

# Exhibit 1

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**Bylaw 0112 - Purpose (Revised)**

**Policy 5111 - Determination of Legal Settlement and Eligibility for Enrollment of Students without Legal Settlement in the Corporation (Revised)**

**Policy 6250 - Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership (Revised)**



Book	Policy Manual
Section	Policies for the Board 33-2
Title	Copy of PURPOSE
Code	po0112
Status	Work Session
Adopted	May 20, 2010

#### 0112 - **PURPOSE**

The School Board exists for the purpose of a governing system for providing a free, public education in grades Kindergarten through 12th. ~~for children in School City of Hobart.~~

**[OPTION 1] (X)** for resident children and children of qualified employees who may be allowed to transfer into the School Corporation as required by law attending the School City of Hobart.

~~**[OPTION 2] (-)** for resident children, children of qualified employees who are allowed to transfer into the School Corporation as required by law, and other transfer students approved according to Board policy attending the \_\_\_\_\_ **[enter name of school corporation]**.~~

~~**[DRAFTING NOTE: Selection OPTION 1 if Board policy 5111 does NOT allow transfer students. Choose OPTION 2 if Board policy 5111 allows for transfer students to attend the Corporation.]**~~

Legal	I.C. 20-26-5-1
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Book	Policy Manual
Section	Policies for the Board 33-2
Title	Copy of DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY
Code	po5111
Status	Work Session
Adopted	May 20, 2010
Last Revised	March 4, 2021

**5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION; PROOF OF INDIANA RESIDENCY**

The School Board establishes the following policy for determining student eligibility to attend the schools of this School 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 by reference to the residence of the student's parent or legal guardian and the student is being supported by and living with a person whose residence is within the Corporation, the student may be enrolled without payment of tuition. Parents may not place students 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, which may not be done for the sole purpose of school attendance.
- 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 and AG 5111.01 – Homeless Students).
- F. If a student's legal settlement is changed after the student has begun attending school in the Corporation in any school year, the effective date of withdrawal from the Corporation may, at the election of the parent, the student (if the student is at least eighteen years of age), or a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal), be extended to the end of the semester in which the change of legal settlement occurred. At the discretion of the Superintendent the effective date of withdrawal from the Corporation may be extended to the end of that school year.
- G. Students who have completed the eleventh grade in this Corporation and have changed legal settlement to another school corporation may complete the twelfth grade in this Corporation.

Transportation from and to the site of the new legal settlement will not be provided by the School Corporation for a

student whose effective date of withdrawal is extended beyond the date of the change of legal settlement, unless the student has an Individualized Education Program (IEP) in which transportation is required to be provided as a related service.

- H. A married student living with a spouse, or a married or unmarried emancipated minor is eligible to attend school without payment of tuition if the student resides in the Corporation.

#### **I. 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 an election is made. Utilizing the "Custodial Statement and Agreement: Divorce, Separation or Abandonment" form provided in the Indiana State Board of Education.

The parent with physical custody of the student or the student, if the student is at least eighteen (18) years of age, must notify the Superintendent of the school corporation in which the parents/student seek to have the student enrolled of their election to enroll the student in the Corporation. The election shall be made on a yearly basis and applies throughout the school year unless the student's parent no longer resides within the attendance area of the Corporation.

- J. 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.
- K. 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.
- L. Nonresident students may be accepted into the Summer School Program provided by this Corporation.

- M. The School Corporation shall maintain proof of Indiana residency for each student enrolled in the Corporation whom the Corporation counts for membership in the ADM count. This documentation of Indiana residency shall be placed in the student's electronic or hard copy file. (See also Policy 6250 - Required ADM Counts for the Purpose of State Funding and Verification of Residency for Membership.)

#### **N. Transfer Students**

The Corporation shall enroll only those students who have legal settlement in the School Corporation. The Corporation does not enroll students who do not have legal settlement as determined pursuant to I.C. 20-26-11 unless there was a policy in 2012-2013 school year that allowed students who do not have legal settlement to enroll in the Corporation. Those students, as well as students in the same household of a student who was enrolled in 2012-2013 (whether or not that student attended a public school or accredited nonpublic school) may enroll for the current year. The governing body of the Corporation may authorize the transfer of a student from an accredited nonpublic school or charter school to a school within the school corporation.

##### **Transfer Student Whose Parent Is Employed by the Corporation:**

The Corporation shall accept a transferring student who does not have legal settlement in the Corporation and whose parent is a current employee of the Corporation who resides in Indiana if: 1) the parent/employee earns an annual salary of at least: a) \$8,000; or b) \$3,000 earned due to being included an employee in the extracurricular portion of the Corporation's collective bargaining agreement; and 2) the Corporation has the capacity to accept the student. If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

##### **Nonpublic School Transfer Student**

The Corporation shall accept a transferring student who resides in Indiana and who does not have legal settlement in the Corporation if:

- A. the student attended an accredited nonpublic elementary school located in the attendance area of the Corporation for at least two (2) school years immediately preceding the school year in which the student transfers to a high school in the Corporation under this section;
- B. the student is transferring because the accredited nonpublic school from which the student is transferring does not offer grades 9 through 12;

- C. the majority of the students in the same grade as the transferring student at the accredited nonpublic school have legal settlement in the Corporation and will attend a school under the authority of the Corporation; and
- D. the Corporation has the capacity to accept students.

