

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

May 10, 2011

MEMORANDUM

To: Members of the Board of Education

From: Patricia O'Neill, Chair, Board of Education Policy Committee

Subject: Nonsubstantive Changes to Three Policies

On November 16, 2010, in accordance with the Montgomery County Board of Education's (Board) policy review process, staff recommended, and the Montgomery County Board of Education Policy Committee agreed, to nonsubstantive changes to three policies: Policy GIJ, *Operating Fund Investments*; Policy IQD, *Academic Eligibility for Extracurricular Activities*, and Policy JED, *Residency, Tuition, and Enrollment*. Policy GIJ is recommended to be reindexed as Policy DIG, *Operating Fund Investments*, so that it is adjacent to closely related policies in the policy handbook. Policy IQD is recommended to be updated as follows: align references to stipend-compensated activities with language used in negotiated agreements, and align references to reporting categories with language used in the Annual Report. The Montgomery County Board of Education Policy Committee discussed Policy JED further on February 7, 2011. Updates are recommended for Policy JED, *Residency, Tuition, and Enrollment*, to clarify terminology relevant to qualified students, nonresident students, and exchange students, and to update directory information with respect to the responsible office.

According to Policy BFA *Policysetting*, if a policy review process reveals that no substantive changes are recommended, the policy will be reformatted and reprinted and will be forwarded to the Board as an item of information. Given that the Policy Committee agrees that the recommendations are nonsubstantive changes, copies of the above referenced policies are attached for your information.

PO:sd

Attachments

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries:

Responsible Office: Chief Operating Officer

Operating Fund Investments

A. PURPOSE

This policy establishes the investment scope, objectives, and guidelines for the investment of school district operating funds.

B. ISSUE

It is important to ensure that operating fund investments comply with all state laws relating to investments. It also is important to guarantee that investment vehicles meet the primary criteria of prudence, safety of principal, liquidity, and market rate of return. This policy applies to cash operating funds of the school district only. Montgomery County Public Schools (MCPS) draws cash as needed from the Montgomery County Government, based on weekly projections and receives additional cash from other entities such as the state of Maryland that requires short-term investment.

C. POSITION

1. The scope of this policy shall be operating funds.

Guidelines for the investment of MCPS Employees' Retirement and Pension System investments are provided in the Investment Policy of the Retirement and Pension Board of Investment Trustees.

Guidelines for the investment of MCPS Other Post Employment Benefits (OPEB) Trust investments are provided in the Investment Policy of the OPEB Board of Investment Trustees.

Guidelines for the investment of schools' Independent Activity Funds (IAF) are provided in the *Manual of Policies and Procedures for Administering Independent Activity Funds*.

2. The primary objectives of the investment of operating funds are:
 - a) Legality

Operating funds shall be invested in accordance with this policy, local government investment guidelines adopted by the Maryland State Treasurer, and any other applicable law.
 - b) Safety of Principal

The investment of operating funds shall be undertaken in a manner that seeks to ensure the preservation of capital.
 - c) Liquidity

The operating funds shall be invested to assure that funds are available to meet immediate payment requirements.
 - d) Maximum Return

The investment of operating funds shall be managed in a manner to attain a market rate of return consistent with legal restrictions, risk, and prudent investment practices while preserving and protecting invested capital and taking into account constraints on risk and cash flow requirements.
3. The investment of the operating funds will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

D. DESIRED OUTCOMES

1. A strategy and process that ensure safety and security of investment capital, liquidity to meet cash flow requirements, and a market rate of return on invested funds.
2. The superintendent of schools or his/her designee and the Board of Education shall monitor compliance with the objectives of this policy.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

Policy History: New Policy adopted by Resolution 201-10, April 15, 2010.

1 Related Entries: IQA-RA, ~~IQA-EA~~, IQB-RA, ~~IQB-EA~~, IQD-RA, IQD-RB
2 Responsible Office: Deputy Superintendent of Schools
3 Chief Operating Officer
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6 Academic Eligibility for Extracurricular Activities
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9 A. PURPOSE
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11 To articulate the Board of Education's (**Board**) commitment to
12 providing an array of extracurricular opportunities for
13 students. Having a variety of extracurricular options
14 including, but not limited to, cultural arts, athletics, and
15 other team activities is an essential part of a complete
16 educational experience. The Board supports having both
17 extracurricular activities requiring academic eligibility and
18 extracurricular activities predicated upon open enrollment.
19

20 B. ISSUE
21

22 Academic eligibility standards for middle and high school
23 participation in ~~some~~ extracurricular activities listed as
24 ~~nonathletic and athletic stipends-~~**compensated activities** in
25 the ~~N~~negotiated *Agreement Between Montgomery County Education*
26 *Association and the Montgomery County Board of Education*
27 (**hereafter referred to as the Agreement**) must be established
28 and communicated. Extracurricular activities are a valuable
29 part of the entire education of each student. However,

30 participation in extracurricular activities should be
31 maintained and supported by academic standards. It is the
32 obligation of the school system to make supports for
33 maintaining academic performance and academic eligibility
34 available to students.

