

Policy Code: 4120 Domicile or Residence Requirements

A student who is domiciled within the geographic area served by the school system, in the school district who is under age 21 (22 for students entitled to special education services) before the first day of school, who has not completed the prescribed courses for high school graduation 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. The Superintendent shall develop a regulation outlining the specific documentation necessary and sufficient to enroll a student.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are “grandfathered” into the system under subsection C. 6, below, or unless they otherwise meet one of the criteria that entitle them to admission without payment of tuition. (See Section C, below.)

A. Domicile and Residence Defined

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.

B. Meeting Domicile Requirements

1. Domicile of Students Generally

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.

For the purposes of this policy, “parent” includes a parent, legal guardian, legal custodian, or other caregiver adult who is acting in the place of a parent and is entitled to enroll the student in school under [115C, Article 25](#) (Admission Requirements).

2. Domicile of Emancipated Students

If the student is at least 18 years of age, 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 is a domiciliary of the school district and shall be entitled to the same rights and privileges of other students domiciled in the school district.

3. The domicile of an unemancipated minor whose parents are divorced, separated, or otherwise live apart shall be determined by the following criteria:

- a. If a student lives exclusively with one parent in the absence of a custody order, or if physical custody has been awarded by court order to only one parent, the domicile of the student will be the same as that of the custodial parent. For purposes of this policy, “visitation” rights will not be considered a form of physical custody.
- b. If a student lives with both parents in the absence of a custody order, or if a custody order grants physical custody jointly to both parents (such that the student stays with one parent during some school nights and the other parent during other

school nights), the parents must jointly agree as to which of their domiciles will be used as the student's domicile for purposes of school enrollment as long as both parents have a legal right to make educational decisions on behalf of the student. The selection must be made on a form prescribed by the superintendent or designee and may not be changed during the school year. If the parents cannot reach agreement, school officials will deem the domicile of the student to be the domicile of the parent with physical custody of the student at the beginning of the school year. Custody orders granting a parent visitation rights are not considered a form of physical custody.

c. Transportation will be provided only the home of the parent whose domicile is used for school assignment purposes.

4. Domicile of Students in the custody of the Orange County Department of Social Services

A student who is domiciled within the Chapel Hill-Carrboro City Schools shall retain domiciliary status within the district if the student is placed in foster care outside the district by the Orange County Department of Social Services and if DSS requests such status based on the student's circumstances. The student's eligibility to attend the Chapel Hill-Carrboro City Schools shall end when the student establishes domicile in another school district through the student's return to a custodial parent or guardian, through long-term foster care placement or through other factors. The district shall not provide transportation to students who reside outside the district unless required to do so by law or regulation.

C. Meeting Residence Requirements

A student who resides in the district under any of the following circumstances shall be admitted without payment of tuition.

1. The student is homeless, i.e., lacks a fixed, regular and adequate nighttime residence and/or has primary nighttime residence at a shelter designed to provide temporary living accommodations. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student shall be assigned in accordance with policy 4125, Homeless Students.
2. The student resides in a group home, foster home or other similar facility or institution.
3. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.
4. The parent, guardian, or legal custodian residing in the school system attendance area is on active military duty and is assigned by official military order to a military installation or reservation in North Carolina.
5. The student is considered a child with a disability by the General Statutes and the *North Carolina Procedures Governing Services for Children with Disabilities*; and the child was (a) enrolled in a particular school system on the last day of school for the 2006-2007 school year, or (b) enrolled in and attending a school in a particular local school administrative unit on August 1, 2007 for the 2007 school year, so long as the child lives within and is continuously enrolled in that system.
6. The student resides with an adult, who is a domiciliary of that unit, as a result of any of

the following:

- a. the death, serious illness, or incarceration of a parent or legal guardian;
- b. 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;
- c. abuse or neglect by the parent or legal guardian;
- d. the physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision;
- e. the relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the department of social services or the Division of Mental Health;
- f. the loss or uninhabitability of the student's home as the result of a natural disaster or;
- g. the parent or legal guardian is one of the following: (1) a member or veteran of the uniformed services who is severely injured and medically discharged or retired (but only for a period of one year after the medical discharge or retirement of the parent or guardian); or (2) a member of the uniformed services who has died while on active duty or as a result of injuries sustained on active duty (but only for a period of one year after the death of the parent or guardian). Assignment under this subsection is only available if some evidence of the medical discharge, retirement, or death is tendered with the affidavits required under [G.S. 115C-366](#).
- h. The parent or legal guardian is on active military duty, not including periods of active duty for training for less than 30 days, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent him or her from physically residing with the student. Assignment under this subsection is only available if the signed letter from the commanding officer is included with the affidavits required under [G.S. 115C-366](#), and the commanding officer indicates the time period that such military orders will be in effect.

