

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 25, 2004

TO: BOARD OF EDUCATION

FROM: **Dr. J. Hairston, Superintendent**

SUBJECT: STUDENTS: Enrollment and Attendance Rule 5150

ORIGINATOR: Christine M. Johns, Deputy Superintendent of Curriculum and Instruction

RESOURCE PERSON(S): Jean Satterfield, Executive Director, Student Support Services
Vivian Ferguson, Coordinator, Pupil Personnel Services
Carol Batoff, Residency Liaison

INFORMATION

That STUDENTS: Enrollment and Attendance Rule 5150 is presented to the Board of Education as an information item

JS/ds
Appendix I – Rule 5150

STUDENTS: Enrollment and Attendance

[In accordance with §7-301 of the Education Article of the Annotated Code of Maryland, a child five (5) years old or older and under twenty-one (21) shall be admitted to Baltimore County Public Schools (“school”) without the payment of tuition. In accordance with §7-101 of the Education Article of the Annotated Code of Maryland, any child who is domiciled with the child’s parent(s)/guardian(s) in Baltimore County shall attend his or her assigned home school. (See, Policy 5150.)]

IN ACCORDANCE WITH §7-101 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, ANY CHILD FIVE (5) YEARS OLD OR OLDER AND UNDER TWENTY-ONE (21) AND WHO IS DOMICILED WITH THE CHILD’S PARENT(S)/LEGAL GUARDIAN(S) IN BALTIMORE COUNTY SHALL BE ADMITTED TO BALTIMORE COUNTY PUBLIC SCHOOLS (“SCHOOL”) WITHOUT THE PAYMENT OF TUITION AND SHALL ATTEND HIS OR HER ASSIGNED HOME SCHOOL UNLESS A SPECIAL TRANSFER HAS BEEN APPROVED IN ACCORDANCE WITH BOARD POLICY AND RULE 5140.

I. DEFINITIONS

- A. “BALTIMORE COUNTY PUBLIC SCHOOLS EMPLOYEE” MEANS “PUBLIC SCHOOL EMPLOYEE,” “CONFIDENTIAL EMPLOYEE,” “SUPERVISORY EMPLOYEE” OR “MANAGEMENT EMPLOYEE,” AS DEFINED BY §6-404 AND §6-501 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- B. “CHILD” MEANS AN INDIVIDUAL NOT CURRENTLY ENROLLED IN BALTIMORE COUNTY PUBLIC SCHOOLS.
- C. “CHILD OF EMPLOYEE” MEANS NATURAL CHILD OR A CHILD UNDER A COURT-ORDERED GUARDIANSHIP OF AN EMPLOYEE.
- D. “FRAUDULENT ENROLLMENT” MEANS INTENTIONAL MISREPRESENTATION OF MATERIAL FACT REGARDING DOMICILE OR THE FAILURE TO NOTIFY BALTIMORE COUNTY PUBLIC SCHOOLS OF A CHANGE IN DOMICILE WITHIN A REASONABLE TIME.
- E. “GUARDIAN” MEANS A LEGAL GUARDIAN OF A CHILD OR OF A STUDENT, WHO IS APPOINTED BY A COURT.
- F. “RESIDENTIAL DWELLING UNIT” MEANS ONE OR MORE ROOMS IN A RESIDENTIAL BUILDING OR STRUCTURE, SUCH AS A

HOUSE, APARTMENT, CONDOMINIUM OR TRAILER, THAT IS USED FOR LIVING PURPOSES.

- G. "STUDENT" MEANS AN INDIVIDUAL CURRENTLY ENROLLED IN BALTIMORE COUNTY PUBLIC SCHOOLS.
- H. "INFORMAL KINSHIP CARE" MEANS A LIVING ARRANGEMENT IN WHICH A RELATIVE OF A CHILD, WHO IS NOT IN THE CARE CUSTODY, GUARDIANSHIP OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, PROVIDES FOR THE CARE AND CUSTODY OF CHILD DUE TO A SERIOUS FAMILY HARDSHIP **AS DEFINED BY 7-101 OF THE EDUCATION ARTICLE**, AND IF THE PARENT(S)/GUARDIAN(S) IS DOMICILED OUTSIDE OF BALTIMORE COUNTY BUT INSIDE THE STATE OF MARYLAND.
- I. "RELATIVE," **FOR THE PURPOSE OF DETERMINING** INFORMAL KINSHIP CARE, MEANS AN ADULT RELATED TO THE CHILD BY BLOOD OR MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY.

[I] II. Resident Student

A. *Verification of Domicile*

When registering for enrollment into school, proof that the child is domiciled in Baltimore County with the child's parent(s)/guardian(s) is required. Domicile is determined on a case-by-case basis, and the burden of establishing the child's domicile with the parent(s)/guardian(s) is on the child, parent(s), and/or guardian(s).

