

REGULATION ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: JAB

Responsible Office: DIVISION OF STUDENT SUPPORT SERVICES

ASSIGNMENT AND TRANSFER OF STUDENTS TO A SCHOOL

A. PURPOSE

To establish procedures to guide the assignment and the transfer of students to a school within Anne Arundel County Public Schools (AACPS).

B. BACKGROUND

Policy JAB – Assignment and Transfer of Student to a School establishes the authority and responsibility governing student assignments. The Board of Education of Anne Arundel County (Board) delegates authority to the Superintendent to develop regulations for the assignment of students to a school. Students must attend the school designated to serve the attendance area of their bona fide residence.

C. DEFINITIONS

1. ***Adjustment Transfer*** – a request initiated by two principals, due to special circumstances, for a student to attend a school other than the school designated by bona fide residence. An adjustment transfer shall only occur in consultation with and review by the appropriate Regional Assistant Superintendent(s). The final decision to approve an adjustment transfer shall be made by the Assistant Superintendent for Student Support Services.
2. ***Administrative Transfer*** – a transfer approved by the Superintendent or the Superintendent’s designee.
3. ***Bona fide Residence*** – the actual place of residence the student maintains in good faith with the student’s parent(s)/guardian(s) or caretakers who intend to reside in the actual place of residence permanently. It does not include a temporary residence established for the purpose of free school attendance in the public schools. The burden of establishing bona fide residency to the satisfaction of the school principal and Division of Student Support Services is that of an emancipated student, a care provider, or the student’s parent(s)/guardian(s). The determination of bona fide residency for school purposes shall be made by the principal or the principal’s designee when a child resides with the child’s parent(s)/guardian(s) or

court-appointed guardian. The determination of bona fide residency for school purposes shall be made by the Division of Student Support Services when the child resides with a care provider.

4. **Care Provider** – an individual who is 18 years old and is allowed to act as parent(s)/guardian(s) to a child by the child’s natural parent(s)/guardian(s) due to family hardship. These situations may qualify as Kinship Care or Hardship Care.
 - a. **Kinship Care** is a living arrangement in which a relative of a child provides for the care and custody of the child due to serious family hardship. A serious family hardship means one of the following has occurred to the parent or legal guardian of the child: death, serious illness, drug addiction, incarceration, abandonment of the child, or assignment to active military duty. Kinship care must be provided in a school attendance area other than the school attendance area of the child's parent(s)/guardian(s).
 - b. **Hardship Care** is a determination made by the Office of Pupil Personnel regarding the living arrangement of a child when Kinship Care does not apply. Such determination requires submission of proper documentation.
 - c. The designation of Kinship Care or Hardship Care shall be determined by the Division of Student Support Services in accordance with the provisions of Section 7-101 of the Education Article of the Annotated Code of Maryland and must be approved prior to enrollment. The care provider shall have access to student records provided the student is under 18 years of age. The parent(s)/guardian(s) of students receiving special education services retain the right to make any educational decisions on behalf of the child.
5. **Closed Schools** – those schools that have an enrollment or projected enrollment that is at 90% or greater of the state-rated capacity, and those Title I schools that have an enrollment that is 80% or greater of the State-rated capacity. At the discretion of the Superintendent or the Superintendent’s designee, schools may also be closed for reasons such as construction, redistricting, or special program offerings requiring admission. Transfers into these schools are restricted.
6. **Documented Hardship** – families with documentation supporting serious illness of a parent/guardian or other unusual and extraordinary circumstance. Families may be asked to provide a letter from an employer with work hours, schedule, financial records, daycare voucher, or medical documentation of a serious illness.
7. **Eligible Student** – a student reaching the age of 18, upon the presentation of evidence that the student is living independently and has a separate residence from that of the student’s parent(s)/guardian(s). Schools should involve the Pupil Personnel Worker (PPW) if there are questions about the student’s living independently.

