5111 - ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

A. The Board will educate, tuition free, students who have legal settlement in the Corporation, and students enrolled in the Public Elementary and Secondary Schools Transfer Program according to the requirements of I.C. 20-26-11.

B. 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 School Corporation, the student may be enrolled without payment of tuition. If 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, tuition will be charged.

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

D. The Corporation will provide a free education to those students who are considered by Federal law to be illegal aliens, if the student's parent or legal guardian has legal settlement within the Corporation, or considered to be homeless by criteria established by the State. (see Policy 5111.01)

E. A student who has been expelled from another school corporation or who is expelled from a nonpublic school or withdraws from a public or a nonpublic school to avoid expulsion may be enrolled in the Corporation during the actual or proposed expulsion if:

1. the student's parent informs the Corporation of the student's expulsion or withdrawal to avoid expulsion;
2. the Corporation consents to the student's enrollment;
3. the student agrees to the terms and conditions of enrollment established by the Corporation.

If a student's parent fails to inform the Corporation of the expulsion or withdrawal to avoid expulsion or the student fails to follow the terms and conditions of enrollment, the Corporation may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion. Before a consent is withdrawn the student must be given an opportunity for an informal meeting with the principal. At the

informal meeting, the student is entitled to:

1. a written or verbal statement of the reasons for the withdrawal of consent;

2. a summary of the evidence against him/her;

3. opportunity to explain his/her conduct.

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

G. Students who enroll after school starts and whose parents are verifiably going to move into this Corporation but do not have legal settlement must present evidence that they will move into the Corporation within six (6) weeks in order to enroll in the schools of this Corporation without tuition for the time not in residence. If the parents have not moved into the residence in the Corporation within six (6) weeks, tuition must be paid from the first day of their attendance.

H. Students who have completed eleventh grade and who are not cash tuition students but have changed legal settlement to another school corporation (from Northwestern School Corporation) may complete the twelfth grade in Northwestern School Corporation without cash tuition. Non-resident cash tuition students who complete their eleventh grade in the Northwestern School Corporation shall pay cash tuition for their twelfth grade year.

I. Students who do not have legal settlement may be enrolled in the special education program of this Corporation pursuant to the provisions of a cooperative agreement.

J. Nonresident students may be accepted into the Summer School Program provided by this Corporation based on tuition assessment/available space.

K. A married student living with a spouse or an emancipated minor shall be eligible to attend school without payment of tuition provided they reside in the Corporation.

L. **Children of Joint Custody Decrees**

Children of Joint Custody Decrees may attend school without payment of tuition in this Corporation if one (1) parent has legal settlement in this Corporation.

If the student resides in another school corporation but attends school in this Corporation (where one (1) parent has legal settlement), it is the obligation of the parents to provide transportation for the student from the home of the nonresident, custodial parent.

M. **Transfer Students**

The Corporation shall enroll those students who have legal settlement in the School Corporation. However, the Board recognizes that extenuating circumstances arise from time to time and, therefore, will consider requests by parents, guardians, or custodians of Indiana students who do not reside in the School Corporation but who wish to enroll their child in the School Corporation.

Requests for enrollment will be considered only if:

1. non-resident enrollment is for educational reasons;

2. non-resident student is in good standing in their resident school corporation;

3. Parents, guardians, or custodians agree to provide transportation to and from the school; and

4. when applicable, the parents, guardians, or custodians agree to pay the transfer tuition in a timely manner as prescribed by the School Corporation.

The decision by the Superintendent to recommend acceptance of a non-resident student will be based on:

1. financial impact of the enrollment of the student on the resident students (inclusion of the student in the ADM count);

2. the student's attendance and academic record at the previous school of attendance and status regarding graduation;

3. the availability of curricular or program offerings that are specifically aligned with the student's demonstrated academic or career aspirations;

4. the student's disciplinary record at the previous school of attendance;

5. class size and program capacity of the school/grade level in which the student requests to enroll;

6. the willingness and ability of the parents, guardians, or custodians to provide transportation to and from the school and extra-curricular activities as appropriate; and

7. the compatibility of the proposed enrollment with the standards of organizations with which the School Corporation is affiliated, such as the Indiana High School Athletic Association.

The transfer shall not place an undue burden on the School Corporation.

The Superintendent may grant or deny any and all transfer requests in accordance with the criteria herein and the established administrative guidelines.

No transfer student shall be accepted for enrollment for athletic reasons.

I.C. 20-18-2-11, 20-33-2-12, 20-33-8-17, 20-26-11-1; 20-26-11-2, 20-26-11-2.5
Plyer v. Doe, 457 U.S. 202 (2004)

Revised 2/15/94
Revised 3/14/95
Revised 1/13/99
Revised 4/24/01
Revised 5/11/06
Revised 8/9/07
Revised 5/13/09