

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-07
Subject: ENROLLMENT RESIDENCY REQUIREMENTS	Issued: 10/1/82
Preparing Office: Office of the Superintendent	Amended: 12/30/16

I. Policy 430

II. Procedures

Students age 5 through 21 who have not already earned a high school diploma, satisfied graduation requirements for a diploma, or completed high school educational requirements in a foreign country, are eligible to attend Frederick County Public Schools (FCPS) if the student meets residency requirements in Frederick County.¹

A. Residency Requirements

1. Students who are in residence with a parent, legal guardian, or kinship care:
 - a. Kinship care is defined as a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.
(See FCPS Reg. 400-81 *Kinship Care*)
 - b. Residence is defined as a person's true, fixed and principal place of living; a fixed and regular nighttime residence maintained in good faith within the boundaries of Frederick County. School staff reserves the right to investigate and verify legal residency.
 - c. Legal guardian is defined as one who is appointed by the court.
2. Students who are not considered bona fide residents:
 - a. Are residents of another state/county and who attended public school in Maryland under a cooperative agreement with the local education agency.
 - b. Are residents of another state/county and who are placed in a foster care home or residential facility in Maryland by an out-of-state agency, which is financially responsible for the student's education.
 - c. Do not have a parent or legal guardian residing in Maryland who is temporarily living in Maryland for the primary purpose of attending public schools. This determination should be made on an individual basis by the director of student services. These students will be subject to tuition.
3. Students who may be considered bona fide residents:
 - a. Have been determined to be bona fide residents of Maryland in accordance with local education agency policies and procedures. This includes students who do not have a

¹ COMAR 13A.02.06.02.B(4) "Age 21" means that the student has not received a high school diploma and is not 21 years old on the first day of the school year.

parent or legal guardian residing in Maryland but who have been determined to be living in Maryland for reasons other than the primary purpose of attending public schools in Maryland.

b. Homeless students, as defined by 42 U.S.C. Section 11302, are students who:

(1) Lack a fixed, regular and adequate nighttime residence; or

(2) Have a primary nighttime residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill);
- An institution that provides temporary residence for individuals intended to be institutionalized; or
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Students described in paragraph 3.b.(2) above should be included in regular student enrollment reports.

NOTE: Refer to FCPS Reg. 400-55 for additional information regarding enrollment of homeless students.

c. Students who do not have a parent or legal guardian residing in Maryland but who have been determined to be living in Frederick County for reasons other than the primary purpose of attending Frederick County Public Schools. These students may be granted a waiver of tuition due to hardship as determined by the Director of Student Services.

d. Students from another country who are attending school in Frederick County under a Maryland State Department of Education approved program, which provides for waiver of tuition.

4. Proof of Residency

All students are required to provide to the local school a copy of a document providing proof of bona fide residency. Proof of bona fide residence will be required each time a student enrolls in a Frederick County Public School, re-enrolls in a Frederick County Public School, transfers from one Frederick County Public School to another, or upon the request of the local school. All proof of residence documents must be kept for a period of three years. The current proof of residency must be retained in the student file.

Documents used to provide proof of bona fide residency include, but are not limited to:

- a. A current property tax bill.
- b. A current rental bill.
- c. A current utility bill.
- d. In instances where the owner/leaser of the home in which the child lives is not the parent/guardian of the child, the owner/leaser of the home will provide a signed, notarized affidavit verifying that the child and the parent/guardian reside at that address. The owner/leaser of the home will also provide a copy of a current property tax bill, rental bill or utility bill to provide proof of their residency.

B. Enrollment/Withdrawal Procedures and Student Accounting

School staff will follow processes for student enrollment and withdrawal as outlined in the Student Information System (SIS) documentation and the Maryland Student Records System Manual.

C. Enrollment Form

The Frederick County Public Schools Enrollment Form is located on the Web site at:
<http://www.fcps.org/student-services/forms>

D. Student New to a School – Residency Disputes

1. In-County

- a. If the student's address is out-of-district, the principal shall refer the student to the pupil personnel worker for disposition.
- b. If the student is not living with a parent or legal guardian, the principal shall refer the student to the pupil personnel worker for disposition.

2. Out-of-County

- a. The principal shall refer all non-resident students to the Department of Student Services.
- b. The student should not be enrolled until the director of Student Services has approved the enrollment.

Approved:

original signed by

Theresa R. Alban
Superintendent