8. ***Emancipated Student*** – a student:
 - a. Who is married, upon presentation of a copy of the marriage certificate; or
 - b. Under the age of 18 and has been declared emancipated through the courts and has the requisite court decree.
9. ***Foster Home*** – a family home in which the child is placed by a licensed public or private agency or by a court of competent jurisdiction.
10. ***Fraudulent Enrollment*** – the intentional misrepresentation of documentation regarding bona fide residence or failure to notify AACPS of a change in bona fide residence within 30 calendar days.
11. ***Non-Resident Student*** – any qualified school-age person who does not have an established bona fide residence in Anne Arundel County. Approved students may be admitted to the public schools with payment of tuition upon approval from the Division of Student Support Services after consultation with the school principal, subject to available space.
12. ***Out-of-Area Transfer*** – a request to attend a school other than one designated by bona fide residence.
13. ***Qualified School-Age Child*** – a student who meets all State requirements for enrollment.
14. ***Residential Child Care Program*** – a program that provides care for children 24 hours a day within a structured set of services and activities designed to achieve objectives related to the needs of the children served and is licensed by the Maryland Department of Health, the Department of Human Services, or the Department of Juvenile Services.
15. ***Resident Student*** – any qualified school-age child who has an established bona fide residence in Anne Arundel County. A resident student shall be admitted to the appropriate public school.
16. ***School Attendance Area*** – that area which is designated by the Board to attend a specific school.
17. ***Tenant Residence Verification Disclosure Form (TRV)*** – the form used to verify residency for purposes of enrollment when a family does not own or rent their residence and lives with another individual or family by choice. This form must be completed annually.

D. PROCEDURES

1. Documentation for Enrollment

- a. Proof of date of birth includes birth certificate, physicians' records, hospital certificate, birth registration, baptism certificate, church certificate, passport/visa, or parent affidavit.
- b. Proof of parent(s)/guardian(s) identity includes driver's license, passport, Motor Vehicle identification card, or other legal forms of documentation.
- c. Proof of parent(s)/guardian(s) relationship includes birth certificate which identifies the parents, court order, divorce decree, or other legal documentation.
 - i. Stepparents are not considered legal guardians unless awarded custody by a court.
 - ii. The determination of bona fide residency for school purposes in all Kinship Care and Hardship Care enrollments and supporting documentation shall be made by the Division of Student Support Services based upon a review of circumstances and documentation.
 - iii. Schools shall enroll students with out-of-county living arrangements, including group home or foster care placements, immediately, using the *Enrollment of Child in State-Supervised Care and Transfer of Educational Records Form* completed by either the foster parent or the enrolling agency. These registrations and enrollment approvals shall occur at the local school. The Office of Pupil Personnel shall be available for consultation.
- d. Proof of immunization must be a *Maryland Department of Health Immunization Certificate* or a computer form generated by a physician or health clinic.
- e. Proof of residency must include two forms of the following documentation provided prior to enrollment. However, the Office of Pupil Personnel and the principal have the discretion to require additional proof of residency:
 - i. A mortgage document issued within 60 calendar days, deed, valid rental agreement, military housing lease, or the TRV with supporting documentation.
 - a) When the TRV is used, the owner or lessee of the residence must provide:
 - i) The notarized TRV form, a copy of a mortgage document, deed, or rental agreement; and
 - ii) A second form of documentation as described below.
 - b) The individual enrolling the student(s) must provide two additional forms of documentation as described below in the individual's name at the individual's current residence within 30 days of enrollment. If the

student(s) has resided at the address for 30 days or more, the documentation is due at the time of enrollment or reverification.

- c) In the event that it is determined by the Coordinator of Pupil Personnel that it is impossible for the required documents to be produced then a letter from a PPW which includes the following may be accepted:
 - i) A minimum of two home visits by a PPW that shall occur prior to enrollment;
 - ii) Date of a parent(s)/guardian(s) interview by a PPW;
 - iii) Documented follow-up visits during the year; or
 - iv) Signature of the Coordinator of Pupil Personnel or the Coordinator's designee verifying the information attested to by the PPW.

