

Exhibit 5

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

Policy 5130 – Withdrawal from School (Technical Correction)



Book	Policy Manual
Section	Policies for the Board - 33-1
Title	Copy of DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION
Code	po5111
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Adopted	May 20, 2010
Last Revised	February 6, 2020

5111 - DETERMINATION OF LEGAL SETTLEMENT AND ELIGIBILITY FOR ENROLLMENT OF STUDENTS WITHOUT LEGAL SETTLEMENT IN THE CORPORATION

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. 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 ~~and has a salary of at least \$8,000~~ 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

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Legal

I.C. 20-18-2-11 (legal settlement defined)

I.C. 20-33-2-12 (transfer to another accredited or non-accredited school)

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 - 33-1
Title	Copy of WITHDRAWAL FROM SCHOOL
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5130 - **WITHDRAWAL FROM SCHOOL**

The School Board affirms that, while Indiana Law requires attendance of each student until eighteen (18) years of age, it is in the best interests of both the students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board directs that whenever a student, sixteen (16) to eighteen (18) years of age, wishes to withdraw from school, an exit interview will be conducted. The following individuals shall attend the exit interview:

- A. the student;
- B. the parent(s);
- C. the principal or principal's designee.

The exit interview will include a determination of whether or not the student is withdrawing for reason of financial hardship, requiring the student to be employed to support the student's family or a dependent, illness, or an order by a court that has jurisdiction over the student.

During the exit interview, the individual(s) designated by the Board to attend shall provide the student and the student's parent(s) a copy of statistics concerning the likely consequences of life without a high school diploma.

The student may not withdraw from school unless the student, the student's parent or guardian, and the principal agree to the withdrawal and the parent or guardian and the principal provide written consent for the student to withdraw from school. If the principal (this duty may not be delegated to a designee) does not consent to the student's withdrawal, the student's parent may appeal the denial to the Board.

At least five (5) days before holding an exit interview, the Corporation shall give notice by certified mail or personal delivery to the student, the student's parent(s), or the student's guardian that the student's failure to attend an exit interview or return to school if the student does not meet the requirements to withdraw from school will result in the revocation or denial of the student's driver's license or learner's permit and employment certificate.

The Superintendent shall develop a withdrawal form (Form 5130 F4) which is to be signed by the student, his/her parent, and the principal in accordance with this policy.

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Legal

I.C. 9-24-2-1

I.C. 20-26-13-17

I.C. 20-33-2-9

I.C. 20-33-2-28.5