

## Definition of "In Conjunction With a Change of Residence."

### Illustrations for Section 3.040 of the By-laws

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A: If a student is requesting eligibility in conjunction with a move, the move must be documented at the time of the student's transfer and submissions through the Transfer Management System (TMS). A student or student's family cannot receive an eligibility ruling and then later submit documentation pertaining to a move after the initial ruling on eligibility has been issued. (By-law 3.043.1; Policy 2).

### Proposed New Q/A

111 Q: What is the meaning of "in conjunction with" for the purpose of determining transfer eligibility under By-law 3.043.1?

A: For purposes of these By-laws, a student's transfer shall be deemed to occur "in conjunction with a change of residence" when the Executive Director or, upon appeal, the Hearing Board or Board of Directors determines that the student's change of school attendance and the family's change of residence are sufficiently connected in time, purpose, and surrounding circumstances to constitute parts of the same bona fide relocation. In making this determination, the Executive Director, Hearing Board, and/or Board of Directors may consider any information deemed relevant, including, without limitation:

1. the timing of the student's enrollment and the change of residence;
2. the reasons for any delay between the student's enrollment and the family's relocation;
3. the extent to which the relocation was planned or reasonably anticipated at the time of the transfer and submission through the Transfer Management System;
4. the existence of contracts, leases, purchase agreements, construction delays, financing issues, employment changes, or other objective evidence relating to the relocation;
5. whether the student or family established residency in the new community before or after enrollment;
6. whether the relocation reflects a bona fide change in the family's principal residence; and
7. any other facts bearing upon whether the transfer and relocation are genuinely related and consistent with the purposes and guiding principles of these By-laws.

A transfer shall not be deemed to occur in conjunction with a change of residence merely because a relocation ultimately occurs after the student's enrollment, nor shall a transfer be disqualified solely because the relocation is completed after enrollment where the evidence establishes that the transfer and relocation were parts of the same bona fide family move. For purposes of this Illustration No. 111, any reference to "family" shall include a surviving parent, custodial parent, or guardian.

The Executive Director and, upon appeal, the Hearing Board or Board of Directors shall have the authority to interpret and apply this standard in good faith, to weigh the credibility and significance of the evidence presented, and to determine eligibility in a manner consistent with the purposes, policies, and integrity of these By-laws. Any such determination may take into account circumstances not specifically identified above and shall not be limited by any rigid temporal requirement unless otherwise expressly provided in these By-laws.