35

36 C. POSITION

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38 Decisions regarding a student's academic eligibility for
39 participation in extracurricular activities will be made as
40 follows. Students in middle and high schools must maintain a
41 2.0 average with no more than one failing grade in the
42 previous marking period to be eligible to participate in any
43 activity listed as **a nonathletic and athletic stipends-**
44 **compensated activity** in the ~~Negotiated Agreement. Between~~
45 ~~Montgomery County Education Association and the Board of~~
46 ~~Education of Montgomery County Public Schools.~~ This does not
47 apply to students in the fall entering middle or high school
48 for the first time or to students engaged in activities that
49 are extensions of a graded course.

50

51 Students in middle school who are not academically eligible
52 may petition to be reinstated in an activity if they have
53 shown evidence of progress toward meeting eligibility
54 standards. Middle school principals will make final decisions
55 regarding these petitions.

56

57 D. DESIRED OUTCOMES

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59 Each student should maintain high academic standards while
60 also pursuing extracurricular activities that contribute to a
61 well-rounded education.

62

63 E. IMPLEMENTATION STRATEGIES

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65 1. All **middle and high** ~~secondary~~ schools should provide and
66 communicate opportunities for all students to participate
67 in extracurricular activities by ensuring that there are
68 a range of possibilities, including extracurricular
69 activities with open enrollment that do not require
70 academic eligibility.

71

72 2. Schools should help students retain or regain eligibility
73 for all extracurricular activities requiring academic
74 eligibility, by providing and referring students to such
75 support activities as contracts, tutoring programs,
76 mentoring and monitoring programs, academic support
77 classes and counseling, study halls during or after
78 school, outreach programs and/or other programs.

79

80 3. Schools should share best practices that increase student
81 academic eligibility for extracurricular activities.

82

83 4. Schools should develop mechanisms to evaluate the
84 effectiveness of support programs.

85

86 5. The superintendent will publish regulations to implement
87 this policy as needed.

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89 F. REVIEW AND REPORTING

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91 1. The superintendent will report annually to the Board ~~on~~
92 ~~the effects of this policy~~ on **high school academic**
93 **ineligibility rates disaggregated by grade level,**
94 **race/ethnicity, gender, and receipt of special services**
95 **in the Annual Report** ~~—student participation in~~
96 ~~extracurricular activities.~~

97

98 2. This policy will be reviewed in accordance with the Board
99 of Education review process.

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102 *Policy History:* Adopted by Resolution No. 697-90, November 13,
103 1990; reformatted December 1996; amended by Resolution No. 37-05,
104 February 14, 2006; **amended.**

105

106 *Note previous policy history:* Adopted by Resolution No. 285-86,
107 May 13, 1986; reformatted in accordance with Resolution 458-86,
108 August 12, 1986; rescinded by Resolution No. 697-90, November 13,
109 1990.

1 Related Entries: JEA-RB, JEA-RC, JEA-RD, JED-RA, JEE, JEE-RA,
2 KLA-RA

3 Responsible Office: ~~Chief of Staff~~ **Special Education and Student**
4 **Services**

5 Related Sources: *Annotated Code of Maryland*, Education Article
6 § 4-122.1
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8
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10 Residency, Tuition, and Enrollment
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13 A. PURPOSE
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15 The Board of Education (**Board**) is committed to an effective,
16 efficient, and equitable enrollment process for all eligible
17 Montgomery County school-aged children.
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19 B. ISSUE
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21 All qualified school-aged individuals (**5 years old or older**
22 **and under 21**), whether U.S. citizens or noncitizens, who have
23 an established bona fide residence in Montgomery County are to
24 be admitted free to the Montgomery County Public Schools
25 (**MCPS**). There are circumstances that exist where students who
26 are not residents of Montgomery County want or need to attend
27 schools here; therefore, issues of residency and the processes
28 for paying tuition must be clearly articulated.
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C. POSITION

The Board of ~~Education of Montgomery County~~ supports the right of its residents to a free public education.