- 1. Prior to enrollment, a school administrator [should] WILL require as proof of the child's domicile with the parent(s)/guardian(s) a copy of one of the following documents, subject to verification **BY BALTIMORE COUNTY PUBLIC SCHOOLS ADMINISTRATOR OR DESIGNEE:**
 - [1] a. [Documents that] DEED establishING [home] ownership of a RESIDENTIAL DWELLING UNIT [house] in Baltimore County in which the child is domiciled with the child's parent(s) and/or guardian(s).
 - b. SIGNED SETTLEMENT SHEET ESTABLISHING OWNERSHIP OF A RESIDENTIAL DWELLING UNIT IN BALTIMORE COUNTY IN WHICH THE CHILD IS

DOMICILED WITH THE CHILD'S PARENT(S) AND/OR GUARDIAN(S).

c. TITLE ESTABLISHING OWNERSHIP OF A RESIDENTIAL DWELLING UNIT IN BALTIMORE COUNTY IN WHICH THE CHILD IS DOMICILED WITH THE CHILD'S PARENT(S) AND/OR GUARDIAN(S).

d. MORTGAGE COUPON BOOK ESTABLISHING OWNERSHIP OF A RESIDENTIAL DWELLING UNIT IN BALTIMORE COUNTY IN WHICH THE CHILD IS DOMICILED WITH THE CHILD'S PARENT(S) AND/OR GUARDIAN(S).

[2.]e. [Baltimore County real] REAL estate tax bill or receipt for RESIDENTIAL DWELLING UNIT [house] in which the child and parent(s)/guardian(s) are domiciled.

(1) IF ANY PORTION OF THE RESIDENTIAL DWELLING UNIT, EITHER OWNED OR RENTED, LIES WITHIN BALTIMORE COUNTY, AS DETERMINED BY THE REAL ESTATE BILL, THE STUDENT MAY ATTEND THE DESIGNATED BALTIMORE COUNTY PUBLIC SCHOOL.

[3.]f. Lease or rental agreement FROM A REAL ESTATE MANAGEMENT COMPANY OR COMMERCIAL LESSOR TO THE PARENT(S)/GUARDIAN(S) FOR A RESIDENTIAL DWELLING UNIT [for house or apartment] located in Baltimore County in which the child and parent(s)/guardian(s) are domiciled.

[4. In cases where the property line (either owned or rented) lies both within Baltimore County and another subdivision, the property bill is used to determine residency, i.e., if any portion of the property lies within Baltimore County, the student may attend the designated Baltimore County Public School.]

g. LEASE OR RENTAL AGREEMENT FROM A PRIVATE PARTY OWNER TO THE PARENT(S)/GUARDIAN(S) OF A RESIDENTIAL DWELLING UNIT LOCATED IN BALTIMORE COUNTY. DOCUMENTS WHICH ESTABLISH OWNERSHIP BY THE PRIVATE PARTY OF

THE PROPERTY IN BALTIMORE COUNTY, SUCH AS A DEED TO THE PROPERTY, REAL ESTATE TAX BILL, OR MORTGAGE COUPON BOOK MUST ALSO BE SUBMITTED TO PROVIDE PROOF OF OWNERSHIP BY THE PRIVATE PARTY LESSOR/**OWNER**.

2. IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION II.A.1.a.-g., PARENT(S)/GUARDIAN(S) MUST PRESENT A PHOTO IDENTIFICATION AND THREE OF THE FOLLOWING **DOCUMENTS** TO ESTABLISH NAME AND ADDRESS:

- a. FEDERAL OR STATE INCOME TAX RETURN FOR THE IMMEDIATE PREVIOUS YEAR
- b. W-2 FORM FOR THE CURRENT YEAR
- c. NOTARIZED STATEMENT ON COMPANY LETTERHEAD FROM AN EMPLOYER
- d. MAILING TO THE PARENT(S)/GUARDIAN(S) FROM A GOVERNMENT AGENCY
- e. CHARGE ACCOUNT/CREDIT CARD BILLING STATEMENT
- f. BANK ACCOUNT STATEMENT
- g. UTILITY BILL
- h. CABLE BILL
- i. VOTER'S REGISTRATION CARD
- j. MOTOR VEHICLE ADMINISTRATION VEHICLE REGISTRATION
- k. DRIVER'S LICENSE, MARYLAND IDENTIFICATION CARD, OR AGE OF MAJORITY CARD FROM MOTOR VEHICLE ADMINISTRATION
- l. NOTARIZED LETTER FROM LANDLORD ACKNOWLEDGING SHARED DOMICILE ARRANGEMENT

- m. COURT DOCUMENTS
- n. GOVERNMENT-ISSUED LICENSE AND/OR PROFESSIONAL CERTIFICATE
- o. FIRST CLASS MAIL **FROM A BUSINESS OR AGENCY**
- p. HEALTH CENTER MAILING OF APPOINTMENT VERIFICATION
- q. RECEIPT FOR IMMUNIZATIONS FROM HEALTH CENTER
- r. MAILING FROM A BALTIMORE COUNTY PUBLIC SCHOOL OR OFFICE
- s. PAYCHECK/PAYSTUB STATING NAME AND ADDRESS
- t. OTHER DOCUMENTATION ACCEPTABLE TO THE PUPIL PERSONNEL WORKER OR RESIDENCY OFFICER.