- ii. A second form of documentation, issued within the past 60 days, is also required and may include any of the following, provided the address on the document matches the mortgage document, deed, rental agreement, military housing lease, or TRV. Such documentation may include a:
 - a) Utility bill, cable bill or work order issued by the utility or cable company;
 - b) Bank statement;
 - c) W-2 Form or Form 1099 issued the previous year;
 - d) Pay stub;
 - e) Valid Commercial Driver's License;
 - f) An official government issued document, including a:
 - i) Social Security check, check stub, or remittance advice;
 - ii) Domestic Relations or child support check;
 - iii) Department of Social Services Food Supplement or Medical Assistance letter; or
 - iv) Unemployment award; or
 - g) PPW verification letter or form verifying residence after a home visit.

- iii. Online copies of the requisite documentation may be accepted.
- iv. If the parents/guardians live apart, the child's bona fide residence is the bona fide residence of the parent/guardian who has primary physical custody or the parent with whom the child lives the majority of the school week, if a custody order is not in place.
- v. If the parents/guardians share joint physical custody, the student may attend the school assigned to either parent's/guardian's bona fide residence, unless one parent/guardian has primary educational decision-making rights. In a situation where one parent/guardian has primary educational decision-making rights, the child shall attend the school assigned to that particular parent's/guardian's bona fide residence. However, if the parents/guardians disagree on which school the student will attend, the Division of Student Services, in consultation with the school principals, shall make a determination for school placement based on the best interest of the student, which includes the following factors:
 - a) The student's age;
 - b) Grade level;
 - c) Length of time in current school;
 - d) Programmatic needs;
 - e) The student's educational and academic needs;
 - f) Continuity of instruction;
 - g) Time remaining in the school year; and
 - h) Travel time from home to school from both parents'/guardians' residence.
- vi. The determination of bona fide residence for school purposes shall be made by the Division of Student Services when the child resides with a care provider.

2. Exceptions for Non-Resident Students

A non-resident student, other than an approved foreign exchange student, shall not be enrolled in any public school of Anne Arundel County without written authorization from the Division of Student Support Services. The Division of Student Support Services authorizes the acceptance of non-resident students only when space is available in a particular school and previous school records document a history of adherence to acceptable standards of student attendance and behavior in school.

3. Payment of Tuition for Non-Resident Students

A non-resident student shall be charged tuition unless otherwise waived by the Division of Student Support Services. If a student relocates out of Anne Arundel County during the school year, the parent(s)/guardian(s) may contact the Division of Student Support Services for information on tuition.

4. Tuition Fees for Non-Resident Students

Tuition Fees for non-resident students shall be established annually by the Superintendent or the Superintendent's designee.

- a. The tuition rate for students who are residents of another state or country shall be the total cost of educating a student.
- b. The tuition rate for students who are residents of Maryland, but not Anne Arundel County, shall be the county cost of educating a student.
- c. A separate tuition rate shall be established annually for kindergarten, elementary, secondary, and special education students.
- d. Tuition shall be payable bi-annually on or before the first day of each semester.

5. Special Placements

- a. Requests for special placements may be approved by the Superintendent or the Superintendent's designee.
- b. A variety of factors, including school space availability, shall be considered.
- c. Adjustment transfers and administrative transfers are considered special placements.
- d. Transportation shall be the responsibility of the parent(s)/guardian(s) accepting adjustment transfers and administrative transfers.

6. Fraudulent Enrollment

- a. A student shall be withdrawn from AACPS if it is determined a student is fraudulently enrolled. The parent(s)/guardian(s) shall be financially liable for tuition for the entire time of fraudulent enrollment or attendance.
- b. If a parent(s)/guardian(s) is not in agreement with the principal's decision, the parent(s)/guardian(s) has the right to appeal.

