

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** BLB, JEA, JEA-RB, JEA-RC, JEE, KLA-RA  
**Responsible Office:** Chief Financial Officer  
Chief Operating Officer  
Deputy Superintendent of School Support and Improvement

## Tuition-based Enrollment

### I. PURPOSE

To set forth criteria and procedures for enrolling students in Montgomery County Public Schools (MCPS) on a tuition-pay basis and, when appropriate, procedures for the waiver of tuition requirements.

The criteria for determining bona fide residence and eligibility for enrolling students to MCPS are established in Montgomery County Board of Education Policy JEA, *Residency, Tuition, and Enrollment* and MCPS Regulation JEA-RB, *Enrollment of Students*.

### II. DEFINITIONS

- A. *Bona fide residence* – 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 person’s bona fide residence is a factual one and must be made on an individual basis.
- B. *Crisis* – unusual and extraordinary circumstances, fully documented by the parent/guardian, which qualify for a waiver of tuition. This does not include instances which have been established for convenience or for the purpose of free school attendance in MCPS.
- C. *Eligible Student* - 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.

**III. PROCEDURES FOR ENROLLMENT ON A TUITION-PAYING BASIS**

- A. Parents/guardians/eligible students who do not meet the enrollment criteria of MCPS Regulation JEA-RB, *Enrollment of Students*, and wish to enroll a student, or themselves if for an eligible student, in MCPS on a tuition-paying basis, must submit MCPS Form 335-73A, *Request to Enroll Nonresident, Tuition-paying Student*, to International Admissions and Enrollment (IAE).
1. Parents/guardians of nonresident students, or eligible students, may request a specific school but MCPS reserves the right to determine placement. A family's willingness to pay tuition does not guarantee placement in a school of choice.
  2. IAE reviews MCPS Form 335-73A, and consults with the Office of School Support and Improvement (OSSI) as well as the principal/designee of the school intended for enrollment, and makes a determination based on the following factors:
    - a) Class size guidelines
    - b) Grade level enrollment
    - c) Capacity enrollment
    - d) Enrollment projections
    - e) School and cluster capacity
    - f) Building utilization
    - g) Educational programming
    - h) Staffing
    - i) Principal input
- B. Out-of-state social services agencies who place a student in a Montgomery County foster or group home must submit MCPS Form 335-73, *Determination of Residency and Tuition Status*, and MCPS Form 335-73A, *Request to Enroll Nonresident Tuition-paying Student*, to IAE.
1. Students placed by an out-of-state social services agency will be assigned to the home school for the address of the foster or group home in

Montgomery County, unless determined otherwise by IAE in consultation with OSSI and Pupil Personnel and Attendance Services in the Office of Student and Family Support and Engagement.

2. The out-of-state social services agency may be billed for tuition for the nonresident student, unless documentation is provided to IAE that the student is being placed in the Montgomery County foster home for the purposes of adoption. If such documentation is provided, a waiver of the tuition requirements will be granted.
- C. Tuition is established annually by the Board.
- D. 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 grade level.
- E. For students who receive special education or other additional special services, the regular full-year tuition may be increased by the estimated cost of providing the additional service(s) including debt service.
- F. 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. MCPS employees must either use payroll deductions for payments throughout the school year or pay full annual tuition prior to the beginning of the school year.
- G. Tuition Payments
1. Unless one of the circumstances in III.H.1. or III.H.3. below are met, full tuition is owed for the full semester in which a student is enrolled regardless of the enrollment or withdrawal date.
  2. Information regarding tuition rates may be obtained from IAE or the Division of Controller in the Office of the Chief Financial Officer.
  3. Tuition for non-MCPS employees is payable by semester or annually. Tuition for the first semester is due by August 1 and tuition for the second semester is due by December 31.
  4. If tuition payments are not made timely, interest will be assessed at the rate of one percent per month on the unpaid balance. Nonpayment of tuition

will result in the student's withdrawal from MCPS and any unpaid fees may be referred to a collection agency.

5. For students who enter during the school year and are later found to owe tuition, tuition is due before the student may continue to attend classes.
6. Students holding an F-1 visa are required to pay tuition in advance of attendance in accordance with MCPS Regulation JEA-RC, *Enrollment and Placement of International and Foreign Students*.