3. IF THE DOMICILE OF THE STUDENT AND/OR PARENT(S)/GUARDIAN(S) CHANGES AT ANY TIME, THE PARENT(S)/GUARDIAN(S) IS RESPONSIBLE FOR NOTIFYING THE STUDENT'S SCHOOL IMMEDIATELY. IF THE NEW DOMICILE IS LOCATED IN **ANOTHER SCHOOL ATTENDANCE AREA WITHIN** BALTIMORE COUNTY, THE PARENT(S)/GUARDIAN(S) MUST VERIFY THE NEW DOMICILE IN ACCORDANCE WITH THIS RULE. CONTINUED ENROLLMENT IN THE CURRENT SCHOOL IS SUBJECT TO THE PROVISIONS OF BOARD OF EDUCATION POLICY AND SUPERINTENDENT'S RULE 5140 **STUDENTS: ENROLLMENT AND ATTENDANCE.**

B. [Multiple Family] SHARED DOMICILE [Living] Arrangement

[If t]The parent(s)/guardian(s) [is unable to provide one of the items listed above and the parent(s)/guardian(s) states that the family is domicile in Baltimore County in a house or apartment] MAY PROVE RESIDENCY THROUGH A SHARED DOMICILE ARRANGEMENT. IF THE

PARENT(S)/GUARDIAN(S) STATES THAT THE CHILD IS DOMICILED WITH THE PARENT(S)/GUARDIAN(S) IN A RESIDENTIAL DWELLING UNIT LOCATED IN BALTIMORE COUNTY with another [family] PERSON OR PERSONS, the parent(s)/guardian(s) is required to complete the [multiple family living] SHARED DOMICILE arrangement process with the residency officer OR PUPIL PERSONNEL WORKER servicing the local school. [In the event that a review of the multiple family living arrangement is determined to be fraudulent, the resident and parent(s)/guardian(s) will be liable for payment of the nonresident tuition.]

[In certain cases, the residency officer or pupil personnel worker should consult with the residency liaison or Coordinator of Pupil Personnel Services before making a final decision.]

1. PROCESS FOR ESTABLISHING SHARED DOMICILE ARRANGEMENT

- a. THE PARENT(S)/GUARDIAN(S) MUST CONTACT THE RESIDENCY OFFICER SERVING THE SCHOOL ATTENDANCE AREA IN WHICH THE CHILD AND PARENT(S)/GUARDIAN(S) WILL BE DOMICILED.
- b. THE RESIDENCY OFFICER OR PUPIL PERSONNEL WORKER WILL FORWARD TO THE PARENT(S)/GUARDIAN(S) **THE BALTIMORE COUNTY PUBLIC SCHOOLS** SHARED DOMICILE DISCLOSURE FORM, WHICH THE PARENT(S)/GUARDIAN(S) MUST COMPLETE, SIGN, AND HAVE NOTARIZED.
- c. THE OWNER OR LEASEHOLDER OF THE RESIDENTIAL DWELLING UNIT IN WHICH THE CHILD AND PARENT(S)/GUARDIAN(S) ARE DOMICILED MUST PRODUCE THE DOCUMENTATION SET FORTH IN SECTION II.A. TO ESTABLISH THE OWNERSHIP OR LEASHEHOLDED INTEREST.
- d. THE OWNER OR LEASEHOLDER OF THE RESIDENTIAL DWELLING UNIT MUST SIGN AND HAVE NOTARIZED THE SHARED DOMICILE DISCLOSURE FORM.

- e. THE PARENT(S)/GUARDIAN(S) MUST SUBMIT TO THE RESIDENCY OFFICER OR PUPIL PERSONNEL WORKER A PHOTO IDENTIFICATION AND THREE (3) ITEMS OF PROPER DOCUMENTATION OF RESIDENCY LISTED IN SECTION I.A.2.a.-t. TO ESTABLISH NAME AND ADDRESS.
- f. THE RESIDENCY OFFICER OR PUPIL PERSONNEL WORKER WILL MEET WITH THE PARENT(S)/GUARDIAN(S), REVIEW ALL DOCUMENTATION PRESENTED, VERIFY THAT THE DOCUMENTATION COMPLIES WITH THIS RULE, AND APPROVE OR DENY ENROLLMENT.
- g. IF APPROVED, ENROLLMENT BY SHARED DOMICILE ARRANGEMENT IS FOR THE CURRENT SCHOOL YEAR ONLY. TO BE CONSIDERED FOR ENROLLMENT IN **ANY** SUBSEQUENT YEAR, THE PARENT(S)/GUARDIAN(S) MUST COMPLETE AND SUBMIT TO THE SCHOOL BY JUNE 30, THE SHARED DOMICILE DISCLOSURE RENEWAL FORM, WHICH WILL BE PROVIDED **BY JUNE 1 OF THE CURRENT** SCHOOL YEAR. PHOTO IDENTIFICATION AND THREE CURRENT PROOFS OF DOMICILE AS OUTLINED IN PARAGRAPH II.A. MUST BE SUBMITTED WITH THE RENEWAL FORM TO THE SCHOOL. A NEW SHARED DOMICILE DISCLOSURE FORM MUST BE SUBMITTED TO THE RESIDENCY OFFICER IF THE RENEWAL PROCESS IS NOT COMPLETED BY JUNE 30.

[C. Verification of Review

If proper documentation is not submitted to support verification of domicile of the child with his/her parent(s)/guardian(s) in Baltimore County, then the child should not be enrolled; the parent(s)/guardian(s) and child should be advised of the necessity to enroll in the school system serving the area where they are domiciled. If the parent(s)/guardian(s) continue to contend that they are domiciled in Baltimore County, the parent(s)/guardian(s) may appeal to the residency liaison.]