1. 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 Montgomery County Public Schools~~ **MCPS**. However, intent to reside indefinitely or permanently at the present place of residence is not necessarily required. Determination of a person's bona fide residence is a factual one and must be made on an individual basis.
2. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County will be considered resident students and will be admitted free to ~~the Montgomery County Public Schools~~ **MCPS**.
3. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who do not have an established bona fide residence in Montgomery County, will be considered nonresident students and will be subject to paying tuition unless an exception is made under the terms of this policy.

- 59 a) Nonresident students may be denied admission to
60 MCPS regardless of their willingness to pay
61 tuition.
62
- 63 b) A nonresident student applicant with the exception
64 of foreign students, including exchange (J-1) and
65 non-immigrant students (F-1), may request a
66 specific school; however, MCPS reserves the right
67 to determine the school of enrollment.
68
- 69 ca) A qualified student placed in a group home or
70 foster home located in Montgomery County by an out-
71 of-state agency other than those specified in
72 Section 4-122.1 of the Education Article, *Annotated*
73 *Code of Maryland*, shall be presumed to be a
74 nonresident student.
75
- 76 db) In the absence of evidence to the contrary, a
77 qualified student who is a resident of another
78 educational jurisdiction, but who elects to seek
79 enrollment in a Montgomery County public school
80 shall be presumed to be a nonresident student.
81
- 82 ee) In the absence of evidence to the contrary, the
83 bona fide residence of a qualified student who is
84 under 18 years of age and not emancipated shall be
85 presumed to be the bona fide residence of both or
86 one of the child's parents. Throughout this policy

87 and any implementing regulations, if the parents
88 live apart, use of the word "parent" shall mean (1)
89 the parent to whom legal custody is awarded or (2)
90 if legal custody is not awarded, the parent with
91 whom the child regularly ~~lives~~**resides**; and the
92 child's bona fide residence shall be determined
93 accordingly.
94

95 **f**) In the absence of evidence to the contrary, a
96 qualified student residing with a court-appointed
97 guardian who has an established bona fide residence
98 in Montgomery County shall be presumed to be a
99 resident student provided that the guardianship was
100 obtained for reasons concerning the child and not
101 for the primary purpose of attending school or for
102 the convenience of the persons involved.
103

104 **g**) Qualified identified Montgomery County students who
105 are homeless shall be enrolled in accordance with
106 **MCPS** Regulation JEA-RD, *Enrollment of Homeless*
107 *Student*.
108

109 **h**) A qualified student placed in a group home or
110 foster home in Montgomery County by social service
111 agencies of the ~~S~~state of Maryland, or any other
112 agency specified in Section 4-122.1 of the
113 Education Article of the *Annotated Code of Maryland*
114 shall be presumed to be a **non**resident student for
115 whom ~~the Montgomery County Public Schools~~**MCPS** is

116 eligible for reimbursement of actual educational
117 expenses by another ~~l~~local ~~E~~educational ~~A~~agency or
118 the ~~S~~state of Maryland.

119
120 ~~is~~) A qualified student who is a resident of Maryland
121 residing in a valid kinship care arrangement
122 pursuant to Section 4-122.1 of the Education
123 Article of the *Annotated Code of Maryland* will be
124 presumed to be a **nonresident** student for whom ~~the~~
125 ~~Montgomery County Public Schools~~**MCPS** is eligible
126 for reimbursement of actual educational expenses by
127 another local education agency or the State of
128 Maryland.

129
130 4. The Residency **and International Admissions (RIA) Unit**
131 ~~Compliance Unit~~ will make individual determinations of
132 residency. Individual determinations of residency by ~~the~~
133 ~~Residency Compliance Unit~~ **RIA** will be reevaluated at
134 least annually, **if needed**. ~~The Residency Compliance~~
135 ~~Unit~~**RIA** will make determinations in the following cases:

136
137 a) There is evidence rebutting the presumption of
138 residency or nonresidency set forth in Section 3

139
140 b) When there is a qualified student who is 18 years
141 of age or older and essentially self-supporting or
142 an emancipated minor who may or may not have
143 established a bona fide residence in Montgomery

144 County without regard to the residency of the
145 parents

146
147 c) When there is a qualified student under 18 years of
148 age who is living in Montgomery County with friends
149 or relatives who are not parents or court-appointed
150 guardians

151
152 In addition to individual verification, MCPS reserves the
153 right to initiate specific grade-level or schoolwide
154 residency verification activities. The burden of
155 producing evidence establishing bona fide residence is on
156 the student, **parent/guardian** or individual acting on
157 behalf of the student.

