
I. Purpose

- A. To set forth the procedures verifying bona fide domicile for enrollment purposes and assessing tuition under certain circumstances.
- B. In accordance with Board Policy JFA, a child who is domiciled in Allegany County with a parent as outlined below shall be admitted to Allegany County Public Schools ("ACPS") without the payment of tuition and shall attend the assigned home school unless attendance in another school is authorized in accordance with school system policy, this rule and/or school system procedures.
- C. A child will not be enrolled in ACPS unless and until all documentation is complete, except as required by law.

II. Definitions

- A. *Bona Fide Domicile* – The place in which an individual has a settled connection for legal purposes and the place where a person has a true, fixed permanent home, habitation and principal establishment, without any present intention of leaving. It does not include a temporary residence established for the purpose of free school attendance in the public schools.
- B. *Business Day* – Any day that the central offices of the school system are open for business or as provided on the official school system calendar.
- C. *Child* – Any child who meets all state requirements for enrollment and who is not currently enrolled in an Allegany County public school.
- D. *Child of a Military Family* – A school-age child, enrolled in kindergarten through Grade 12, in the household of an active-duty member. Active duty means full-time duty status in the active uniformed service of the United States, including members of the National Guard and reserve on active-duty orders.
- E. *File an Appeal* – To submit a request for review of a decision made by a school official. A request for a review will be deemed timely if submitted before the established deadline, and the request has been:
 - 1. Delivered to the appropriate school system office; or
 - 2. Deposited in the United States mail, as registered, certified, or express mail, or deposited with a delivery service such as Federal Express, UPS, or DHL, that provides verifiable tracking of the item from the point of origin.
- F. *Foster Home* – A family home in which the child is placed by a licensed public or private agency or by a court of competent jurisdiction.
- G. *Fraudulent Enrollment* – Refers to the intentional misrepresentation of documentation or material fact regarding domicile, providing false information on documentation or applications and/or the failure to notify ACPS of a change in domicile or change in hardship conditions for which enrollment was approved. Any change in hardship conditions or domicile must be provided to the school principal within fifteen (15) business days of occurrence.
- H. *Homeless Students* – Students who lack a fixed, regular, and adequate nighttime residence.
- I. *Informal Kinship Care* – A living arrangement in which a relative of 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.
- J. *Nonresident Student* – Any qualified school-age child whose parent does not have an established bona fide domicile in Allegany County.

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- K. *Overcrowded* – When a school’s enrollment status meets one or more of the following conditions:
 - 1. Current of projected student enrollment is equivalent to or exceeds state-approved building capacity;
 - 2. Average class size is equivalent to or exceeds Board-approved staffing guidelines; or
 - 3. Enrollment is equivalent to or exceeds staffing allocation schoolwide or within specific programs, grade levels or courses.
 - L. *Parent* – The biological or adoptive parent, legal guardian or person acting in the absence of the parent or guardian.
 - M. *Relative* – An adult related to the child by blood or marriage within the fifth degree of consanguinity.
 - N. *Residential Dwelling Unit* – One or more rooms in a residential building or structure, such as a house, apartment, condominium or trailer that is used for living purposes.
 - O. *School of Origin* – The school that the homeless student attended when permanently housed or the school in which the homeless student was last enrolled.
 - P. *Sibling* – A brother, sister, half-brother, half-sister, stepbrother, stepsister or foster child who is domiciled in Allegany County in the same residence as the student who is enrolled in the requested school.
 - Q. *Student* – A school-age child whose parent meets specified conditions for establishing domicile in Allegany County and who is currently enrolled in a Allegany County public school.
 - R. *Terminal Grade* – Grades 5, 8, and 12.
 - S. *Unaccompanied Homeless Youth* – A homeless child or youth not in the physical custody of a parent.