III. BALTIMORE COUNTY PUBLIC SCHOOLS **IS SUBJECT TO THE** REQUIREMENTS OF THE FEDERAL MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE IMPROVEMENT ACT OF 2001. PRINCIPALS

OR THEIR DESIGNEES SHALL REFER IMMEDIATELY HOMELESS CHILDREN TO THE PUPIL PERSONNEL WORKER.

[II]IV. Nonresident Student

[A. Definition

A nonresident student is a child who is domiciled with his/her parent(s)/guardian(s) outside of Baltimore County.

B. *Enrollment]*

A. A child may attend Baltimore County Public Schools as a nonresident student even if the child is not domiciled in Baltimore County with his/her parent(s)/guardian(s) ONLY upon the SPECIFIC, written authority from the Superintendent and/or the pupil personnel worker. PRINCIPALS ARE NOT AUTHORIZED TO APPROVE ENROLLMENT OF NONRESIDENT STUDENTS WITHOUT SUCH WRITTEN AUTHORIZATION.

B. In accordance with §7-101(b)(2) of the Education Article OF THE ANNOTATED CODE OF MARYLAND, the Superintendent may allow a child to attend Baltimore County Public Schools even if the child is not domiciled in Baltimore County with the child's parent(s)/guardian(s) if:

1. A child is placed in a Baltimore County adoptive home, foster home and/or residential institution as a child in an out-of-county OR OUT-OF-STATE living arrangement as defined in §4-122 of the Education Article OF THE ANNOTATED CODE OF MARYLAND. Financial responsibility for children in out-of-county OR OUT-OF-STATE living arrangements will be assessed in accordance with §4-122 of the Education Article OF THE ANNOTATED CODE OF MARYLAND. IN ACCORDANCE WITH §4-122 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AN OUT-OF-STATE AGENCY THAT ARRANGES FOR A CHILD'S PLACEMENT FOR ADOPTION IN MARYLAND IS NOT RESPONSIBLE FOR PAYING THE EDUCATIONAL COSTS ASSOCIATED WITH THE CHILD.

2. The student is a foreign student:

- a. ON A J-1 VISA AND IS [S]sponsored by a school exchange program APPROVED BY BALTIMORE COUNTY PUBLIC SCHOOLS.
 - b. ENROLLED [Admitted] on a student visa FOR ONE YEAR ONLY in accordance with federal immigration laws. TUITION SHALL BE PAID IN ACCORDANCE WITH SECTION IV.D. TUITION.
3. The child's parent(s)/guardian(s) provides appropriate documentation, SUCH AS SETTLEMENT SHEET OR LEASE AGREEMENT, that the child will be domiciled with his or her parent(s)/guardian(s) in Baltimore County prior to November 1 OF THE SCHOOL YEAR. The child shall be admitted at the beginning of THE school YEAR without payment of tuition. After November 1, if the child is not domiciled with his or her parent(s)/guardian(s) in Baltimore County, tuition shall be charged[.] FROM THE BEGINNING OF THE SCHOOL YEAR UNTIL THE END OF THE SEMESTER AND THE STUDENT WILL BE WITHDRAWN AT THE END OF THE SEMESTER. (See [II]IV[C.]D. Tuition.)
 4. A student's family moves from Baltimore County during the school year, the student may complete that [school year] SEMESTER in his/her current Baltimore County Public School AS A NONRESIDENT STUDENT. Tuition shall be paid **IN FULL WITHIN 30 DAYS** by the student's parent(s)/guardian(s) FOR THE REMAINDER OF THE SEMESTER. (See [II]IV [C.]D. Tuition) **THE STUDENT WILL BE WITHDRAWN AT THE END OF THE SEMESTER IF THE TUITUION IN FULL IS NOT PAID.**
 5. A student has completed grade 11 in a Baltimore County high school AND THE PARENT(S)/GUARDIAN(S) MOVES FROM BALTIMORE COUNTY, that student may complete grade 12 in his/her current Baltimore County Public School. Tuition shall be paid by the student's parent(s)/guardian(s). (See [II]IV[C.]D. Tuition.) FAILURE TO PAY ANNUAL TUITION IN FULL BY THE END OF THE FIRST SEMESTER WILL RESULT IN IMMEDIATE WITHDRAWAL AT THE END OF THE FIRST SEMESTER.
 6. A child is a patient at a hospital, sanitarium or convalescent home located in Baltimore County. Tuition shall be paid by the child's parent(s)/guardian(s). (See [II]IV[C.]D. Tuition.)

7. The child [is a child] of a Baltimore County Public Schools employee **MAY BE ENROLLED IF THE CHILD AND EMPLOYEE MEET THE FOLLOWING CRITERIA.** [A child includes a natural child or one under the court-ordered guardianship of an employee. An “employee” means “public school employee,” “confidential employee,” “supervisory employee,” or “management employee” as defined by Article 6 (or §6-404 and §6-501) of the Education Article of the Annotated Code of Maryland. A child of an employee may attend the school which is closest to the primary work site or home school (office) of the employee regardless of the school’s overcrowded conditions. Tuition shall be assessed at \$1,000 if the child is enrolled prior to January 1, and the employee is domiciled within the state of Maryland. Tuition shall be assessed at \$500 if the child is enrolled after January 1, and the employee is domiciled within the state of Maryland. Tuition shall be assessed at \$2,700 if the child is enrolled prior to January 1, and the employee is domiciled outside of the state of Maryland. Tuition shall be assessed at \$1,350 if the child is enrolled after January 1, and the employee is domiciled outside of the state of Maryland. If employment of parent(s)/guardian(s) ends during that school year, the student may complete that school year in his/her current Baltimore County Public School.]

