

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 6, 2011

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5150 – RESIDENTS AND NONRESIDENTS**

ORIGINATOR: Renee A. Foose, Deputy Superintendent

RESOURCE
PERSON(S): Michele O. Prumo, Chief of Staff
Dale R. Rauenzahn, Executive Director, Student Support Services
Sharon Ochs, Coordinator, Pupil Personnel Services

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 5150, *Residents and Nonresidents*. This is the third reading.

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Attachment I – Policy Analysis
Attachment II – Policy 5150

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5150
RESIDENTS AND NONRESIDENTS**

Statement of Issues or Questions Addressed

Board of Education Policy 5150 was last reviewed in 2000. Policy 5150 addresses the enrollment of resident and nonresident children. Staff is recommending that the policy be revised to: (1) include a philosophy statement; (2) delete language restating the law; (3) include an implementation section that directs the superintendent to establish procedures for the verifying domicile and assessing tuition under certain circumstances; (4) conform with the Policy Review Committee's editing conventions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 3610, *Tuition Fees*
2. Board of Education Policy 5100, *Compulsory Attendance*
3. Board of Education Policy 5110, *Admission*
4. Board of Education Policy 5140, *School Attendance Areas*
5. Board of Education Policy 6400, *Magnet Schools And Programs*

Legal Requirements

1. 42 U.S.C. §11431, *et seq.*, McKinney-Vento Homeless Education Assistance Improvement Act
2. *Annotated Code of Maryland*, Education Article §4-109, *Establishment of Public Schools*
3. *Annotated Code of Maryland*, Education Article §4-121, *Schools near Boundary of Two Counties*
4. *Annotated Code of Maryland*, Education Article §4-122, *Funding for Education of Children in Out-Of-County Living Arrangements*
5. *Annotated Code of Maryland*, Education Article §4-122.1, *Education of Child in Informal Kinship Care Relationship*
6. *Annotated Code of Maryland*, Education Article §4-205, *Powers and Duties of County Superintendent*
7. *Annotated Code of Maryland*, Education Article §7-101, *Admission of Students; Location; Kindergarten Programs*

Similar Policies Adopted by Other Local School Systems

1. Montgomery County Board of Education, Policy JED, *Residency, Tuition, and Enrollment*
2. Prince George's County Board of Education, Policy 5118, *Nonresident Students*

Draft of Proposed Policy

Attached.

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – October 25, 2011

Public comment – November 8, 2011

Third reading/vote – December 6, 2011

STUDENTS: Enrollment and Attendance

Residents and Nonresidents

I. POLICY STATEMENT

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO AN EFFICIENT, EFFECTIVE, AND CONSISTENT ENROLLMENT PROCESS FOR ALL ELIGIBLE SCHOOL-AGED CHILDREN.
- B. ALL QUALIFIED SCHOOL-AGED CHILDREN, WHO HAVE AN ESTABLISHED BONA FIDE DOMICILE IN BALTIMORE COUNTY ARE TO BE ADMITTED FREE OF CHARGE TO BALTIMORE COUNTY PUBLIC SCHOOLS.
- C. THE BOARD UNDERSTANDS THAT THERE ARE CIRCUMSTANCES THAT EXIST WHERE STUDENTS WHO ARE NOT DOMICILED IN BALTIMORE COUNTY WANT OR NEED TO ATTEND SCHOOLS IN BALTIMORE COUNTY; THEREFORE ISSUES OF RESIDENCY AND THE PROCESS FOR ASSESSING AND PAYING TUITION MUST BE CLEARLY ARTICULATED. A NONRESIDENT SCHOOL-AGED CHILD MAY NOT BE ENROLLED IN ANY BALTIMORE COUNTY PUBLIC SCHOOL WITHOUT THE AUTHORIZATION FROM THE SUPERINTENDENT OR HIS/HER DESIGNEE.

[1. Resident Student

In accordance with §7-101 of the Education Article of the Annotated Code of Maryland *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 school (See Policy 5140.) The burden of establishing or providing proof of the child's domicile with his or her parent(s) guardian(s) is the responsibility of the child, parent(s), and/or guardian(s).

2. Nonresident Student

A nonresident student is a child who is domiciled with his or her parent(s)/guardian(s) outside of Baltimore County. A nonresident student shall not be enrolled in any Baltimore County Public School without written authority from the Superintendent and/or the pupil personnel worker.

In accordance with Section 7-101(b)(2) of the Education Article, 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)] and in compliance with Superintendent's Rule 5150.]

II. IMPLEMENTATION

THE BOARD DIRECTS THE SUPERINTENDENT TO ESTABLISH PROCEDURES FOR VERIFYING BONA FIDE DOMICILE FOR ENROLLMENT PURPOSES AND ASSESSING TUITION UNDER CERTAIN CIRCUMSTANCES.

Legal References: *ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-109, ESTABLISHMENT OF PUBLIC SCHOOLS*
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-121, SCHOOLS NEAR BOUNDARY OF TWO COUNTIES
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-122, FUNDING FOR EDUCATION OF CHILDREN IN OUT-OF-COUNTY LIVING ARRANGEMENTS
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-122.1, EDUCATION OF CHILD IN INFORMAL KINSHIP CARE RELATIONSHIP
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-205, POWERS AND DUTIES OF COUNTY SUPERINTENDENT
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-101, ADMISSION OF STUDENTS; LOCATION; KINDERGARTEN PROGRAMS

[§7-101 of the Education Article of the Annotated Code of Maryland
§4-121 of the Education Article of the Annotated Code of Maryland
§4-122 of the Education Article of the Annotated Code of Maryland

*** “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.]

RELATED POLICIES: BOARD OF EDUCATION POLICY 3610, *TUITION FEES*
BOARD OF EDUCATION POLICY 5100, *COMPULSORY ATTENDANCE*
BOARD OF EDUCATION POLICY 5110, *ADMISSION*
BOARD OF EDUCATION POLICY 5140, *SCHOOL ATTENDANCE AREAS*
BOARD OF EDUCATION POLICY 6400, *MAGNET SCHOOLS AND PROGRAMS*

Policy		Board of Education of Baltimore County
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