III. Resident

- A. A school-age child meeting any one of the following conditions will be considered a resident student and will be admitted to ACPs, without payment of tuition, except as noted elsewhere in this rule.
 - 1. A school-age child whose parent(s) has/have established a bona fide domicile in Allegany County.
 - 2. A school-age child whose parents live apart and one or more of the following circumstances exist.
 - a) The parent to whom legal custody is awarded by the court has established a bona fide domicile in Allegany County.
 - b) The parent with whom the child lives regularly has established a bona fide domicile in Allegany County, and joint custody is awarded by the court, or a determination of legal custody has not been made.
 - c) A school-age adult who has established an independent bona fide domicile in Allegany County.
 - d) A school-age child with a court-appointed guardian who has established a bona fide domicile in Allegany County.
 - e) A school-age child whose parent has established a bona fide domicile in Allegany County and who has been placed in a foster or group home in Allegany County by a licensed private, county or state child placement agency. Domicile for purposes of admission and assignment is the address of the foster or group home.
 - f) A homeless student
- B. Verification of Parent Identity
 - 1. Proof that a child is domiciled in Allegany County with the child’s parent is required. The burden of establishing a bona fide domicile is with the parent(s).
 - a) Proof of Parent Identity

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- i. A government-issued driver's license, a motor vehicle administration identification card, a passport, a work identification card, or other form of photographic identification deemed acceptable by the Pupil Personnel Worker, or residency investigator may be used to establish identity.
 - ii. A valid photo identification may be used to verify domicile when the address on the photo identification matches the address under which the student is seeking enrollment. The identification cannot be used as both photo identification and Verification of Domicile.
 - C. Verification of Domicile
 - 1. The following documents are required to verify domicile in Allegany County:
 - a) Proof of domicile for homeowner. Acceptable documents are:
 - i. Deed or deed of trust;
 - ii. Title;
 - iii. Mortgage statement or coupon book;
 - iv. Real estate tax bill or receipt; or
 - v. Maryland SDAT Real Property tax records.
 - vi. If a home has just been purchased and no deed is available, proof of purchase may be submitted. Within 30 days of enrollment, the parent must submit a deed or a deed of trust.
 - b) Proof of domicile for renter. Acceptable documents are:
 - i. A copy of an active lease or rental agreement from a real estate management company or commercial lessor for a residential dwelling located in Allegany County, along with all required signatures. Original expired lease must be accompanied by a statement of renewal from the landlord;
 - ii. An original lease containing an automatic renewal clause that renders a previously signed lease still active. Original lease may be statement of renewal from the landlord; or
 - iii. Lease or rental agreement from a private party owner. The private party owner must establish ownership as outlined in paragraph III(C)(1)(a) above.
 - iv. Sublease, accompanied by the original lease and subject to the conditions above.
 - c) Three different documents from the following list must be submitted to verify the parent's identity and domicile. The submitted documents must contain the enrolling parent's name, address, and be dated within 60 calendar days of the date the documents are submitted for enrollment purposes. Up to two online statements may be accepted when printed in pdf format. Each document presented must come from a separate source.
 - i. Federal or state income tax return for the tax year immediately preceding enrollment.
 - ii. W-2 form for the current year.
 - iii. A statement written on company letterhead from the parent's employer, which verifies the parent's current, address
 - iv. Correspondence addressed to the parent(s) from an office of a federal, state or local county governmental agency.
 - v. Charge account/credit card billing statement.
 - vi. Bank account statement.
 - vii. Gas and electric bill.
 - viii. Cable bill.
 - ix. Voter's registration card.
 - x. Motor vehicle administration vehicle registration.