7. Conditions of Approval

Approval of out-of-area transfers is subject to the following conditions:

- a. Verification of information on the *Out-of-Area Transfer: Request for Placement form (Form)*;
- b. Temporary reassignment of students by the Superintendent because of school construction, renovation, or an emergency situation;
- c. A change in procedures by the Board or Superintendent;
- d. In kindergarten through second grade, the student must maintain continued satisfactory performance as determined by the sole discretion of the principal; in grade 3 or above, the student must have at least a "C" average;
- e. The student must maintain satisfactory attendance, defined as 94% or better daily attendance and no more than five tardies per marking period, and provided evidence of lawful excuses for absences and tardies;
- f. The student must not have been suspended or expelled;
- g. Any changes in student circumstances relevant to the reason(s) for the transfer, including address, daycare, and employment. Documentation is required to substantiate enrollment or transfer information. It is the responsibility of the parent(s)/guardian(s) to provide the documentation. Transfers may be denied solely on the basis of the failure of the parent(s)/guardian(s) to provide such documentation; and
- h. Transportation from established designated bus stops shall be provided for students who were granted an out-of-area transfer for daycare with a documented hardship as defined by the Division of Student Support Services.

8. Enrollment Procedures and Application Process for Out-of-Area Transfer Requests:

- a. The Form shall be completed each year. Siblings shall be considered individually in accordance with outlined procedures.
- b. Out-of-area kindergarten students must be enrolled in the home school prior to attending a different school. Pre-kindergarten students may not apply for out-of-area transfers because pre-kindergarten is not mandatory.
- c. Procedures for out-of-area requests due to daycare in the elementary and middle schools:

An initial out-of-area request must be received between March 1 and May 1:

- a) Requests will only be considered for the home school of the daycare address.
- b) Requests to attend an out-of-area school for daycare reasons must be accompanied by proof of a documented hardship. Having secured daycare in a particular school attendance area is not sufficient reason for the transfer without required documentation of the hardship.
- c) Parent(s)/guardians(s) shall apply to the principal of the receiving school for the following school year. Completion of the daycare verification form is mandatory. Forms submitted by May 1 shall receive a decision within 30 days of receipt of the Form, but no later than June 1.
- d) The principal or the principal’s designee shall record the date such requests are received in the school office.
- e) The principal shall deny all out-of-area requests once the requested school is identified as a closed school based on State-rated capacity or other reason such as construction, programming, or redistricting.
- f) The principal also will deny all out-of-area requests that cause the actual class size projection to exceed:

Grade	Non-Title I Schools Actual Class Size	Title I – Schools 80% State Rated Capacity
K	18	14
1 - 2	25	20
3	25	20
4 - 5	28	22

- g) Copies of denied applications shall be forwarded to the Division of Student Support Services.
- d. Procedures for elementary, middle, and high school initial out-of-area transfer requests excluding daycare:
- i. Requests for out-of-area transfers for reasons other than daycare are to be

submitted to the requested school between March 1 and May 1, and shall be processed by the principal or pupil personnel worker (at the secondary level), or Student Support Services staff.

- ii. The parent(s)/guardian(s) seeking an out-of-area transfer based on a professional recommendation must supply a written recommendation from a physician, a psychiatrist, a psychologist, other medical professional, a licensed social worker, the Department of Social Services, licensed pastoral counselor, or other agencies recognized by the Division of Student Support Services detailing the necessity of this transfer and the intended outcome the professional is seeking for the student. A recommendation which identifies a specific school for the student to attend is not appropriate and a revised letter outlining the needs rather than the specific location will be requested. The professional providing the recommendation shall provide the diagnosis, treatment plan, and anticipated outcomes for the student. The parent must sign a consent form to communicate with the provider. A professional recommendation does not guarantee approval of the request. AACPS shall determine where the needs of the student can be met.
 - iii. A written decision to approve or deny the request shall be made within 30 days of receipt of the request, but no later than June 1.
 - iv. Copies of denied applications shall be forwarded to the Division of Student Support Services.
- f. Procedures for elementary, middle, and high school continuation of out-of-area requests:
- i. After the initial out-of-area request is approved at the elementary, middle, and high school levels and the parent(s)/guardian(s) desires the student to remain at the respective school, the parent(s)/guardian(s) must complete the entire Form, check the box indicating this is a request for a continuation of a previously approved transfer and submit the Form to the principal for review between March 1 and May 1. Appropriate written documentation, including daycare, professional recommendation, and residency verification must accompany the Form. This request for continuation must indicate that the criteria for which initial approval was granted still exists.
 - ii. A written decision to approve or deny the request shall be made within 30 days of receipt of the Form, but no later than June 1.
 - iii. Copies of completed applications shall be forwarded to the Division of Student Support Services.
- g. Exceptional requests for out-or-area transfers after May 1:

