

1 A student who is domiciled within the geographic area served by the school system, who is
2 under age 21 (22 for students entitled to special education services), who has not completed the
3 prescribed courses for high school graduation, and who otherwise qualifies for admission is
4 entitled to be admitted without payment of tuition. Under certain circumstances specified by
5 law, a student who resides in the area served by the school system and who otherwise qualifies
6 for admission to its schools also is entitled to be admitted without payment of tuition. In
7 addition, students who are homeless or in foster care may be entitled to continue attending their
8 school of origin without payment of tuition regardless of a change in their domicile or residency
9 status.

10
11 Children with disabilities are required to meet state domicile requirements to be entitled to
12 admission to school without payment of tuition unless they are “grandfathered” into the system
13 under subsection C.5, below, or unless they otherwise meet one of the circumstances that entitle
14 them to admission without payment of tuition. (See Section C, below.)

15
16 **A. DOMICILE AND RESIDENCE DEFINED**

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

22
23 **B. MEETING DOMICILE REQUIREMENTS**

24
25 1. Domicile of Students Generally

26
27 The domicile of a student under 18 years of age is presumed to be the domicile of
28 his or her parents, legal guardian, or legal custodian as defined by the General
29 Statutes of North Carolina.

30
31 2. Domicile of Emancipated Students

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33 If a student is at least 18 years of age, is married, or has been abandoned by his or
34 her parents, or if the court declares a student to be emancipated, the student may
35 establish a domicile independent from that of his or her parents, legal guardian, or
36 legal custodian. A student who establishes domicile as a result of being
37 emancipated is a domiciliary of the school system and is entitled to the same
38 rights and privileges of other students domiciled in the school system.

39
40 3. Domicile of Students with Divorced or Separated Parents

41
42 Domicile for the purpose of school admission and assignment will be determined
43 by the following criteria.
44

- 45 a. In the event that a student’s parents are divorced or separated and physical
46 custody has been given to only one parent, the student’s domicile follows
47 that of the parent who has been granted physical custody.
48
- 49 b. If physical custody has not been determined or has been granted jointly to
50 both parents, or if the custodial parent wishes the student to attend school
51 in the non-custodial parent’s system of residence, then the parents must
52 jointly agree on which residence will be used to determine the student’s
53 domicile. The selected residence must be submitted in writing to the
54 superintendent.
55
- 56 c. The selection may not be changed during the school year unless the
57 parents satisfy the board’s policies on transfers and releases.
58
- 59 d. In the event that the parents cannot agree on which residence will be used
60 to determine the student’s domicile for school assignment purposes,
61 school officials shall assign the student according to the residence of the
62 parent with physical custody of the student at the beginning of **each** ~~the~~
63 school year.
64

65 **C. MEETING RESIDENCE REQUIREMENTS**

66 A student who resides in the system in any of the following circumstances will be
67 admitted without payment of tuition.
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- 69
- 70 1. The student is homeless as defined in state and federal law and policy 4125,
71 Homeless Students. A student living with a friend or relative is not a homeless
72 student unless he or she lives there due to conditions that constitute homelessness
73 under state and federal statutes. A homeless student will be assigned in
74 accordance with policy 4125, Homeless Students.
75
- 76 2. The parent, guardian, or legal custodian residing in the school system attendance
77 area is a student, employee, or faculty member of a college or university or is a
78 visiting scholar at the National Humanities Center.
79
- 80 3. The student resides in a group home, foster home, or other similar facility or
81 institution.
82
- 83 4. The student resides in a pre-adoptive home following placement by a county
84 department of social services or a licensed child-placing agency.
85
- 86 5. The student is considered a child with a disability by the General Statutes and the
87 North Carolina *Policies Governing Services for Children with Disabilities* and the
88 child was (a) enrolled in the school system on the last day of school for the