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- xii. Driver's license, Maryland identification card, or age of majority card issued by the Maryland Motor vehicle Administration.
 - xiii. Change of address notification from the United State Postal Service.
 - xiv. Court documents.
 - xv. Government-issued license and/or professional certificate.
 - xvi. Mail from a business or agency.
 - xvii. Medical bill.
 - xviii. Paycheck/paystub stating name and address.
 - 2. All documents used to verify domicile under this subparagraph must reflect the same address in Allegany County.
 - 3. A confirming home visit by the PPW may be substituted for one of the residency documents listed.
 - 4. P.O. boxes may not be used to verify domicile.
- D. Shared Domicile
- 1. The following procedures shall be followed when a child is domiciled with a parent in a residential dwelling located in Allegany County with another person or persons.
 - 2. The parent shall verify the school attendance area for the address of the shared domicile residence.
 - 3. The parent must complete the Office of Student Services *Shared Domicile Disclosure Form* (File: JFA-E).
 - a) The form must be signed and notarized by the owner or leaseholder of the shared property.
 - b) The form must be signed and notarized by the parent of the student.
 - c) The form must be notarized at the Central Office during normal business hours.
 - 4. The owner or leaseholder of the shared property must provide proof of ownership or leaseholder interest as outlined in paragraph III(C)(1) above.
 - a) The PPW shall require the owner or leaseholder of the shared property, whose name and signature appear on the shared domicile application, to be present for the review of the application and documentation.
 - b) Failure of the owner/leaseholder to be present at the application review, as directed, shall result in denial of the shared domicile application or withdrawal of the student from school.
 - 5. The parent must provide proof of identity as outlined in paragraph III(B) above.
 - 6. The parent must provide three documents to verify name and address at the shared domicile residence as outlined in paragraph III(C)(1)(c) above.
 - 7. The PPW will review all documentation submitted, verify the documentation complies with the requirements outlined in this rule, and approve or deny enrollment.
 - 8. Enrollment in a shared domicile arrangement will be approved for one school year only.
 - a) Each school will provide the parent(s) of a child enrolled at the school under a shared domicile living arrangement notice of the annual renewal requirement, along with a copy of the *Shared Domicile Disclosure Form*.
 - b) To be considered for enrollment in any subsequent school year, the parent must submit the following to the student's home school **no later than August 15:**
 - i. A completed *Shared Domicile Disclosure Form*; and
 - ii. Three different documents to verify name and address at the shared domicile residence as outlined in Paragraph III(C)(1)(c) above. When mail, an invoice or a statement is used, the document must be dated within 60 calendar days of the date submitted.
 - iii. Proof of identity as outlined in paragraph III(B) above.

- iv. If the *Shared Domicile Form* is not received by the school by the August 15 deadline, the student will be withdrawn, and the parent will be required to complete the application process as outlined in Paragraph III (E) above before the student may be enrolled in the school. Failure to verify domicile in the school attendance area prior to the start of the school year shall result in the student's withdrawal from school.
- 9. Notice of Shared Domicile Decision
 - a) If enrollment is approved, the PPW will provide a copy of the *Shared Domicile Disclosure Form*, marked approved, to the parent. The parent will take the approved form and all required documents to the child's school to complete enrollment.
 - b) If enrollment is denied, the PPW will provide a copy of the *Shared Domicile Disclosure Form*, marked denied and advise the parent of the reason(s) for the denial.

IV. Nonresident Students

- A. Nonresident students may be admitted to ACPS under the following circumstances:
 - 1. Enrollment of a nonresident child will be made only upon the written authorization from the Superintendent. Principals and pupil personnel workers are not authorized to enroll a nonresident student without such authorization.
 - 2. Enrollment of a nonresident child will be approved for one school year only. Enrollment in any subsequent school year will only be approved by the Superintendent or Student Services upon submission of appropriate documentation.
 - 3. Nonresident students approved to attend school in Allegany County under this section shall be liable for the payment of tuition in accordance with Section VII of this policy.
- B. Out-of-County Foster Placement
 - 1. A nonresident child who is placed in a foster home or group home in Allegany County by a licensed private, county or state child placement agency may be admitted to ACPS as provided below.
 - a) The costs associated with the child's education will be assessed against the Maryland school system determined to be financially responsible.
 - b) Out-of-state agencies that place a child in a foster care home or residential facility in Allegany County shall be liable for the costs of the child's education, including transportation.
 - c) A nonresident child who is placed for adoption in Allegany County by an agency with the requisite court order or documentation deemed acceptable by ACPS may be admitted to ACPS without payment of tuition.
 - 2. Student Services will be responsible for authorizing enrollment under this subparagraph.
 - 3. The following documentation will be required in order to establish residency in Allegany County.
 - a) A court order or a letter from the placing agency that verifies the current address of the student.
 - b) One document from the following list:
 - i. Deed establishing ownership;
 - ii. Lease or rental agreement from a real estate management company, commercial lessor, or a private party owner;
 - iii. Rent receipts;
 - iv. Real estate tax bill or receipt; or
 - v. Other residency documentation as outlined in paragraph III(C)(1)(c).
 - c) Proof of identity for the person completing enrollment as outlined in paragraph III(B) above.
 - 4. When enrollment has been approved, the child may be enrolled by one of the following:
 - a) Parent;
 - b) Placement agency caseworker;

