Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

Administrative Procedures for Policy #3720 (Students)
Regarding the Enrollment of Residents and Non-Residents and Setting of Tuition Rates in Calvert County Public Schools
Enrollment of Residents and Non-Residents

I. Guidelines

A. All qualified school-aged individuals, whether U.S. citizens or non-citizens who have an established legal residence in Calvert County, are to be admitted free to the Calvert County Public Schools

B. In accordance with §§ 7-101 and 7-301 of the Education Article of the Annotated Code of Maryland, each child shall attend a public school in the county where the child is domiciled with the child's parent, legal guardian or relative providing informal kinship care. The law allows that upon request and in accordance with a county board's policies concerning residency, a county superintendent may allow a child to attend school in the county even if the child is not domiciled in that county with the child's parent or legal guardian. If a child fraudulently attends a public school in a county where the child is not domiciled with the child's parent or legal guardian, the child's parent or legal guardian shall be subject to a penalty payable to the county equal to the pro rata share of tuition for the period of time the child fraudulently attends a public school in the county.

C. The residency policy and procedures of Calvert County Public Schools will be strictly enforced.

II. Definitions

A. Domicile – Residence, dwelling, house.

B. Emancipated minor – A child who is freed from the custody of the parent and from the obligation to render services to the parent.

C. Fraudulent enrollment – Intentional misrepresentation of material fact regarding domicile or the failure to notify Calvert County Public Schools of a change in domicile.

D. Legal Guardian – a guardian of a child or student who is appointed by the court.

E. Homeless – Homeless students as defined by the McKinney-Vento Homeless Assistance Act of 2001:

1. Lack a fixed, regular, and adequate nighttime residence.

2. Share the housing of other persons due to loss of housing, economic hardship, or similar reason.

3. Live in motels, hotels, inadequate trailer parks or campgrounds due to lack of alternative accommodations.
4. Live in emergency or transitional shelters.
5. Are abandoned in hospitals.
6. Await foster care placement.
7. Have a primary nighttime residence that is a public or private place not designated for, or ordinarily used as a regular sleeping accommodation for human beings.
8. Live in cars, parks, public places, abandoned buildings, substandard housing, bus or train station or similar settings.
9. Are or have parents who are migratory agricultural workers including a migratory dairy worker or migratory fisher and who in the preceding thirty-six (36) months in order to obtain or accompany such parent in obtaining temporary or seasonal employment in agricultural or fishing work, have moved from one school district to another.

F. Informal kinship care – a living arrangement in which a relative provides for the care and custody of a child due to serious family hardship, when the child is not in the care, custody, or guardianship of the local department of social services as defined by § 7-101(c)(1)(ii) of the Education Article of the Annotated Code of Maryland.

G. Legal residence – 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 CCPS. Determination of a person's legal residence is a factual one and must be made on an individual basis.

H. Legal resident – an individual who primarily resides in a fixed, permanent, and principal home which is located in Calvert County.

I. Parent – throughout this policy and procedure, if the parents live apart, parent shall mean the parent to whom legal custody is awarded by the court; or if legal custody is not awarded, the parent with whom the child regularly lives.

J. 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.

III. Establishment of Residence

A. The school principal or designee is responsible for making the initial determination of the residency status of students seeking enrollment in a Calvert County public school.

B. Students living with parents/legal guardians, emancipated students, and students in informal kinship care situations must reside in Calvert County. Documentation must specify and verify the primary residence of parents/legal guardians. Owning property and residing elsewhere does not qualify one as a resident.

C. At the time of enrollment, the parent/legal guardian must produce at least one of the following documents to establish residence in Calvert County:

1. Home ownership papers (deed, mortgage coupon book with parent's/legal guardian's name and address). Settlement papers may be accepted with the approval of the Pupil Personnel Worker.
2. Incorporated lease (real estate lease).
3. Non-incorporated lease agreement (landlord provides a signed, notarized lease agreement verifying that the parent/guardian resides at that address).
4. The completion of a Multiple Family Disclosure Form in instances where the child and parent reside in the home of another family. These cases must be referred to the Pupil Personnel Worker for approval.
5. Only Pupil Personnel Workers may, after an investigation, accept other documents to prove residency. A letter of approval from the PPW will be placed in the student's record upon completion of the investigation.
6. A driver's license, banking account (checking account), utility bill or other bills are NOT sufficient documentation and will not be accepted as proof of residency.