#### H. Refunds and Prorating of Tuition

1. Prorated tuition or prorated refunds will be granted only in the following circumstances:
  - a) 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 under IV.C; or
  - b) When the student was a resident student at the time of enrollment but subsequently became a nonresident and requests to enroll as a nonresident tuition-paying student; or
  - c) When the student has been placed in MCPS by an out-of-state social services agency and is enrolled after the first day of classes, and/or is withdrawn before the final day of classes for the semester.
2. The prorated fee for the circumstances described in III.H.1 is calculated by dividing the annual tuition rate by the number of instructional days to establish a daily rate, and then multiplying by the number of instructional days for which the student is enrolled.
  - a) Refunds of tuition are based on official withdrawal date.
  - b) No refunds of tuition are made for instructional days on which the student is absent, but still enrolled in MCPS.
3. Tuition may be prorated for less than a full course load in secondary schools if the principal/designee approves that type of enrollment. 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
4. Unless one of the circumstances in III.H.1. or III.H.3. above are met, tuition will not be refunded or prorated for a semester in which the student attends classes regardless of the withdrawal date.

I. Collection of Tuition

Upon receipt of MCPS Form 335-73, *Determination of Residency and Tuition Status*, and MCPS Form 335-73A, *Request to Enroll Nonresident Tuition-paying Student*, indicating tuition is owed and the placement is approved, Controller staff will—

- 1. determine the appropriate amount of tuition based on the Board-adopted rates;
- 2. assure that Part III of MCPS Form 335-73A, *Request to Enroll Nonresident, Tuition-paying Student*, is completed;
- 3. invoice the parent/guardian/eligible student;
- 4. collect the tuition payment;
- 5. periodically reconcile financial accounts on tuition with the records of IAE;
- 6. if tuition (either in full or a payment under an approved plan) is not paid within 30 days of the due date—
  - a) begin charging interest on the unpaid amount,
  - b) notify parent/guardian/eligible student of default, interest charge, notification to collection agency of unpaid balance, and/or the possibility of withdrawal from classes, and
  - c) notify the school and the residency specialist in IAE.

**IV. WAIVER OF TUITION REQUIREMENTS**

- A. As stated in MCPS Regulation JEA-RB, *Enrollment of Students*, 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/guardians do not have bona fide residency within Montgomery County, seeks to enroll, school staff should consult with IAE to determine if a waiver of tuition is appropriate.
- B. IAE will make individual determinations regarding granting a waiver of the tuition requirements for a nonresident student in certain circumstances where documentation is presented to support a crisis situation justifying such a waiver. Those determinations by IAE may be reevaluated on an annual basis or as necessary.
- C. A qualifying crisis for a waiver of tuition is one where there is a serious family hardship due to
1. death of a parent/guardian, as documented by the death certificate, or other proof;
  2. serious illness of parent/guardian, as documented by a physician's statement, note, or other proof;
  3. drug addiction of parent/guardian, as documented by letter from the treatment provider, or other proof;
  4. incarceration of parent/guardian, as documented by 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. unusual and extenuating circumstances that detrimentally impact the student's educational needs or well-being, as established by documents that clearly link the student to unusual and extenuating circumstances that necessitate the need for the proposed living arrangement.
- D. To request a waiver of tuition requirements, the resident with whom the student is living must submit
1. proof of bona fide residence in Montgomery County,

2. a signed and notarized letter from the parent/guardian which states the crisis situation and transfers responsibility of the student to the resident,
  3. documentation which supports the basis of the crisis,
  4. a signed and notarized letter from the resident accepting responsibility for the student, and/or
  5. court-appointed guardianship documents, if applicable.
- E. Decisions regarding waivers of tuition requirements based on a qualifying crisis situation will be made within 10 business days of receipt of all completed documentation. If the circumstances are particularly complex, the timeline may be extended with notice to the parents/guardians.

**V. APPEAL PROCEDURES**

In accordance with Board Policy JEA, *Residency, Tuition, and Enrollment*, the appeal of a decision regarding residency or waivers of tuition requirements should be filed in accordance with the procedures of MCPS Regulation KLA-RA, *Responding to Inquiries and Complaints from the Public*.

- A. IAE, as appropriate, 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. Tuition will be refunded in whole or in part if the original decision is reversed or modified.

**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; revised July 15, 2013; formerly MCPS Regulation JED-RA, revised, reindexed, and renamed MCPS Regulation JEA-RE, *Tuition-based Enrollment*, April 3, 2019.