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- c) Foster parent;
 - d) Formal kinship care provider;
 - e) Parent surrogate;
 - f) Educational guardian;
 - g) Residential child care program representative;
 - h) The student, if the student is age 18 or older;
 - i) Court-appointed special advocate; or
 - j) Court-appointed attorney.
5. Enrollment of a child under this subparagraph will be approved for one school year only. Enrollment in any subsequent school year will be reviewed by Student Services to determine whether the student is eligible to remain in the school of origin under fostering connections, as outlined in federal law.
- C. Exchange Students
An international child holding a J-1 visa who comes for one year of study through a school exchange program approved by ACPS and who resides with a host family with an established bona fide domicile in Allegany County may be admitted without the payment of tuition.
- D. Relocation
1. A nonresident child whose parent(s) are in the process of establishing a bona fide domicile in Allegany County prior to November 1 of the current school year and who have entered into a contract to build, buy or lease a home may be admitted to ACPS.
 - a) The parent shall provide evidence of the relocation by presenting proof of purchase or an original, current lease or rental agreement from a real estate management company or commercial lessor for a residential dwelling located in Allegany County, along with all required signatures, and proof of payment or documentation approved by Student Services. Student Services may contact persons of interest for verification.
 - b) Upon approval of Student Services, the child will be admitted to ACPS at the beginning of the school year without the payment of tuition. The parent will be responsible for providing transportation.
 - c) If the child is not in their projected home by November 1 of the current school year:
 - i. Tuition shall be charged from the beginning of the school year until the end of the first marking period.
 - ii. The student will be withdrawn at the end of the first marking period of the school year.
 2. Students who become nonresidents due to a change in domicile by the parent(s) with whom the student resides moving out of Allegany County during the school year may complete the current marking period in their current school. If a student has completed Grade 11 in an Allegany County public school high school, that student may apply to Student Services to complete Grade 12 in their current Allegany County public school by making a request in writing. Approval of the request will be subject to the following:
 - a) Tuition will be assessed and shall be paid in full within 30 calendar days.
 - b) The parent will be responsible for providing transportation.
 - c) Approval for non-resident Enrollment – “Relocation,” as defined in paragraph IV.D above, may be denied if the student has:
 - i. Not maintained satisfactory behavior and failed to follow the Student Code of Conduct;
 - ii. Not maintained an attendance rate of 94% or more;
 - iii. Not maintained a tardiness rate of no more than 6%;
 - iv. Had more than three (3) suspensions, whether in-school suspensions or out of school suspensions; or
 - v. Had a report card that does not meet the following grading criteria:

- (a) High School Student – Maintain a 2.0 GPA with no more than one failing grade;
- (b) Middle School Student – Maintain a “C” average with no more than one failing grade; or
- (c) Elementary School Student (Grades 3-5) – Maintain a “C” average with no more than one failing grade.

E. Informal Care

1. Informal Kinship Care

- a) A nonresident child whose parent(s) are residents of the state of Maryland and who is living with a relative due to a serious family hardship as provided by state law may be enrolled.
- b) The educational costs associated with the student’s education will be assessed against the Maryland school system determined to be financially responsible.
- c) The criteria for a serious family hardship under this provision are:
 - i. Death of a father/mother/legal guardian of a child;
 - ii. Serious illness of a father/mother/legal guardian of a child;
 - iii. Drug addiction of a father/mother/legal guardian of a child;
 - iv. Incarceration of a father/mother/legal guardian of a child;
 - v. Abandonment by a father/mother/legal guardian of the child;
 - vi. Assignment of a father/mother/legal guardian of a child to active military duty.
- d) Enrollment under this subparagraph shall be referred to and approved by Student Services.
- e) The caregiver will be required to complete the *Affidavit of Informal Kinship Care*. Within 90 days after enrollment under this subparagraph Student Services shall require the caregiver to provide supporting documentation of one or more serious family hardships. Failure to provide supporting documentation shall result in the withdrawal of the student.
- f) To be considered for enrollment under the kinship provision in subsequent school years, the caregiver must submit a new application to Student Services at least two weeks prior to the beginning of each school year.