[a. A child of an employee whose primary work site or home school (office) is in a magnet school may be allowed to enroll in that school in accordance with the provisions of this section if said child qualifies for admission in accordance with Policy and Rule 6130, Instruction: Magnet Schools and Programs. Upon qualification, admission is granted for said child without entry into the lottery selection process.]

a. **A CHILD OF AN EMPLOYEE MAY ATTEND THE SCHOOL WHICH IS WITHIN THE ATTENDANCE AREA OF THE PRIMARY WORK SITE OF THE EMPLOYEE REGARDLESS OF THE SCHOOL’S OVERCROWDED CONDITIONS AS DEFINED IN SUPERINTENDENT RULE 5140, SECTION II.D.7.**

(1) **TUITION SHALL BE ASSESSED AT \$1,000 IF THE CHILD IS ENROLLED PRIOR TO JANUARY 1 AND THE EMPLOYEE IS DOMICILED WITHIN THE STATE OF MARYLAND. TUITION SHALL**

BE ASSESSED AT \$500 IF THE CHILD IS ENROLLED AFTER JANUARY 1, OR IF THE CHILD IS ENROLLED IN A HALF-DAY KINDERGARTEN PROGRAM, AND THE EMPLOYEE IS DOMICILED WITHIN THE STATE OF MARYLAND. IF EMPLOYMENT OF PARENT(S)/GUARDIAN(S) ENDS DURING THAT SCHOOL YEAR, THE STUDENT MAY COMPLETE THAT SEMESTER IN HIS/HER BALTIMORE COUNTY PUBLIC SCHOOL.

- (2) IF THE EMPLOYEE IS DOMICILED OUTSIDE OF THE STATE OF MARYLAND, TUITION FEES SHALL ALSO INCLUDE THE STATE PER PUPIL BASIC COST FOR THE SCHOOL YEAR OF ENROLLMENT IN ACCORDANCE WITH §5-201 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND. (SEE IV-D. TUITION.) IF EMPLOYMENT OF PARENT(S)/GUARDIAN(S) ENDS DURING THAT SCHOOL YEAR, THE STUDENT MAY COMPLETE THAT SEMESTER IN HIS/HER BALTIMORE COUNTY PUBLIC SCHOOL.

[b. A child of an employee whose primary work site or home school (office) is not in a magnet school may be allowed to enroll in a magnet school in accordance with the provisions of this section if said child qualifies for admission in accordance with Policy and Rule 6130, Instruction: Magnet Schools and Programs. The said child will be given no special preference and must participate in the lottery selection process.]

b. IF THE REQUESTED SCHOOL IS A MAGNET SCHOOL, THE CHILD **OF AN EMPLOYEE** MUST QUALIFY FOR ADMISSION IN ACCORDANCE WITH BOARD OF EDUCATION POLICY AND SUPERINTENDENT’S RULE 6130, “INSTRUCTION: MAGNET SCHOOLS AND PROGRAMS,” AND BOARD OF EDUCATION POLICY AND SUPERINTENDENT’S RULE 5140 “STUDENTS: ENROLLMENT AND ATTENDANCE.”

8. The child is [a child of] DOMICILED WITH THE PARENT(S)/ GUARDIAN(S) IN an adjoining Maryland school system [who] THAT is [domiciled with his/her parent(s)/guardian(s)] in an unusually isolated geographic location adjoining Baltimore County, upon request of the Superintendent of the Schools of that system and approval of the Superintendent of the Baltimore County Public Schools. The case [should] WILL be referred to the pupil personnel worker for processing. Tuition shall be paid by the sending school system. (See §4–121 of the Education Article.)

9. **THERE ARE TWO INSTANCES OF SERIOUS FAMILY HARDSHIP WHICH ARE IDENTIFIED AS INFORMAL KINSHIP CARE OR NONRESIDENT SERIOUS FAMILY HARDSHIP.**
 - a. **INFORMAL KINSHIP CARE: IF THE APPLICANT IS AN ADULT RELATED TO THE CHILD BY BLOOD OR MARRIAGE WITHIN THE FIFTH DEGREE OF CONSANGUINITY, AND, ON BEHALF OF THE CHILD AND/OR PARENT(S)/GUARDIAN(S), CAN ESTABLISH THROUGH DOCUMENTATION IN ACCORDANCE WITH §7-101 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT THE CHILD IS RESIDING WITH THE APPLICANT AS A RESULT OF SERIOUS FAMILY HARDSHIP, AND IF THE PARENT(S)/GUARDIAN(S) IS DOMICILED OUTSIDE OF BALTIMORE COUNTY BUT **WITHIN** THE STATE OF MARYLAND, THEN THE PUPIL PERSONNEL WORKER SHALL **PERMIT** THE CHILD TO BE ENROLLED UPON RECEIPT OF A COMPLETE AFFIDAVIT OF INFORMAL KINSHIP CARE AND REQUIRED SUPPORTING DOCUMENTATION OF SERIOUS FAMILY HARDSHIP(S). TUITION SHALL BE ASSESSED IN ACCORDANCE WITH § 7-101 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**
 1. One or more of the following [may] SHALL be considered [in accepting nonresident students with a] AS serious family hardships FOR PURPOSE OF ENROLLMENT UNDER **THE INFORMAL KINSHIP CARE** PROVISION:

