

Regulation Code: 4120-R Domicile or Residence Requirements Policy and Out-of-County Student Transfer Policy

A student who is domiciled in the school district and who otherwise qualifies for admission is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the school district and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition.

Domicile requires the intent to abandon one's prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one's exclusive home and does not require an intention that the residence be the permanent home.

1. The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian or legal custodian as defined by the General Statutes of North Carolina.
2. Domicile of Emancipated Student - If the student is at least 18 years of age or married or abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian or legal custodian. A student who establishes domicile as a result of being emancipated will be considered a domiciliary of the school district and will be entitled to the same rights and privileges of other students domiciled in the school district.
3. Domicile of Students with Divorced or Separated Parents - Domicile for the purpose of school attendance will be determined by the following criteria:
 - A. In the event that the parents are divorced or separated and physical custody has been given to only one parent, a student's domicile follows that of the parent who has been granted physical custody.
 - B. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's district of residence, then the parents must jointly agree on which residence will be used to determine the child's domicile. The selected residence must be submitted in writing to the superintendent at the beginning of each school year.
 - C. The selection may not be changed during the school year unless the parents satisfy the board's policies on transfers and documented hardship.
 - D. In the event the parents cannot agree on which residence will be used to determine the child's domicile for school attendance purposes, the residence of the parent with physical custody of the child at the beginning of the school year will prevail for the entire school year.
4. A student who resides in the district in any of the following circumstances will be admitted without payment of tuition.
 - A. The student is classified as homeless if he/she lacks a fixed, regular and adequate nighttime residence, including students who are sharing the house of other persons due to loss of housing, economic hardship or similar reasons; living in motels, hotels, transient trailer parks or camping grounds due to the lack of alternative adequate accommodations; living in emergency or transitional shelters; awaiting foster care placement; living in a primary nighttime residence that is a public place not designed for or ordinarily used as regular sleeping accommodations for human beings; living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; or living in a migratory situation that qualifies as homeless because the student lacks a fixed, regular and adequate nighttime residence. A student living with a friend or relative is not a homeless student unless he/she is living there due to conditions that constitute homelessness under state or federal law. A homeless student will be assigned to a school in the attendance area where he or she is physically located, his/her

school of origin or wherever the interests of the child are best met.

B. The parent, guardian or legal custodian residing in the school district attendance area is a student, employee or faculty member of a college or university, or is a visiting scholar at the National Humanities Center.

C. The student resides in a group home, foster home or other similar facility or institution.

D. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.

E. The student is considered a special needs student by the General Statutes and the North Carolina Procedures Governing Services for Children with Special Needs.

F. The student resides with an adult, who is a domiciliary of that unit, as a result of any of the following:

- the death, serious illness, or incarceration of a parent or legal guardian;
- the abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance;
- abuse or neglect by the parent or legal guardian;
- the physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student; or
- the loss or uninhabitability of the student's home as the result of a natural disaster.

G. In order to be admitted under this provision, the student can not be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit. The adult with whom the student resides and the student's parent, guardian, or legal custodian must complete and sign separate affidavits available through the superintendent's office attesting to information required by [G.S. 115C-366\(a3\)](#). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

Criteria for Establishing Legal Residence

If the student is asserting residency in the school district, sufficient evidence must be provided with the initial application. Criteria for establishing legal residence will include:

- A. Complete utility bill with address
- B. Rental contract/agreement giving evidence of residence
- C. Real estate property tax notice with address of domicile
- D. Notarized statement from rental agent or landlord and driver license showing residence address
- E. If none of the above is available or the evidence is not conclusive, a home visit by school personnel may be necessary

Note: Submission of inaccurate or falsified residence documentation will result in the immediate exclusion of the student from the requested school of transfer.

Adopted: March 12, 2007

Rockingham County Schools