2. Informal Hardship Care

- a) A nonresident child who is living with a caregiver because of a serious family hardship and whose status does not meet the conditions of informal kinship may be enrolled with the payment of tuition. The criteria for serious family hardship under this subparagraph include:
 - i. Death of father/mother/legal guardian;
 - ii. Serious illness of father/mother/legal guardian;
 - iii. Drug addiction of father/mother/legal guardian;
 - iv. Incarceration of father/mother/legal guardian;
 - v. Abandonment by father/mother/legal guardian;
 - vi. Assignment of father/mother/legal guardian to active military duty;
 - vii. Child abuse or neglect;
 - viii. Physical or mental condition of father/mother/legal guardian such that he/she cannot provide adequately for the child’s care and supervision;
 - ix. Financial circumstances of father/mother/legal guardian making it a hardship for him/her to provide for the child’s care and supervision; or
 - x. Medical or other conditions necessitate that a child live in a home within Allegany County.
- b) Enrollments under this subparagraph shall be referred to and approved by Student Services.

- c) The caregiver will be required to complete an application. Within 90 days after enrollment under this subparagraph Student Services shall require the caregiver to provide supporting documentation of one or more serious family hardships. Failure to provide supporting documentation shall result in the withdrawal of the student.
- d) Tuition may be waived for financial reasons, as evidenced by acceptable documentation of financial hardship, which may include:
 - i. Participation in, or eligibility for, a free or reduced lunch program;
 - ii. Medical assistance;
 - iii. Involvement in any public or private program that provides financial assistance;
 - iv. Tax return incoming information showing financial hardship;
 - v. Legal documentation showing financial hardship;
 - vi. Documentation of income below the poverty line; or
 - vii. Other documentation accepted by the PPW.
- 3. The caregiver must provide evidence of a bona fide domicile in Allegany County as outlined in Paragraph IV(B)(3)(b).
- 4. The caregiver must notify the PPW, in writing, within fifteen (15) business days, if any change occurs in the care of the student or in the serious family hardship of the student's parent.
- 5. A student enrolled under this provision will be enrolled for one school year only. To be considered for enrollment in subsequent school years, the caregiver must submit a new application to Student Services at least two weeks prior to the beginning of each school year.
- 6. The Office of Student Services may verify the facts given by the caregiver. If fraud or misrepresentation is discovered during a review, the student shall be withdrawn from ACPS.
- 7. Any person who makes a material misrepresentation in the caregiver agreement shall be subject to a penalty payable to ACPS for the pro rata share of tuition for the time the student was fraudulently enrolled in an Allegany County public school.
- 8. The following will not be considered a hardship for the purpose of enrollment in ACPS:
 - a) Presence in Allegany County primarily for improved quality of education;
 - b) Presence in Allegany County primarily because of adverse conditions in or dissatisfaction with the child's prior school system; or
 - c) Placement of the child with the caretaker for childcare purposes.

V. Fraudulent Enrollment

- A. A parent shall notify their child's school of any change in domicile or hardship condition as soon as the change occurs. Failure to notify the school within fifteen (15) business days of occurrence may result in the student withdrawal from school.
- B. Residency and custody matters will be referred to the Office of Student Services for investigation. All reports and tips will be investigated, including anonymous tips.
- C. When the school system received evidence of fraudulent enrollment at a particular address, the residency documentation for that address may not be considered sufficient for establishing or maintaining that address as the student or parent's bona fide residence. Student Services may conclude through a review of additional evidence the student is fraudulently enrolled.
- D. If a student is found to be fraudulently enrolled in an Allegany County Public School, the school will issue a letter notifying the parent that the student will be withdrawn in fifteen (15) business days; the letter will advise the parent of their right to appeal the finding. The student will be ineligible for extra-curricular activities as of the date of the letter.
- E. The parent shall be financially liable for tuition for the entire time of fraudulent or ineligible enrollment or attendance, no tuition waiver shall be granted.

VI. Nonresident Students who may be Denied Admission

- A. A child who is currently expelled or suspended from another school system may be denied enrollment in accordance with the *Annotated Code of Maryland*, §7-305(e)(5) or assigned to alternative programs.
- B. A student whose enrollment has been determined to be fraudulent may not be enrolled in an Allegany County school in subsequent years claiming that same address as a bona fide residence unless a significant change in living arrangements can be documented. All school-age children residing in the domicile who are in the care and custody of the parent will also be denied enrollment.
- C. A student whose enrollment has been determined to be fraudulent may not apply for continued enrollment in the current Allegany County School under special permission or non-resident approval by Superintendent.
- D. A student for who insufficient or questionable documentation of residency has been provided may be denied enrollment. The matter should be referred to the Student Services for further investigation.