- a. DEATH OF FATHER/ MOTHER/LEGAL GUARDIAN
- b. SERIOUS ILLNESS OF FATHER/ MOTHER/LEGAL GUARDIAN
- c. DRUG ADDICTION OF FATHER/ MOTHER/LEGAL GUARDIAN
- d. INCARCERATION OF FATHER/ MOTHER/LEGAL GUARDIAN
- e. ABANDONMENT BY FATHER/ MOTHER/LEGAL GUARDIAN
- f. ASSIGNMENT OF FATHER/ MOTHER/LEGAL GUARDIAN TO ACTIVE MILITARY DUTY

(2) The following are not to be considered serious family hardships:

- (a) Presence in Baltimore County primarily for improved quality of education;
- (b) Presence in Baltimore County primarily because of adverse conditions in or dissatisfaction with the child's prior school system;
- (c) Parent(s) or guardian(s) placing the child with the caretaker for child care purposes.

b. **NONRESIDENT SERIOUS FAMILY HARDSHIP:** If the applicant, on behalf of the child AND/or parent(s)/guardian(s), can establish THROUGH DOCUMENTATION that the child is residing with the applicant as a result of serious family hardship BUT DOES NOT QUALIFY FOR ENROLLMENT UNDER THE PROVISION OF INFORMAL KINSHIP CARE ARRANGEMENT AND IF THE PARENT(S)/GUARDIAN(S) IS DOMICILED OUTSIDE OF BALTIMORE COUNTY, then the Superintendent and/or

residency liaison may allow the child to be enrolled. Tuition shall be paid by the child's parent(s)/guardian(s). (See [II]IV[C.]D.Tuition.)

- (1) One or more of the following [may] SHALL be considered [in accepting nonresident students with a] AS serious family hardships FOR PURPOSE OF ENROLLMENT UNDER THIS PROVISION:
 - (a) DEATH OF FATHER /MOTHER/ LEGAL GUARDIAN
 - (b) SERIOUS ILLNESS OF FATHER/ MOTHER/LEGAL GUARDIAN
 - (c) DRUG ADDICTION OF FATHER/ MOTHER/LEGAL GUARDIAN
 - (d) INCARCERATION OF FATHER/ MOTHER/LEGAL GUARDIAN
 - (e) ABANDONMENT BY FATHER/ MOTHER/LEGAL GUARDIAN
 - (f) ASSIGNMENT OF FATHER/ MOTHER/LEGAL GUARDIAN TO ACTIVE MILITARY DUTY
 - (g) CHILD ABUSE OR NEGLECT
 - (h) PHYSICAL OR MENTAL CONDITION OF FATHER/MOTHER/LEGAL GUARDIAN SUCH THAT HE/SHE/THEY CANNOT PROVIDE ADEQUATELY FOR THE CHILD'S CARE AND SUPERVISION
 - (i) FINANCIAL CIRCUMSTANCES OF FATHER/MOTHER/LEGAL GUARDIAN MAKING IT A HARDSHIP FOR HIM/ HER/THEM TO PROVIDE FOR THE CHILD'S CARE AND SUPERVISION

- (a) [Death, serious illness, drug addition, or incarceration of the child's parent(s) or guardian(s)]
 - (b) Abandonment of the child;
 - (c) Child abuse or neglect;
 - (d) Physical or mental condition of the child's parent(s) or guardian(s) such that they cannot provide adequately for the child's care and supervision of the child;
 - (e) Financial circumstances of the child's parent(s) or guardian(s) making it a hardship for them to provide for the child's care and supervision.]
- (2). The following are not to be considered serious family hardships:
- (a) Presence in Baltimore County primarily for improved quality of education;
 - (b) Presence in Baltimore County primarily because of adverse conditions in or dissatisfaction with the child's prior school system;
 - (c) Parent(s) or guardian(s) placing the child with the caretaker for child care purposes.

C. **PROCESS TO ENROLL AS A CHILD IN INFORMAL KINSHIP CARE OR AS A NONRESIDENT STUDENT FOR SERIOUS FAMILY HARDSHIP:** A CHILD MAY BE ENROLLED AS A NONRESIDENT STUDENT FOR THE CURRENT SCHOOL YEAR ONLY, UPON EXPRESS WRITTEN AUTHORIZATION OF THE SUPERINTENDENT AND/OR PUPIL PERSONNEL WORKER. ANY REQUEST FOR ENROLLMENT IN BALTIMORE COUNTY PUBLIC SCHOOLS FOR A CHILD WHO IS NOT DOMICILED WITH THE CHILD'S PARENT(S)/GUARDIAN(S) IN BALTIMORE COUNTY MUST BE REFERRED TO THE PUPIL PERSONNEL WORKER FOR INVESTIGATION AND PROCESSING.

A CHILD WILL NOT BE ENROLLED AS A NONRESIDENT STUDENT UNLESS AND UNTIL APPROVED BY THE PUPIL PERSONNEL WORKER THE AFFIDAVIT TO ENROLL A CHILD IN INFORMAL KINSHIP CARE OR APPLICATION TO ENROLL NONRESIDENT STUDENT **FOR SERIOUS FAMILY HARDSHIP** MUST BE COMPLETED AND SUBMITTED BY THE APPLICANT TO THE PUPIL PERSONNEL WORKER, ON BEHALF OF THE CHILD.

