

**Western School Corporation
Bylaws & Policies**

5111 - ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The School 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 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 as required by Indiana law, tuition may be charged.
- C. A child who is placed in foster care by a court of competent jurisdiction shall be admitted tuition free, without regard to residency, to a school within the Corporation, as selected by the State Department of Human Services or the child placing agency responsible for placement of that child.
- D. Foreign students participating in a foreign-exchange program approved by the Indiana State Board of Education and living with a resident host family will be admitted tuition free.
- E. 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).
- F. Students who have completed the eleventh grade and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.
- G. A married student living with a spouse or an emancipated minor is eligible to attend school without payment of tuition provided s/he resides in the Corporation.
- H. **Children of Divorced Parents**

Children of divorced parents may attend school in this Corporation without the payment of tuition if one (1) parent resides in this

Corporation and a timely election is made utilizing the "Custodial Statement and Agreement: Divorce, Separation, or Abandonment" form provided by the Indiana State Board of Education.

Not later than fourteen (14) days before the first student day of the school year for which the parent seeks enrollment, the parent with physical custody of the child must notify the Superintendent of the school corporation in which the parents seek to have the student enrolled of their election to enroll the child in the Corporation school. The election may be made only once a school year.

- I. A student who has been expelled or excluded from another school corporation or expelled from an out-of-state school may be denied admission for the period of the expulsion or exclusion unless s/he and his/her parents agree to the stipulations established by the Superintendent. Such stipulations should prevent, to the extent possible, behavior that would constitute a threat to the safety and well-being of staff and other students. The legal settlement policy of the Board will apply to such students.
- J. Students whose parents are verifiably going to move into the Corporation but do not have legal settlement within the Corporation at the beginning of a school year must present evidence that they will move into the Corporation by October 1st 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 legal settlement within the Corporation by October 1st of that school year, tuition must be paid for those students from the first day of their attendance.
- K. Students who do not have legal settlement may/will be enrolled in the special education program of this Corporation pursuant to the provisions of a Cooperative agreement.
- L. Nonresident students may be accepted into the Summer School Program provided by this Corporation.
- M. **Transfer Students**

The Corporation shall enroll those students who have legal settlement in the School Corporation. However, the Board 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 shall recommend that the Board grant or deny any and all transfer requests in accordance with the criteria herein and the established administrative guidelines.

The Board may waive the payment of transfer tuition for students who meet all of the criteria for enrollment of a transfer student and are enrolled prior to the annual September ADM count date.

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

I.C. 20-26-11-6(e)

Plyler v. Doe, 457 U.S. 202 (1982)

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