If the number of students who request to transfer to the Corporation under this section causes the Corporation to exceed its maximum student capacity, the Board shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

Revised 1/20/11  
Revised 8/15/13  
Revised 3/20/14  
Revised 2/5/15  
Revised 3/3/16  
Revised 2/6/20

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#### Legal

- I.C. 20-18-2-11 (legal settlement defined)
- I.C. 20-33-2 (compulsory school attendance)
- I.C. 20-33-8-17 (expulsion for lack of legal settlement)
- I.C. 20-26-11-1 (residence defined)
- I.C. 20-26-11-2
- I.C. 20-26-11-2.5 (divorced parent election)
- I.C. 20-26-11-6(e) (option to not charge transfer tuition)
- I.C. 20-26-11-6.5 (children of school employees)
- I.C. 20-26-11-6.7 (nonpublic school students)
- I.C. 20-26-11-32 (lottery selection of student transfer requests, HEA 1381 – 2013)
- I.C. 20-26-11-33 (non-transfer student attending alternative education program)
- Plyer v. Doe, 457 U.S. 202 (1982) (State Statute denying free public education to illegal immigrants violated the Equal Protection Clause of the Fourteenth Amendment)
- Divorced Parents Agreement: <http://www.doe.in.gov/sites/default/files/legal/formiii.pdf>
- Third Party Agreement: <http://www.doe.in.gov/sites/default/files/legal/custodialstatementinstructions.pdf>



Book	Policy Manual
Section	Policies for the Board 33-2
Title	Copy of REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP
Code	po6250
Status	Work Session
Adopted	July 23, 2020

#### **6250 - REQUIRED ADM COUNTS FOR THE PURPOSE OF STATE FUNDING AND VERIFICATION OF RESIDENCY FOR MEMBERSHIP**

The School Board expects enrolled students to be in regular attendance and engaged in the School Corporation's education programs in accordance with the provisions of the State compulsory attendance law, other provisions of State student attendance statutes found in I.C. 20-33-2 and the provisions of Policy 5200 Attendance. Additionally, the Board expects the cooperation of parents in monitoring the attendance of their children to comply with the above statutes and policies.

A major portion of State funding for school corporations is determined by a count of enrolled students taken on days selected by the Indiana Department of Education (IDOE). This count is referred to as the Average Daily Membership ("ADM") count. The ADM counts in February and September are to be exact counts of eligible students enrolled in the Corporation by grade and school. An eligible student is a student who is enrolled in the Corporation on the ADM count day. A student may not be counted as an eligible student in more than one school corporation.

The Board requires the Superintendent to establish administrative guidelines that detail the procedures which will be followed by all staff members involved in taking the ADM count in each school. These guidelines shall be made with the purpose of establishing internal controls to provide for timely and accurate ADM reporting to the IDOE. These guidelines shall assign to a building level staff member the duty and responsibility of compiling the ADM count. The ADM count in each school building shall be documented by providing a list of student names and unique student numbers assigned to each student through the IDOE system of identification. The individual assigned the duty and responsibility of compiling the ADM count shall sign a written certification of authenticity and accuracy of the count total, the accompanying student list of names and numbers, and the acknowledgment that each student on the list is an "eligible student" for the Corporation's ADM count. The individual assigned the duty and responsibility of compiling, documenting and certifying the count in each school building shall submit said count, documentation, and certification to an individual assigned by the Superintendent to compile the total ADM count for the Corporation. The guidelines also shall detail the individual responsible for retaining the records of the ADM count and related documentation. The supporting documentation of enrollment and attendance information by grade and school building must be signed by the building principal and retained for audit purposes to substantiate the ADM count claimed. The guidelines shall require the individual submitting the ADM count to the IDOE to follow the IDOE Membership Layout instructional forms.

Before reporting any student for membership, the Corporation must consider the following expectations regarding student residency verification as well as exceptions to residency requirements.

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**Expectations for Student Residency Verification are as follows:**  
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- A. The Corporation must maintain proof of Indiana residency for each student in the student's electronic or hard copy file.
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- B. Proof of residency must be filed for each student whom the Corporation counts for membership.
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1. For a student enrolling from one year to the next at the Corporation, a parent/guardian must confirm re-

enrollment of the student either in-person or through an online registration process. If the Corporation brings forward enrollment from the prior year, students cannot be reported for Membership (ME, MA, MV) without verification of consistent attendance prior to the ADM count day.