1. THE APPLICANT, ON BEHALF OF THE CHILD, MUST COMPLETE VERIFICATION OF BALTIMORE COUNTY DOMICILE AS OUTLINED IN SECTION II. IN CASES OF AGENCY PLACEMENT, THE FOSTER PARENT OR AUTHORIZED AGENCY REPRESENTATIVE OF A RESIDENTIAL FACILITY MUST COMPLETE VERIFICATION OF DOMICILE AS OUTLINED IN SECTION II **OF THIS RULE**.
2. FOR **APPLICATIONS BASED ON** NONRESIDENT SERIOUS FAMILY HARDSHIP, AFTER COLLECTING ALL DOCUMENTATION OF FAMILY HARDSHIP, THE PUPIL PERSONNEL WORKER WILL REFER THE CASE TO THE RESIDENCY LIAISON FOR REVIEW AND A DECISION. **IF THE APPLICATION IS DENIED** THE PARENT(S)/GUARDIAN(S) OR APPLICANT SHOULD BE ADVISED OF THE NECESSITY TO ENROLL THE CHILD IN THE SCHOOL SYSTEM SERVING THE AREA OF THE DOMICILE OF THE CHILD AND PARENT(S)/GUARDIAN(S).
3. **FOR APPLICATIONS BASED ON** INFORMAL KINSHIP CARE, AFTER RECEIVING **AN** AFFIDAVIT VERIFYING AN INFORMAL CARE RELATIONSHIP AND REQUIRED DOCUMENTATION IN ACCORDANCE WITH §7-101 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE PUPIL PERSONNEL WORKER WILL APPROVE ENROLLMENT OF THE CHILD AND WILL FORWARD THE AFFIDAVIT AND SUPPORTING DOCUMENTATION TO THE RESIDENCY LIAISON FOR FURTHER PROCESSING.
4. ENROLLMENT AS A NONRESIDENT STUDENT OR A CHILD IN INFORMAL KINSHIP CARE IS APPROVED FOR THE CURRENT SCHOOL YEAR ONLY. A NEW AFFIDAVIT **OR NEW** NONRESIDENCY APPLICATION WITH UPDATED SUPPORTING DOCUMENTATION MUST BE SUBMITTED TO

THE PUPIL PERSONNEL WORKER FOR CONSIDERATION OF ENROLLMENT IN THE SUBSEQUENT YEAR AT LEAST TWO WEEKS PRIOR TO THE BEGINNING OF THE SCHOOL YEAR FOR EACH YEAR.

[C.]D. Tuition

In accordance with **BOARD OF EDUCATION** Policy 3610 and **SUPERINTENDENT’S** Rule 3611, **“NON-INSTRUCTIONAL SERVICES; FEES, GIFTS AND PROPERTY DISPOSITION”** tuition for nonresident students shall be established annually by the Board of Education. Requests for waiver of tuition shall be granted if the child’s parent(s)/guardian(s) provides documentation that the child meets the criteria for a free lunch, reduced priced lunch, or medical assistance. A NONRESIDENT STUDENT WHOSE TUITION PAYMENTS ARE IN ARREARS WILL BE WITHDRAWN AT THE END OF THE SEMESTER. A NONRESIDENT STUDENT HAVING AN UNPAID TUITION BALANCE WILL NOT BE APPROVED FOR RE-ENROLLMENT AS A NONRESIDENT STUDENT IN SUBSEQUENT YEARS. **UNPAID TUITION BALANCES WILL BAR A STUDENT FROM ENROLLMENT.**

AN OUT-OF-STATE AGENCY THAT ARRANGES FOR A CHILD’S PLACEMENT FOR ADOPTION IN MARYLAND IS NOT RESPONSIBLE FOR PAYING THE EDUCATIONAL COSTS ASSOCIATED WITH THE CHILD.

[D. Review Process

The residency liaison shall review all applications for enrollment based on serious family hardship for determination of enrollment as a nonresident student. The parent(s)/guardian(s), applicant, and child should be advised of the necessity to enroll in the school system serving the area of their domicile.]

V. FRAUDULENT ENROLLMENT

IF IT IS DETERMINED THAT A STUDENT FRAUDULENTLY ENROLLS IN BALTIMORE COUNTY PUBLIC SCHOOLS, THE STUDENT WILL BE WITHDRAWN FROM THE SCHOOL WITHIN TEN (10) CALENDAR DAYS UPON WRITTEN NOTICE FROM THE PRINCIPAL. THE NOTICE PERIOD MAY BE EXTENDED FOR AN ADDITIONAL TEN (10) CALENDAR DAYS AT THE DISCRETION OF THE PRINCIPAL. THE

PARENT(S)/GUARDIAN(S) SHALL BE FINANCIALLY LIABLE FOR TUITION FOR THE ENTIRE TIME OF FRAUDULENT ENROLLMENT OR ATTENDANCE. (SEE IV.D. TUITION.) IN THE CASE OF A CHILD IN INFORMAL KINSHIP CARE, ANY PERSON WHO WILLFULLY MAKES A MATERIAL MISREPRESENTATION IN THE AFFIDAVIT SHALL BE SUBJECT TO A PENALTY PAYABLE TO THE BALTIMORE COUNTY PUBLIC SCHOOLS FOR THREE TIMES THE PRO RATED SHARE OF TUITION FOR THE TIME THE CHILD FRAUDULENTLY ATTENDS ANY BALTIMORE COUNTY PUBLIC SCHOOL.

