

## ADMISSION OF RESIDENT STUDENTS

### I. Purpose

To establish a uniform, county-wide policy which defines those individuals who are bona fide residents of Talbot County and, therefore, eligible for free school privileges.

### II. Definitions

Bona fide residence:

- A. a bona fide residence is 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 the Talbot County Public Schools. Determination of a person's bona fide residence is a factual one and must be made on an individual basis. Mere ownership of property is insufficient to establish a bona fide residency under this policy.

Bona fide resident:

- A. a child that actually lives within Talbot County with a parent or other person who has legal custody or legal guardianship of the child;
- B. a student who is over eighteen (18) years of age who has been determined by the Supervisor of Student Services to actually live in Talbot County.

Legal custody/legal guardianship:

- A. court appointed custody or guardianship as evidenced by a copy of a court order

### III. Policy Statement

The Board of Education recognizes as its first responsibility the education of school aged children who are bona fide residents of Talbot County. Only such bona fide residents are eligible for free school privileges.

### IV. Exceptions

In some instances a child may be eligible to attend a school in Talbot County even if not residing with a parent or legal guardian so long as the child's primary purpose for residing in Talbot County is not to attend school. The determination of such shall be based on facts present in each individual situation and shall be made on a case-by-case basis by Student Services staff.

Non-resident children may be accommodated in Talbot County Public Schools when exceptional family situations warrant. Payment of tuition charges will be based upon the incurred cost of the education.

Should the non-resident child be living with a parent, legal guardian, or other person who has legal custody of the child, and the parent, legal guardian or other person pays property taxes in Talbot County, then the annual tuition charge may be reduced proportional to the part of the tax that goes toward the operation of the schools.

V. Kinship Care Relationships

Section 4-122.1 of the Education Article of the Annotated Code of Maryland provides that children who are not in the care, custody or guardianship of the local department of social services but who are in the care and custody of an adult relative (within the fifth degree of consanguinity) due to a serious family hardship shall receive an appropriate education from the county school system where the relative resides. The law permits Talbot County Public Schools to be reimbursed by the school system where the parent or legal guardian with whom the child lived (when not in an informal kinship care relationship) resides. Such reimbursement is subject to a State mechanism for transfer of funds.

VI. If the Superintendent determines that the child is not a bona fide resident of Talbot County, the decision may be appealed to the local Board of Education in accordance with Section 4-205-(c)(4) of the Education Article, Maryland Annotated Code. During the pendency of any appeals, the child may be admitted to public school upon payment of tuition and the tuition shall be refunded if the Superintendent's decision is reversed on appeal. If the parent(s), legal guardian(s) or other person responsible for the care and custody of the child are unable to pay tuition before the child is admitted and while appeals are pending, the child may be admitted if the parent(s), legal guardian(s) or other person responsible for the care and custody of the child sign an agreement to pay tuition if the Superintendent's decision is affirmed on appeal.

VII. If the child is determined to reside in Talbot County, the child shall be counted as a student enrolled in accordance with Section 5-202 (a)(7) of the Education Article, Maryland Annotated Code, for purposes of State aid.

VIII. Delegation of Authority

The Superintendent/designee has the responsibility for enforcing this policy by communicating it to all relevant parties and by providing necessary instructions and/or administrative regulations (if appropriate), to all staff members.

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