D. In the absence of evidence to the contrary, a qualified student who is under 18 years of age shall be presumed to be the legal resident of both or one of the child's parents. Throughout this policy and procedure, if the parents live apart, "parent" shall mean the parent to whom legal custody is awarded by the court; or if legal custody is not awarded, the parent with whom the child regularly lives. Residency will be established accordingly.

E. In the absence of evidence to the contrary, a qualified student residing with a court-appointed guardian who has an established legal residence in Calvert County shall be presumed to be a resident student provided that the guardianship was obtained for reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.

F. Qualified Calvert County students who are homeless shall be enrolled in accordance with the McKinney-Vento Homeless Assistance Act of 2001 and must be referred to the McKinney-Vento liaison.

G. A qualified student placed in a group home or foster home in Calvert County.

1. Social service agencies of the State of Maryland, or any agency specified in § 4-122 of the Education Article of the Annotated Code of Maryland shall be presumed to be a resident student for whom the Calvert County Public Schools is eligible for reimbursement of actual educational expenses from another Local Educational Agency or the State of Maryland.
2. An out-of-state agency other than those specified in § 4-122 of the Education Article of the Annotated Code of Maryland, shall be presumed to be a non-resident student.

H. A qualified student who is a resident of Maryland residing in a valid informal kinship care arrangement pursuant to § 4-122 of the Education Article of the Annotated Code of

Maryland will be presumed to be a resident student for whom the Calvert County Public Schools is eligible for reimbursement of actual educational expenses by another Local Education Agency or the State of Maryland.

I. In the following cases, the Student Services Department will make individual determinations of residency which will be reevaluated at least annually:

1. When there is evidence rebutting the presumption of legal residency or non-residency as set forth in these procedures.
2. When there is a qualified student who is 18 years of age or older and essentially self-supporting who may or may not have established a legal residence in Calvert County. Determinations in these cases will be made without regard to the residency of the parents.
3. When there is a qualified student under the age of 18 who is living in Calvert County with friends or relatives who are not parents or court appointed guardians.

J. In addition to individual verification, CCPS reserves the right to initiate specific grade level or school-wide residency verification activities. The burden of producing evidence establishing residence is on the student or the individual acting on behalf of the student.

K. In the absence of evidence to the contrary, a qualified student who is a resident of another educational jurisdiction, but who elects to seek enrollment in a Calvert County public school shall be presumed to be a non-resident.

L. If the domicile of the student and /or parent(s)/legal guardian(s) changes at any time, the parent(s)/legal guardian(s) is responsible for notifying the student's school immediately. Continued enrollment in CCPS is subject to the provisions of this policy and procedure.

IV. Process for the Enrollment of Non-Resident Students

A. As soon as a school determines that an applicant is or may be a non-resident, the school will notify the Pupil Personnel Worker. The Pupil Personnel Worker will complete an investigation to determine whether the student is eligible for enrollment in CCPS.

B. Application for enrollment of a non-resident student in CCPS must be made directly to the Department of Student Services.

1. Regardless of willingness to pay tuition, non-resident students may be denied admission to CCPS.
2. Parents/legal guardians of a non-resident student applicant may request a specific school; however, CCPS reserves the right to determine the school of enrollment. In the case of children of CCPS employees, the child will be placed in the school, which is geographically closest to the employee's work location, a school the student previously attended, or a school along the employee's route to work, assuming that the school is not closed to out-of-district transfers due to over enrollment.

C. A school may not enroll a student until it receives written notification from the Department of Student Services.

D. The process for enrollment of children of non-resident employees is the same process as for all non-residents as described in this procedure.

V. Re-enrollment of Non-resident Students

A. Enrollment of non-resident students is for one year only. Applications for re-enrollment must be made annually.

B. Requests for re-enrollment as a tuition paying student for the following school year must be submitted in writing to the Department of Student Services by March 1.

VI. Affidavit

A. Parents or legal guardians are responsible for signing an affidavit as to their legal residence or non-residence in Calvert County as a prerequisite to a student's initial enrollment in CCPS. Additionally, there is an acknowledgement that tuition will be paid for any period(s) of non-residency, even if the period(s) of non-residency should occur or be identified after the date of the initial enrollment.

