuition, based on tuition status~~  
374 ~~information provided by the residency and tuition~~  
375 ~~administrator.~~

376  
377 6. ~~The deputy superintendent for planning, technology,~~  
378 ~~and supportive services (or designee) is~~  
379 ~~responsible for approving tuition payment plans,~~  
380 ~~which will be granted only on an exception basis~~  
381 ~~for one of the following reasons:~~

382

383 (a) ~~The financial circumstances of the~~  
384 ~~parent/guardian/eligible student limit their~~  
385 ~~ability to pay the full amount of tuition in~~  
386 ~~advance~~

387  
388 (b) ~~The period of nonresidency is reasonably~~  
389 ~~anticipated to be for a period of less than a~~  
390 ~~semester, and it would be an unnecessary~~  
391 ~~burden on the parent/guardian/eligible student~~  
392 ~~to demand full tuition in advance~~

393  
394 7. ~~The superintendent of schools is responsible for~~  
395 ~~developing the necessary administrative regulations to~~  
396 ~~implement this policy.~~

397  
398 **7±. Appeals PPEALS**

399  
400 Decisions made under this policy and any implementing  
401 ~~administrative~~ regulations may be appealed under the  
402 provisions of ~~Administrative~~ Regulation KLA-RA:  
403 *Responding to Citizen Inquiries and Complaints* **From the**  
404 **Public**. The superintendent **or a designee may assign** ~~may~~  
405 ~~designate~~ a hearing officer to hear residency and tuition  
406 appeal cases **on the superintendent's behalf and make**  
407 **recommendations to the superintendent or designee.**

408  
409 **D. DESIRED OUTCOME**

410

411 An effective, efficient, and equitable enrollment process  
412 which ensures the right of eligible students to a free public  
413 education and minimizes barriers for enrollment.

414

415 ~~EJ~~. REVIEW AND REPORTING

416

417 1. The superintendent will provide a report to the Board of  
418 Education at least annually regarding the **enrollment**  
419 ~~status~~ of nonresident students and tuition payments.  
420 ~~Each determination made under the terms of Section F or G~~  
421 ~~2a) (3) will be individually described in the report.~~

422

423 2. This policy will be reviewed ~~every three years~~ in  
424 accordance with the Board of Education ~~p~~Policy **BFA,**  
425 **Policysetting**~~review process~~.

426

427 *Policy History:* Adopted by Resolution No. 366-87, July 14, 1987;  
428 amended by Resolution No. 65-92, January 27, 1992.