MONROE COUNTY COMMUNITY SCHOOL CORPORATION
BOARD OF SCHOOL TRUSTEES
Regular Meeting, June 8, 2010

FOR INFORMATION: Eligibility of Resident/Non Resident Students – Policy and Guidelines 5111

Background Information

Revisions to the Policy and Guidelines 5111, Eligibility of Resident/Nonresident Students, have been made to permit students who not residents of the school system to enroll.

Revised Policy and Guidelines 5111 and 5111AG are attached with changes highlighted. These changes are proposed by the Superintendent and have been reviewed by the principals and Discussion Council members.

The process of bylaw and/or policy revision is delineated in Board Bylaw 0130.1, Functions. The Bylaw requires that in most circumstances policy changes be proposed at a previous meeting of the Board and then voted on in a subsequent meeting. The proposed changes will remain on the agenda until they are either accepted or rejected.
ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The School Board establishes the following residency policy for determining eligibility to attend the schools of this Corporation.

The Board will educate tuition free only those students who have legal settlement in the Monroe County Community School Corporation. Proof of legal settlement will be required for registration in the Monroe County Community School Corporation. Legal settlement must be based on the need for housing and not for educational purposes.

Where the legal settlement of a student cannot reasonably be determined and the student is being supported by and living with a person whose residence is within the Monroe County Community School Corporation, the student may be enrolled without payment of tuition unless the parents are able to support the student and have placed him/her in the home of another person primarily for the purpose of attending school in this Corporation without establishing legal guardianship or custodianship as required by Indiana law. A ‘Custodial Statement and Agreement: Third Party Custody’ - DOE-Form II - was prepared by the Superintendent of Public Instruction as required by Indiana Code 20-26-11-3. This form may be utilized if: (1) the student has been abandoned; (2) the parents are unable to support the student and the student is living with the guardian or custodian who is supporting and caring for the student and the student was not placed with the guardian or custodian for the primary purpose of attending school in the school corporation of the guardian’s or custodian’s residence; or (3) the parents are living outside the United States and maintain no home in any school corporation.

Foreign students, participating in a foreign-exchange program approved by the State Board of Education and living with a resident host family, will be admitted, tuition free.

Foreign students admitted with an F-1 visa will be admitted as per Immigration law and guidelines (see Policy 5114).

The Monroe County Community School Corporation shall provide a free education to those students who are considered by Federal law to be illegal aliens or considered to be homeless by criteria established by the State.

Students whose parents do not have legal settlement within the Monroe County Community School Corporation but who present evidence that they will move into the Monroe County Community School Corporation within a short period of time may enroll in the schools of this Corporation as tuition students for the time not in residence.

Students who are completing the eleventh grade and have changed their legal settlement to another school corporation may complete both the eleventh and twelfth grade in this Corporation.

Nonresidents may be accepted into the Vocational Education Classes provided by this Corporation. The Corporation may charge a special fee for nonresidents.

A married student living with a spouse or an emancipated minor shall be eligible to attend school without
paymen of tuition provided they reside in the Monroe County Community School Corporation.

**Election to Attend School Where Parents Are Divorced or Separated**

Children of joint custody decrees may attend school without payment of tuition in the Monroe County Community School Corporation if the student’s legal settlement during the school week or for a majority of the school week is with the parent who has legal settlement in this Corporation. Parents who have joint legal custody may decide which parent will have legal settlement rights.

DOE-Form I was prepared by the Superintendent of Public Instruction as required by Indiana Code 20-26-11-3. It is to be used when no court order has been made establishing custody of the student and/or the parents have agreed on the parent with whom the student will live and/or the parent granted custody of the student has abandoned the student. DOE-Form I must be signed by both parents except where the student has been abandoned by the custodial parent.