- 89 2006-07 school year or (b) enrolled in and attending a school in the school system
90 on August 1, 2007, for the 2007-08 school year, so long as the child lives within
91 and is continuously enrolled in the system.
92
- 93 6. The student resides with an adult who is a domiciliary of the school system as a
94 result of any of the following.
95
- 96 a. The death, serious illness, or incarceration of the child’s parent or legal
97 guardian.
98
 - 99 b. The abandonment by the child’s parent or legal guardian of the complete
100 control of the student as evidenced by the failure to provide substantial
101 financial support and parental guidance.
102
 - 103 c. Abuse or neglect by the parent or legal guardian.
104
 - 105 d. The physical or mental condition of the parent or legal guardian is such
106 that he or she cannot provide the student with adequate care and
107 supervision.
108
 - 109 e. The relinquishment of physical custody and control of the student by the
110 student’s parent or legal guardian upon the recommendation of the
111 department of social services or the Division of Mental Health.
112
 - 113 f. The loss or uninhabitability of the student’s home as the result of a natural
114 disaster.
115
 - 116 g. The parent or legal guardian is one of the following: (1) on active military
117 duty, not including periods of active duty for training for less than 30
118 days, and is deployed out of the local school administrative unit in which
119 the student resides; (2) a member or veteran of the uniformed services who
120 is severely injured and medically discharged or retired (but only for a
121 period of one year after the medical discharge or retirement of the parent
122 or guardian); or (3) a member of the uniformed services who has died
123 while on active duty or as a result of injuries sustained on active duty (but
124 only for a period of one year after the death of the parent or guardian).
125 Assignment under this subsection is only available if some evidence of the
126 deployment, medical discharge, retirement, or death is tendered with the
127 affidavits required under G.S. 115C-366.
128
- 129 In order to be admitted under this provision, the student may not be currently
130 under a term of suspension or expulsion from a school for conduct that could have
131 led to a suspension or an expulsion from the local school administrative unit,
132 unless the student is identified as eligible for special education and related

133 services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et*
134 *seq.*, and evidence of such eligibility is tendered with the affidavits described
135 below.

136
137 The adult with whom the student resides and the student’s parent, guardian, or
138 legal custodian, if available, must complete and sign separate affidavits available
139 from the superintendent’s office attesting to information required by G.S. 115C-
140 366(a3). If it is found that a person willfully and knowingly provided false
141 information in the affidavit, the maker of the affidavit will be guilty of a Class 1
142 misdemeanor and will pay to the Transylvania County Board of Education (the
143 “board”) an amount equal to the cost of educating the student during the period of
144 enrollment. Repayment will not include state funds.

145
146 **D. PARTICIPATION IN JROTC BY HOME SCHOOL STUDENTS**

147
148 A home school student who resides within the assignment area of a school that maintains
149 a Junior Reserve Officers’ Training Corps (JROTC) unit shall be permitted membership
150 in the JROTC unit of the school without regard to domicile if the student is otherwise
151 qualified for membership but for lack of enrollment in the school.

152
153 **E. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY**
154 **PROGRAM**

155
156 In determining whether a student meets the domicile or residence requirements of this
157 policy, school personnel shall consider the actual address of a participant in the North
158 Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such
159 address will remain confidential in accordance with law and policy 4250/5075/7316,
160 North Carolina Address Confidentiality Program.

161
162 **F. APPEAL OF ADMISSION DECISIONS**

163
164 Within ten (10) working days of receiving all of the information required under this
165 policy, the superintendent or designee shall provide a written decision to the applicant for
166 admission to the school system. The superintendent’s decision regarding admission of
167 the student may be appealed to the board in accordance with subsection E.5 in policy
168 1740/4010, Student and Parent Grievance Procedure.

169
170 Legal References: **10 U.S.C. 2031(g)**; Elementary and Secondary Education Act, 20 U.S.C. 6303
171 *et seq.*; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300;
172 McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; *Non-Regulatory Guidance:*
173 *Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and
174 U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on*
175 *Education for Homeless Children and Youths Program*, U.S. Department of Education (July
176 2016); G.S. 7B art. 35; 35A art. 6; 15C-8(i); 50-13.1 to -13.3; 115C-106.2, -106.3, -107.6, -

177 108.1(a), -366, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of
178 Education Policy EXCP-000, available at [http://ec.ncpublicschools.gov/policies/nc-policies-](http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities)
179 [governing-services-for-children-with-disabilities](http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities)

180
181 Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of
182 Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address
183 Confidentiality Program (policy 4250/5075/7316)

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