2. As part of the registration process (either in-person or online), the Corporation must share the residency information it currently has on file for each student. The parent/guardian must certify on a school-designed form that the student's address is either unchanged or changed. If changed, the new address should be updated, and the parent/guardian should be required to provide physical proof of the address change.
  3. A parent/guardian does not have to refile proof of residency each year for a student unless the address changes.
- C. Proof of residency must be on hand for each student prior to the student being claimed on the fall and/or spring membership count dates.
- D. If a student enrolls in the Corporation during the school year, proof of Indiana residency must be filed with the Corporation.
- E. If a student has a change of address from one school year to another, the prior residency documents must be maintained in the student's file. For audit purposes, the Corporation must be able to produce a physical or scanned copy of residency proof for current and prior residency of each student.
- F. The Board must annually adopt or readopt a policy that specified documentation, not to exceed three (3) items, required to verify Indiana residency.
- G. Documentation supporting proof of residency may include such items as a current utility bill, telephone bill, tax return, bank statement, mortgage statement, rental/lease agreement, medical bill or other like information that provides a verifiable address. Documentation should be dated within sixty (60) days of student enrollment and the date should be clearly identified and readable on the copy on file for the student.
- H. The Board requires the following as documentation of proof of residency for its students, with limited exceptions set forth below (the Board must select not more than three of the following options):

a current utility bill (dated within 60 days of student enrollment)

a current telephone bill (dated within 60 days of student enrollment)

a current tax return (dated within 60 days of student enrollment)

a current bank statement (dated within 60 days of student enrollment)

a current mortgage statement (dated within 60 days of student enrollment)

a current rental/lease agreement (dated within 60 days of student enrollment)

a current medical bill (dated within 60 days of student enrollment)

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Copies of these documents shall be retained by the Corporation in each student's cumulative file.

#### **Other Types of Proof of Residency:**

Some students may not have required residency documents due to McKinney-Vento status, Third Party Custodial status, Foster Care status, etc. The documentation of proof of residency for these students that must be maintained by the Corporation is set forth below.

#### **McKinney-Vento (Homeless)**

A completed IN Education for Homeless Children & Youth (INEHCY) McKinney-Vento Homeless Education Program Housing Questionnaire may serve as documentation of proof of residency for homeless students and must be retained by the Corporation as proof of residency if the above-referenced documentation is not available. (See also Policy 5111.01 - Homeless Students)

#### **Third Party Custodial**

The Corporation shall maintain the residency documents of the custodial guardian the student is residing with as documentation

of proof of Indiana residency. (See also Policy 5111 - Determination of Legal Settlement and Eligibility for Enrollment of Student without Legal Settlement in the Corporation)

**Placement of a student by DCS, FSSA, Courts, etc.**

The Corporation shall maintain either of the following as documentation of proof of Indiana residency of the student:

- A. Residency documents from the custodial guardian, foster family, etc. with whom the student is residing.
- B. A court order, placement letter or other document evidencing the placement on the appropriate state or county letterhead.

(See also Policy 5111.03 - Children and Youth in Foster Care)

**Exceptions to Indiana Residency Requirements include:**

**Foreign Exchange student**

This applies to foreign exchange students who are residing in, enrolled and attending the Corporation, excluding foreign students enrolled and attending with an F1 Visa. The Corporation shall maintain residency documents of the host family with whom the student is residing for proof of Indiana residency.

(See also Policy 5114 - Nonimmigrant Students and Foreign Exchange Program)

**Student of an active Military family member**

The Corporation shall maintain the following as documentation of proof of Indiana residency for a student of an active Military family member:

- A. Official military order of deployment or pending transfer supported in writing on official letterhead from the appropriate military branch.
- B. The address may include a temporary on-base leased home or apartment, purchased or leased home or apartment or federal government housing or off-base military housing.

(See also Policy 5111.02 - Educational Opportunity for Military Children)

All staff members who participate in the ADM count are expected to be ethical in counting only those students who meet the definition of "eligible student" in the ADM count. Any staff member participating in the ADM count who fails to comply with this policy, the related administrative guidelines, and the directives of the IDOE and Indiana State Board of Accounts ("SBOA") for taking an ADM count is subject to disciplinary action up to and including termination.

If the Corporation offers a "virtual education program," more robust internal controls must be developed to ensure compliance with I.C. 20-24-7-13(h). The Board requires the Superintendent to include in the administrative guidelines controls that clarify under what conditions a student is considered to be "enrolled" when participating in a virtual education program and how much activity or progress a student must engage in to be considered in attendance.

Note: This policy was prepared to meet the SBOA's requirements for a "student engagement policy" as outlined in the December 2019 School Bulletin, Volume 228, page 4. It has been further modified to meet the IDOE's August 27, 2020 Memorandum providing written guidance on verification of Indiana residency as it relates to reporting students for membership.

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Legal I.C. 20-33-2  
I.C. 20-26-11-2