In order to be admitted under this provision, the student cannot 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 Chapel Hill-Carrboro City Schools. Students 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 Chapel Hill-Carrboro City Schools and who have been identified as children in need of special education shall be provided services, in accordance with federal and state law. After the submission of the affidavits required below, an Individual Education Program (IEP) team meeting shall be convened to determine the nature, frequency and location of such services.

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 shall be guilty of a Class 1 misdemeanor and shall pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment shall not include state funds.

D. Remote Enrollment of Children of Military Families

A student who is not domiciled in the school system attendance area is permitted to enroll by remote means, including electronic means, prior to commencement of the student's residency in the school system attendance area if all of the following apply.

1. The student's parent or legal guardian is on active military duty and is transferred or pending transfer pursuant to an official military order to a military installation or reservation in North Carolina.
2. Upon request by the school system, the parent or legal guardian provides a copy of the official military order transferring to the military installation or reservation.
3. The parent or legal guardian completes and submits the school system's enrollment forms and documentation, except that proof of residency and documentation related to disciplinary actions required under policy 4115, Behavior Standards for Transfer Students, will not be required until the student transfers into the school system.

The school system will make available to a student who registers to enroll pursuant to this section the same opportunities available to a domiciled student, such as requesting or applying for school assignment, registering for courses, and applying for any other programs that require additional request or application. A student enrolled pursuant to this section may not attend school until proof of residency is provided.

E. Students Participating in the North Carolina Address Confidentiality Program

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by [G.S. Chapter 15C](#), but such address shall remain confidential in accordance with law and board policy 4250/5075/7316, North Carolina Address Confidentiality Program.

F. Verification of Domicile

The school system shall make a concerted effort to ensure that only students who are domiciled within the Chapel Hill-Carrboro City Schools are in attendance. When a family is no longer domiciled in the school system, a parent or guardian should report their status to the school or Coordinator of Student Enrollment. Anyone who is suspected of unlawful attendance may be subject to a domicile investigation by the superintendent or designee. The superintendent shall develop regulations outlining the specific domicile investigation procedures.

G. Administrative Withdrawal and Tuition

Upon receiving information from a family or determining through a domicile investigation that a student is no longer domiciled in the school system, the student's parent or guardian shall be notified in writing that the student shall be administratively withdrawn from the school system. Upon payment of pro-rated tuition, the student may remain in the school system until the conclusion of the current grading period. A student shall not be able to remain enrolled after the conclusion of the current grading period, unless the student is in 12th grade. A student in 12th grade shall have the option to remain enrolled until the end of the school year, upon payment of tuition.

The parent or guardian of the student shall be charged tuition for each day after the student was no longer domiciled in the school system. Tuition shall be calculated based on Policy 4135 and

tuition shall be charged through the date of administrative withdrawal. If the tuition charge is not paid, the student shall be immediately withdrawn from the school system.

A tuition waiver can be granted if the student is receiving free or reduced lunch and the parent authorizes the superintendent or designee to check the student's free or reduced lunch status.

If the parent or guardian willfully and knowingly provided false information to establish domicile within the school district, the student shall be immediately withdrawn from the school system. The parent or guardian of the student shall be charged tuition for each day after the student enrolled without being domiciled in the school system and a tuition waiver request shall not be considered. Tuition shall be charged through the date of administrative withdrawal.

H. Appeal of the Administrative Withdrawal

An appeal of the administrative withdrawal may be submitted for the following reason:

1. The parent or guardian disputes the determination that the student is not domiciled within the school system.
 - a. The parent or guardian shall have 10 calendar days from receipt of the administrative withdrawal letter to file a written appeal with the Board of Education. In the written appeal, the parent or guardian must provide evidence of a domicile within the school system and the parent may request to appear in person at a closed meeting of the Board of Education. If the parent does not request to appear, the Board shall consider the written request and shall then make a determination. The Board shall promptly render a decision and notice of the decision shall be given to the applicant by registered or certified mail.
 - b. If an appeal is under review, the student in question shall remain enrolled until the appeal is resolved.

Legal References: Elementary and Secondary Education Act, [20 U.S.C. 6303](#) et seq.; Individuals with Disabilities Education Act, [20 U.S.C. 1400](#) et seq., [34 C.F.R. pt. 300](#); McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431](#) et seq.; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 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](#), [-108.1\(a\)](#), [-366](#), [-407.5](#); *Policies Governing Services for Children with Disabilities*, State Board of Education Policy [EXCP-000](#), available at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>

Cross References: Tuition for Discretionary Admissions (Policy 4135) Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Behavior Standards for Transfer Students (policy 4115), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

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