[III.]VI. Appeal Process

If the child, parent(s)/guardian(s), APPLICANT, OR RELATIVE [continues to contend the child must attend Baltimore County Public Schools, then the case may be appealed in writing to the Coordinator of Pupil Personnel Services within ten (10) calendar days of the date of the residency liaison's decision letter. If the request is denied and the child must attend Baltimore County Public Schools, then the case may be appealed in writing to the Superintendent within fifteen (15) calendar days of the date of the Coordinator of Pupil Personnel Services' decision letter.] DISPUTES WHETHER THE CHILD MEETS BALTIMORE COUNTY PUBLIC SCHOOLS' ENROLLMENT REQUIREMENTS, THE PARENT(S)/GUARDIAN(S) MAY APPEAL THE DECISION NOT TO ENROLL OR THE DECISION TO WITHDRAW.

- A. TO INITIATE AN APPEAL, THE PARENT(S)/ GUARDIAN(S), APPLICANT, OR RELATIVE MUST FILE A WRITTEN NOTICE OF APPEAL TO THE COORDINATOR OF PUPIL PERSONNEL SERVICES WITHIN TEN (10) CALENDAR DAYS OF THE DATE OF THE WITHDRAWAL NOTICE OR WITHIN TEN (10) CALENDAR DAYS OF THE NOTICE OF DENIAL OF A REQUEST FOR ENROLLMENT.
- B. IF THE APPEAL IS DENIED, THE MATTER MAY BE FURTHER APPEALED BY FILING A WRITTEN NOTICE OF APPEAL TO THE SUPERINTENDENT WITHIN TEN (10) CALENDAR DAYS OF THE DATE OF THE DECISION OF THE COORDINATOR OF PUPIL PERSONNEL SERVICES.
- C. IF THE SUPERINTENDENT OR SUPERINTENDENT'S DESIGNEE DENIES THE APPEAL, A FURTHER APPEAL MAY BE TAKEN TO THE BOARD OF EDUCATION ("BOARD") IN ACCORDANCE WITH POLICY 8339, "APPEAL BEFORE A HEARING EXAMINER," BY FILING A WRITTEN NOTICE OF APPEAL WITH THE BOARD

WITHIN THIRTY (30) CALENDAR DAYS OF THE DATE OF THE DECISION OF THE SUPERINTENDENT/SUPERINTENDENT'S DESIGNEE.

- D. IF THE STUDENT IS ENROLLED IN AND CURRENTLY IS ATTENDING A PUBLIC SCHOOL IN BALTIMORE COUNTY AT THE TIME THAT THE PARENT(S)/GUARDIAN(S) FILES THE INITIAL APPEAL, THE STUDENT MAY REMAIN IN THAT SCHOOL UNTIL THE EARLIER OF: (A) A DECISION BY THE BOARD OF EDUCATION OF BALTIMORE COUNTY OR THE EXHAUSTION OF ALL APPEALS.

[IV.]VII. Accounting Procedure

Each school with one or more nonresident tuition paying students shall file, on forms provided by Baltimore County Public Schools, a CASH RECEIPT report **AND FUNDS COLLECTED** at the end of each month WHICH WILL BE SUBMITTED TO THE OFFICE OF ACCOUNTING indicating the COLLECTION OF tuition [status of] FOR each student. THIRTY (30) CALENDAR DAYS PRIOR TO THE END OF THE SEMESTER, THE PRINCIPAL WILL PROVIDE WRITTEN NOTICE TO A PARENT(S)/GUARDIAN(S) WHOSE TUITION PAYMENT IS IN ARREARS. IF TUITION IS NOT PAID WITHIN TEN (10) CALENDAR DAYS OF THE WRITTEN NOTICE, THE PRINCIPAL WILL IMMEDIATELY NOTIFY PARENT(S)/GUARDIAN(S) IN WRITING OF THE STUDENT'S WITHDRAWAL AT THE END OF THE SEMESTER.

[*** "Child" refers to an individual not currently enrolled in Baltimore County Public Schools.

*** "Student" refers to an individual currently enrolled in Baltimore County Public Schools.]

Legal References:

42 U.S.C. §11431, ET SEQ. (MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE IMPROVEMENT ACT)

§7–101 of the Education Article of the Annotated Code of Maryland
§4–12[1] 2 of the Education Article of the Annotated Code of Maryland

§5-201 OF THE EDUCATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND

RELATED POLICIES:

POLICY AND RULE 5140, “STUDENTS: ENROLLMENT AND ATTENDANCE”

POLICY 8339, “APPEAL BEFORE HEARING EXAMINER”

Policy 8340, “Appeal Before the Board of Education”

POLICY AND RULE 6130, “INSTRUCTION: MAGNET SCHOOLS AND PROGRAMS”

[Also see]Policy and Rule 3610, “Tuition Fees: NON-RESIDENTS.” [,] Series 3000, Non-Instructional Services.]

| Rule | Superintendent of Schools |
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