VII. Payment of Tuition

A. The tuition rate is set annually by the Board of Education in accordance with CCPS Procedure #3720.2.

B. All qualified school-aged individuals, whether U.S. citizens or non-citizens, who do not have an established legal residence in Calvert County, will be considered non-resident students and will be subject to paying tuition unless an exception is made in this procedure.

C. In accordance with the negotiated agreements, children of non-resident CCPS employees who have been accepted for admission to a Calvert County school will be charged tuition at 35% of the applicable Board approved tuition rate set by CCPS Procedure #3720.2.

1. If the employee is domiciled outside of the state of Maryland, tuition fees shall also include the state per pupil cost for the school year in accordance with CCPS Procedure #3720.2.

2. If the employee terminates employment during the school year, the student may complete that school year under the reduced tuition rate.

D. Waivers of tuition may be granted by the Director of Student Services. Situations where the Director of Student Services may waive tuition include, but are not limited to:

1. Children of families who are establishing residence in Calvert County within 30 days of admission into school.

2. Children of families who have a home under construction and will be moving into that home by September 30.

3. Documented extenuating circumstances.

4. A non-resident student who has been approved by the CCPS Supervisor responsible for the Foreign Exchange Program, in discussion with the Director of Student Services, as a Foreign Exchange student in accordance with CCPS Policy and Procedure #3160 – Registration, Withdrawal and Transfer of Foreign Exchange Students.

E. § 4-122.1 of the Education Article of the Annotated Code of Maryland provides that children who are placed by a state agency, licensed child placement agency or by the courts in living arrangements within counties other than where their parents reside, shall be enrolled in the receiving county without paying tuition. The law permits local education agencies to be reimbursed by the school system in which the student's parent(s) reside and provides a state mechanism for transfer of funds. The law applies only to Maryland residents who are placed by approved agencies and does not include children living with a relative, stepparent, or a person exercising temporary care, custody or control over a child at the request of a parent/legal guardian of the child.

F. When a non-resident is accepted for enrolled in CCPS, the parents/legal guardians will sign a contract. At the time of signing, one-half of the tuition is expected with the remaining amount due prior to January 15 of that school year.

1. Tuition will be charged and paid except for when the implementing regulation provides for either a grace period or permits a deposit to be made during the pendency of an appeal of a determination of non-residency.

G. It is the responsibility of the parent/legal guardian of the tuition paying student to contact the Department of Student Services after August 1 of each year to complete the tuition contract.

VIII. Fraudulent Enrollment or Failure to Pay Tuition

A. Failure to make timely payment of tuition will result in the denial of admission to CCPS, or, if already attending, termination of enrollment and initiation of legal proceedings for prosecution for felony theft.

B. Commuting from another county/state to Calvert County for the purpose of attending school is not permissible. Parents/legal guardians are subject to payment of tuition from the date of enrollment, and/or prosecution for felony theft, and/or immediate withdrawal of the student from CCPS.

C. Misrepresentation of a student's legal residence is not permissible and is subject to payment of tuition from the date of enrollment, and/or prosecution for felony theft, and/or immediate withdrawal from CCPS.

D. Failure to notify CCPS of a change in residency will result in the parent/legal guardians being charged tuition from the date of the change in residency, and/or prosecution for felony theft, and/or immediate withdrawal of the student from CCPS.

IX. Athletic Eligibility

A. Approval for enrollment in CCPS, approval to attend a particular school, or payment or waiver of tuition does not, by itself, establish eligibility to participate in interscholastic

athletics. Athletic eligibility shall be determined separately under applicable Maryland regulations, MPSSAA rules, Southern Maryland Athletic Conference rules, and the CCPS Athletics Handbook.

X. Appeals

A. If the Director of Student Services or his/her designee determines that the child is not a legal resident of Calvert County or denies the tuition-free enrollment of a child, the decision may be appealed to the Superintendent in writing within 10 days of receipt of the written decision of the Director of Student Services or his/her designee. The decision of the Superintendent or his/her designee may be appealed to the Board of Education of Calvert County in writing within 10 days of receipt of the written decision of the Superintendent or his/her designee. The Board of Education's decision may be appealed in writing to the Maryland State Board of Education within 30 days in accordance with § 4-205(c)(3) of the Education Article of the Annotated Code of Maryland.

XI. Expulsion from Another School System

A. Any student expelled from another school system, either in or out of the State of Maryland, may be denied attendance in Calvert County Public Schools unless such a denial would be in violation of federal or state law.