

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACA, JEA-RB, JEA-RC, JEA-RD, JED-RA, JEE, JEE-RA, KLA, KLA-RA
Responsible Office: Chief Academic Officer

Residency, Tuition, and Enrollment

A. PURPOSE

To affirm the Montgomery County Board of Education's commitment to an effective, efficient, and equitable enrollment process for all qualified Montgomery County students and to set forth criteria for the enrollment of resident and nonresident students in accordance with federal and state law.

B. ISSUE

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 age 20, on the first day of the current school year.

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.

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

1. The Board supports the right of its residents to a free public education.
 - a) 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 Montgomery County Public Schools (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.

- (1) In the absence of evidence to the contrary, the bona fide residence of a qualified student shall be presumed to be:
 - (a) the bona fide residence of the student's parents/guardians.
 - (b) if the parents live apart, the bona fide residence shall be determined by the residence of the parent to whom sole legal custody is awarded, or the parent with whom the student regularly resides if sole legal custody has not been awarded.
 - (2) the bona fide residence of the eligible student as established independently from their parents/guardians.
- b) All qualified students, whether U.S. citizens or noncitizens, whose parents have an established bona fide residence in Montgomery County will be considered resident students and will be admitted free to MCPS.
- c) 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 and entitled to attend MCPS without paying tuition provided that:
- (1) the guardianship was obtained for reasons concerning the student, and,
 - (2) not for the primary purpose of attending school or for the convenience of the persons involved.
- d) All eligible students, 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.
- e) Qualified or eligible students who are identified as homeless in Montgomery County shall be enrolled in accordance with state and federal law.

2. Enrollment of Nonresident Students

Students who do not have an established bona fide residence in Montgomery County, through their parents/guardians, or independently if they are eligible

students, will be considered nonresident students and must pay tuition unless an exception is made under the terms of this policy or an applicable regulation.

- a) Nonresident students may be denied admission to MCPS regardless of their willingness to pay tuition.
- b) A nonresident student applicant may request a specific school; however, MCPS reserves the right to determine the school of enrollment.
- c) A qualified student, who is not a resident of Montgomery County but is placed in a group home, foster home, or valid kinship care arrangement in Montgomery County by social service agencies of the state of Maryland, or any other agency specified in Section 4-122 or 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, the state of Maryland, or the out-of-state agency that placed the student in Montgomery County.

3. 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) Exchange students (J-1) participating in a program approved by the Council on Standards for International Educational Travel who have met all of the applicable participation criteria.
 - (2) There is a crisis, unusual and extraordinary circumstances fully documented by the parent/guardian, or eligible student, justifying waiver of tuition.
 - (3) The superintendent of schools/designee has permitted a deposit to be made during the pendency of an appeal of a determination of nonresidency, if applicable.
- c) The superintendent of schools will adopt regulations to set forth the process for determining if a waiver of tuition requirements for a nonresident student is appropriate based upon documentation supporting a crisis. Individual determinations of residency or tuition waivers may be reevaluated annually

4. Residency Verification Activities

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.

5. Responsibilities

- a) Parents/guardians or eligible students, are responsible for completing an enrollment form that includes a statement that affirms their bona fide residence or nonresidence in Montgomery County as a prerequisite to a student's initial enrollment in MCPS. Additionally, that statement acknowledges 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 superintendent of schools shall adopt and implement regulations to set forth the procedures for making the initial determination of the residency status of students who seek enrollment in MCPS. Those regulations shall include procedures for enrolling students who have not attended school within the United States or a United States school system, including a U.S. Department of Defense school, or an accredited American International School in a foreign country at any time during the prior two years.

6. Appeals

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

Related Sources: *Annotated Code of Maryland*, Education Article § 4-122, 4-122.1, 7-101, and 7-301; COMAR 13A.02.06 and 13A.05.09

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; amended and reindexed (formerly Policy JED) by Resolution No. 414-18, September 11, 2018.