- i. Requests filed after May 1 shall only be considered if the student is new to the school attendance area or there is a bona fide emergency or event that could not have been foreseen prior to May 1. Documentation verifying the move into the school attendance area or documentation supporting this emergency or event must be supplied.
- ii. After May 1, the parent(s)/guardian(s) must submit the Form to the Division of Student Support Services.
 - a) The date of the request shall be recorded.
 - b) Student must be enrolled or remain in their home school while the out-of-area transfer request is being reviewed.
 - c) The standard criteria for out-of-area transfers shall be applied.
 - d) A written decision to approve or deny the request shall be made within 30 days of receipt of the Form.

9. Appeal Procedures for Out-of-Area Transfers

If the parent(s)/guardian(s) is not in agreement with the principal's decision or the decision of the Division of Student Support Services, the parent(s)/guardian(s) may appeal the decision.

- a. To initiate an appeal of a decision by the Division of Student Support Services, the parent(s)/guardian(s) must file a written notice of appeal to the Superintendent within 7 calendar days from the date of the decision.
- b. If the appeal to the Superintendent is denied, the matter may be appealed to the Board within 30 calendar days from the date of the decision by the Superintendent or the Superintendent's designee.

10. Special Circumstances

Student Support Services shall evaluate the following special circumstances as justification for assigning a student in grades K-12 to a school outside the attendance area in which the student currently resides:

- a. When a student who has completed grades 4, 7, or 11 changes residence to another AACPS school attendance area, said student may continue in the original elementary, middle, or high school until completion of the terminal grade of that school level, subject to the terms and conditions of redistricting by the Board or the Superintendent's transfer of groups of students to other school facilities.
- b. When a student changes residence within AACPS during a school year, said

student may remain in the original school until the end of the school year. To request consideration for remaining in the original school for subsequent year(s), a new request must be submitted and evaluated in accordance with the provisions of this rule.

- c. When a student’s family plans to move from one AACPS school attendance area to another during the school year, said student may enroll in the school in the attendance area in which he/she is planning to live. Principals may approve this enrollment upon the receipt of appropriate documentation from the parent(s)/guardian(s). Residency must be established within 90 calendar days.
- d. A resident student whose parent(s)/guardian(s) is a full-time, school-based employee may be reassigned to the school in which the parent(s)/guardian(s) is employed. If the employee changes employment locations, the student may finish the current school year at a school to which the student has been reassigned, regardless of the grade level.

11. Adjustment Transfers

- a. An adjustment transfer may be requested by the principals at the impacted schools in accordance with the *Adjustment/Principal-to-Principal Transfer Request* form.
- b. An adjustment transfer may not occur during the appeal process for an out-of-area transfer request or during the residency investigation appeal process or after a decision of the Board.
- c. An adjustment transfer shall only occur in consultation with and review by the appropriate Regional Assistant Superintendent(s).
- d. The final decision to approve an adjustment transfer shall be made by the Assistant Superintendent for Student Support Services.

12. Administrative Transfers

An administrative transfer may be granted by the Superintendent or the Superintendent’s designee.

Regulation History: Developed by the Superintendent 02/14/15; 01/16/19
Reviewed by the Board of Education 03/18/15; 01/16/19
Date Issued 03/18/15; Revised 02/19/19

Note Previous History: Issued 02/06/08, Revised 02/18/09, 08/09/10, 06/27/11, and 03/01/13; Replaces AR900.01, Assignment of Students to a School; Rescinds AR900.02, Title I Transfer