DOE-Form III was prepared by the Superintendent of Public Instruction as required by Indiana Code 20-26-11-3 to implement 20-26-11-2.5. It is to be used where the student's parents are divorced or separated but live in different public school corporations. DOE-Form III must be signed by the parent with physical custody or by the student if the student is eighteen (18) years of age and competent. In order to make an election under I.C. 20-26-11-2.5, the parent or student, if the student is eighteen (18) years of age, understand and agree:

- This form must be completed and presented not later than fourteen (14) days before the first student day of the school year to the school corporation where the election to attend has been made.
- In order to make this election, one or both of the student’s parents must live in the school corporation where the election to attend has been made.
- The election to attend the school corporation is effective for one (1) school year.
- This form must be completed and presented to the school corporation for each subsequent school year.

If the student resides in another school corporation for a portion of the school week/year but attends school in this Corporation (where one parent has legal settlement), it is the obligation of the parents to provide transportation for the student from the home of the nonresident parent.

**Nonresident Student Admission, Including Students of Employees (Transfer Students)**

The Board recognizes that a child must be a legal resident of the Monroe County Community School Corporation in order to attend its schools. The Board also recognizes that it is an advantage to the school corporation under certain circumstances to allow enrollment at the school corporation of students of employees of the Monroe County Community School Corporation who are not residents of the corporation. The Board further recognizes that extenuating circumstances often arise and it is for these cases that the following regulations have been adopted.

Employees who do not reside within the Monroe County Community School Corporation’s boundaries but who wish to enroll their child in the Monroe County Community School Corporation may apply for their child to be a cash transfer student. The employee’s child will be enrolled in the appropriate school as long as the child meets the criteria for accepting a cash transfer student. If the employee’s child is
enrolled, the employee will not be charged transfer tuition. Should the employment of the nonresident employee terminate for any reason after that employee’s child has been accepted for enrollment under this policy, the child shall be allowed to finish the semester in which the employment ended. The child will continue to be eligible to be a cash transfer student with the requirement that transfer tuition be paid.

It is the intent of the Board that all applicable policies and laws in regard to student transfers shall be strictly enforced. The Superintendent shall develop the operational procedures and forms necessary for implementation of this policy.


Adopted 7/15/91; Revised 4/3/97; 11/18/08 {Code citations updated 1/5/07}; PROPOSED REVISION 6-8-10
ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

Nonresident Students

1. Nonresident students will include guardianship cases, hardship cases, alien students and “grandfathered” students. For purposes of school attendance, regardless of a student’s age, his/her legal residence is determined by where his/her parents reside.

2. Permission to enroll for nonresident students will be issued subject to the following conditions:

   a. **Guardianship transfers** are those students not living with parents, but who live with residents of the school district as legal wards. Legal guardianship of such students is established through action in the County Circuit or Superior Court which consists of filing a petition and the conducting of a hearing in the court. The hearing is for the custody of a person and not for property and custody of a person. The court will either grant or deny the petition. Temporary permission to enroll may be granted by the Superintendent on the basis of written verification from an attorney that guardianship proceedings have been initiated. The guardianship will be completed within a reasonable period of time. The principal and the Superintendent will be provided a copy of the court order or proof of guardianship prior to entry of the student.

   b. **Hardship cases** will consist generally of two types:

      (1) An emancipated minor is one who no longer lives with parent or guardian and who provides his/her own maintenance and support. Such students will be granted permission to attend the school serving his/her attendance area, provided an appropriately executed “Student Affidavit in Support of a Claim of Emancipation for School Purposes” is presented to the principal to verify the student’s status as an emancipated minor. Copies of the approved affidavit are available upon request from the Superintendent’s Office and the form of the affidavit is incorporated in these guidelines by reference.

      (2) An unemancipated minor, not living with parents or guardians and who is ineligible or unable to become a ward of a legal resident of the school district may obtain permission to enroll either with or without the payment of cash tuition. Enrollment in either case will be granted only with permission of the Superintendent.

   c. **Alien students** are citizens of a foreign nation who reside in the school district solely or primarily for the purpose of receiving an education and who do not live with their parents or guardians. REFER TO POLICY #5114 FOR ENROLLMENT PROCEDURES.

   d. “Grandfathered” students are those who enrolled as Transfer Tuition or Cash Tuition students prior to September 13, 2008. Enrollment shall be allowed to continue on that same basis until they choose to end their enrollment or until they matriculate from MCCSC.