VII. Nonresident Tuition and Collection of Educational Costs

- A. The Department of Finance will implement procedures for invoicing and collecting tuition payments and educational costs associated with this rule.
- B. Tuition rates will be calculated on the basis of the proportionate share of county costs of educating a student for the prior fiscal year, adjusted for student-specific program requirements.
- C. Tuition is due in full each year prior to or at the time of enrollment.
- D. Educational Costs by Sending Agencies
 1. Funding for the education of students in out-of-county living arrangements will be assessed against the local education agency for the county where the parent or legal guardian of a child resides in accordance with §4-122 of the Education Article.
 2. Funding for the education of a student in an informal kinship care relationship will be assessed against the local education agency for the county where the parent or legal guardian of a child resides in accordance with §4-122.1 of the Education Article.
 3. An out-of-state agency that places a child in a foster care home or residential facility in Maryland shall be liable for the costs of the student's education, including transportation in accordance with §4- 122 of the Education Article.
 4. An out-of-state agency that places a child for adoption in Maryland is not responsible for paying the educational costs associated with the student's education.

VIII. Appeal Process

- A. Appeal to the Director, Department of Student Services
 1. A decision to deny the enrollment of a child or the decision of the principal to withdraw a student under this rule may be appealed to the Director, Department of Student Services (hereinafter, Director), or the Director, Department of Student Services' designee.
 2. The appeal must be filed with the Director **within ten (10) business days** of the date of the notice of enrollment denial or student withdrawal. Appeals may be:
 - (a) Delivered to the appropriate school system office; or
 - (b) Deposited in the United States mail, as registered or certified or express mail, or deposited with a delivery service such as Federal Express, UPS, or DHL, that provides verifiable tracking of the item from the point of origin; or
 - (c) Sent by e-mail to the e-mail address designed for receiving initial residency appeals.
 - (d) Subsequent appeals must be made in writing; no electronic transmittal will be accepted.

3. The appeal must include the following:
 - (a) The full name, mailing address and telephone number for the person filing the appeal or that of the designated representative.
 - (b) A copy of the decision rendered by the principal or the PPW.
 - (c) A concise statement of the issues presented and the facts about which the person is appealing.
 4. The Director, or the Director's designee, will review the facts of the case and issue a final decision in writing. The Director, or the Director's designee, will make every effort to issue a written decision within thirty (30) business days of the receipt of the written appeal.
- B. Appeal to the Superintendent
1. If the appeal is denied or the party is not satisfied with the decision rendered by the Director, the parent may further appeal that decision by filing an appeal with the Superintendent.
 2. The appeal must be made in writing and filed with the Superintendent **within ten (10) business days** of the date of the Director's decision.
 3. The Superintendent, or the Superintendent's designee, will review the facts of the case and issue a final decision in writing. The Superintendent, or the Superintendent's designee, will make every effort to issue a written decision within forty-five (45) business days of the receipt of the appeal.
- C. Appeal to the Board of Education
1. A decision of the Superintendent, or the Superintendent's designee, regarding enrollment or withdrawal under this rule may be appealed to the Board of Education of Allegany County (Board).
 2. The appeal must be made in writing and filed with the Board **within thirty (30) calendar days** of the date of the Superintendent's decision.
 3. The procedures for filing an appeal with the Board are outlined in Board of Education Policy BEE, *Board Hearings – Appeal Proceedings*
- D. Initial appeals filed under this paragraph may be made in writing or via electronic transmittal. Subsequent appeals must be made in writing; no electronic appeals will be accepted.
- E. Enrollment during Appeal Process

If an appeal is filed in a timely manner, as outlined in paragraph VIII. A, B, and C above, the student will remain in or be reenrolled in that Allegany County public school until earlier of one of the following:

1. The Board has issued its Opinion and Order.
2. All appeals have been exhausted.
3. The current school year has ended.

Notwithstanding the above, the student will be ineligible for extra-curricular activities during the appeal process.

Board Reviewed
05/27/2025

Superintendent Approved
05/27/2025