158
159 5. **Tuition**~~Admission of Nonresident Students~~

160
161 ~~a) Regardless of their willingness to pay tuition,~~
162 ~~nonresident students may be denied admission to the~~
163 ~~Montgomery County Public Schools~~**MCPS.**

164
165 a) **Tuition rates will be established annually by the**
166 **Board upon the recommendation of the superintendent**
167 **of schools.**

168
169 b) ~~Except to the extent to which the implementing~~
170 ~~regulation provides for either a grace period or~~
171 ~~permits a deposit to be made during the pendency of~~
172 ~~an appeal of a determination of nonresidency,~~

173 ~~before a nonresident student is enrolled in the~~
174 ~~Montgomery County Public Schools, tuition will be~~
175 ~~charged and paid unless a waiver is granted as~~
176 ~~provided below:~~

177

178 **b) Exceptions to tuition requirements**

179

180 (1) The **exchange student (J-1)**~~nonresident student~~
181 is residing in Montgomery County with a host
182 family for a maximum of one year and has met
183 the criteria established and detailed in MCPS
184 Regulation JEA-RC, *Enrollment and Placement of*
185 *International and Foreign Students*, including
186 the approval by the ~~supervisor~~**director** of **RIA.**
187 ~~the International Student Admissions Office~~

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189 (2) There is a crisis, unusual and extraordinary
190 circumstances fully documented by the parent,
191 guardian, or emancipated student, justifying
192 waiver of tuition.

193

194 (3) **The Appeals/Transfer Team Office has permitted**
195 **a deposit to be made during the pendency of an**
196 **appeal of a determination of nonresidency.**

197

198 ~~e) Tuition rates will be established annually by the~~
199 ~~Board of Education upon the recommendation of the~~
200 ~~superintendent of schools.~~

201

202 d) ~~A nonresident student applicant may request a~~
203 ~~specific school; however, MCPS reserves the right~~
204 ~~to determine the school of enrollment.~~

205
206 6. Responsibilities

207
208 a) Parents, guardians, or students who have reached
209 the age of majority are responsible for signing an
210 affidavit as to their bona fide residence or
211 nonresidence in Montgomery County as a prerequisite
212 to a student's initial enrollment in ~~the Montgomery~~
213 ~~County Public Schools~~**MCPS**. Additionally, there is
214 an acknowledgment that tuition will be paid for any
215 period(s) of nonresidency, even if the period(s) of
216 nonresidency should occur or be identified after
217 the date of initial enrollment.

218
219 b) The school principal or designee (or ~~the~~
220 ~~International Student Admissions Office~~**RIA** for
221 noncitizens who have not attended school within the
222 United States at any time during the prior two
223 years) is responsible for making the initial
224 determination of the residency status of students
225 who seek enrollment in **MCPS** a ~~Montgomery County~~
226 ~~public school~~ and, based on that determination, for
227 taking the appropriate administrative steps
228 specified in MCPS regulations.

229

230 c) ~~The Residency Compliance Unit~~**RIA** is responsible for
231 determining the residency and tuition status of all
232 students referred ~~to it~~ by the individual schools.
233 ~~or the International Student Admission Office.~~

234

235 7. Appeals

236

237 Decisions made under this policy and any implementing
238 regulations may be appealed under the provisions of
239 Regulation KLA-RA: *Responding to Citizen Inquiries and*
240 *Complaints From the Public*. The superintendent or a
241 designee may assign a hearing officer to hear residency
242 and tuition appeal cases on the superintendent's behalf
243 and make recommendations to the superintendent or
244 designee.

245

246 D. DESIRED OUTCOME

247

248 An effective, efficient, and equitable enrollment process
249 which **recognizes** ~~ensures~~ the right of eligible students to a
250 free public education, **ensures payment of tuition in**
251 **appropriate cases**, and minimizes barriers for enrollment.

252

253 E. REVIEW AND REPORTING

254

255 1. The superintendent will **annually request approval from**
256 ~~provide a report to~~ the Board **for** ~~of Education at least~~
257 ~~annually regarding the enrollment of nonresident students~~
258 ~~and tuition~~ **rates and provide data** ~~payments on~~

259 nonresident students paying tuition, as well as those
260 requesting and receiving waivers.

261
262 2. This policy will be reviewed in accordance with the Board
263 of ~~Education P~~policy **review process** ~~BFA, Policysetting~~.

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265
266 *Policy History:* Adopted by Resolution No. 366-87, July 14, 1987;
267 amended by Resolution No. 65-92, January 27, 1992; amended by
268 Resolution No. 328-04, June 8, 2004; **amended**.