Nonresident Student Admission—Transfer Students

Requests by parents, guardians, or custodians of Indiana students who do not reside in the Monroe County Community School Corporation but who wish to enroll their child in the school system will be
considered for enrollment if:

- Nonresident enrollment is approved prior to the official count (ADM) day;
- Nonresident enrollment is for educational reasons;
- Nonresident student is in good standing in his/her resident school corporation;
- Parents, guardians or custodians agree to provide transportation to and from the school;
- When applicable, the parents, guardians or custodians agree to pay the transfer tuition in a timely manner as established by the Monroe County Community School Corporation;
- Parents, guardians or custodians requesting the transfer shall complete the Application for Transfer of Nonresident Student and submit it to the Superintendent’s Office prior to August 1. Transfers will be considered on a yearly basis.
- A student may be accepted if his/her needs can be accommodated with current staffing and program offerings and whose enrollment does not adversely affect the programming for resident students.
- The student/parents will participate in an interview by the Principal or designee of the receiving school prior to the consideration of a transfer.
- Under no circumstances will a transfer student be accepted for athletic reasons.
- The administrative team will forward their recommendation to the Superintendent.

The decision on acceptance of a Nonresident student will be based upon:

- The student’s attendance and academic record at the previous school;
- The student’s disciplinary record at the previous school;
- Class size of the grade level in which the student is enrolling at Monroe County Community School Corporation; and
- The transfer will not place an undue burden on the Monroe County Community School Corporation.

The building principal and superintendent have the authority to grant or deny any and all transfer requests based on the established procedures.

Students transferring to this Corporation from other schools or school systems will be placed in those classes or at those grade levels for which their previous educational experiences appear to qualify them. The Monroe County Community School Corporation reserves the right to change or modify such placements on the basis of later information, testing or investigation.

Nonresident Student Admission—Transfer Students—Employees’ Children

Employees who do not reside within the Monroe County Community School Corporation’s boundaries but Requests by School Corporation employees who do not reside within the School Corporation’s boundaries but who wish to enroll their child in the school system will be considered for enrollment if:

- Nonresident enrollment is approved prior to the official count (ADM) day;
- Nonresident enrollment is for educational reasons;
- Nonresident student is in good standing at his/her resident school corporation;
Parents, guardians or custodians agree to provide transportation to and from the school;
When applicable, the parents, guardians or custodians agree to pay the transfer tuition in a timely manner as established by the Monroe County Community School Corporation;
A student requesting transfer shall complete the Application for Transfer of Nonresident Student and submit it to the Monroe County Community School Corporation Superintendent’s Office prior to August 1. Transfers will be considered on a yearly basis;
A student may be accepted if his/her needs can be accommodated with current staffing and program offerings and whose enrollment does not adversely affect the programming for resident students.
The student/parents will participate in an interview by the Principal or designee of the receiving school prior to the consideration of the transfer;
Under no circumstances will a transfer student be accepted for athletic reasons; and
The administrative team will forward their recommendation to the Superintendent.

The decision on acceptance of a nonresident student will be based upon:
The student’s attendance and academic record at the previous school;
The student's disciplinary record at the previous school;
Class size of the grade level in which the student is enrolling at the Monroe County Community School Corporation; and
The transfer will not place an under burden on the Monroe County Community School Corporation.

The building principal and superintendent have the authority to grant or deny any and all transfer requests based on the established procedures. A grant of enrollment will extend for no more than one school year and an application must be filled out for consideration each year thereafter and will be considered in light of circumstances existing at the time of application. A grant for one year establishes no precedent for the succeeding year(s).

Students transferring to this Corporation from other schools or school systems will be placed in those classes or at those grade levels for which their previous educational experiences appear to qualify them. The Monroe County Community School Corporation reserves the right to change or modify such placements on the basis of later information, testing, or investigation.

Should the employment of a nonresident employee terminate for any reason after that employee’s child has been accepted for enrollment under this policy, said child will be allowed to finish that semester in which the employment ended and thereafter the child is no longer eligible to attend the Monroe County Community School Corporation and must return to that child’s resident school corporation.