

Regulation

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy JAB
Responsible Office: DIVISION OF STUDENT SERVICES

ASSIGNMENT AND/OR TRANSFER OF STUDENTS TO A SCHOOL

A. PURPOSE

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

B. BACKGROUND

Policy JAB establishes the authority and responsibility governing student assignments. The Board of Education 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. PROCEDURES

1. Definitions for Clarification

- a. *Qualified School-Age Child* is a student who meets all state requirements for enrollment.
- b. *School Attendance Area* is that area which is designated by the Board of Education to attend a specific school.
- c. *Resident Student* is any qualified school-age child who has an established bona fide residence in Anne Arundel County. A resident student will be admitted to the appropriate public school.
- d. *Bona fide Residence* is the actual place of residence the student maintains in good faith. 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 Services is that of the student, care provider, or parent(s)/guardian(s). The determination of bona fide residency for school purposes will be made by the principal or 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 will be made by the Division of Student Services when the child resides with a care provider.

- e. *Tenant Residence Verification Disclosure Form (TRV)* is 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.
- f. *Fraudulent Enrollment* is the intentional misrepresentation of documentation regarding bona fide residence or failure to notify AACPS of a change in bona fide residence within thirty (30) calendar days.
- g. *Care Provider* is anyone eighteen (18) years of age or older, 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.
 - (1) *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).
 - (2) *Hardship* is a determination made by the Office of Pupil Personnel regarding the living arrangement of a child when Kinship Care does not apply, upon submission of proper documentation.
 - (3) The designation of Kinship Care or Hardship will be determined by the Division of Student 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 eighteen (18) years of age. The parent(s)/guardian(s) of students receiving special education retain the right to make any educational decisions on behalf of the child.
- h. *Non-Resident Student* is 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 Services after consultation with the school principal, subject to available space.
- i. *Emancipated Student* is:
 - (1) A student who is married, upon presentation of a copy of the marriage certificate.
 - (2) A student under the age of eighteen (18) who has been declared emancipated through the courts, upon presentation of the court decree.

- j. *Eligible Student* is a student reaching the age of eighteen (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.
 - k. *Foster Home* is a family home in which the child is placed by a licensed public or private agency or by a court of competent jurisdiction.
 - l. *Group Home* is a licensed residential facility in which the child is placed by a private or public agency or by a court of competent jurisdiction.
 - m. *Closed Schools* are those schools that have an enrollment or projected enrollment that is at 90% or greater than state-rated capacity, and those Title I schools that are 80% or greater than state-rated capacity. Transfers into these schools are restricted.
 - n. *Adjustment Transfer* is a request initiated and approved by two principals, due to special circumstances, for a student to attend a school other than the school designated by bona fide residence.
 - o. *Out-of-Area Transfer* is a request to attend another school other than one designated by bona fide residence.
2. Documentation for Enrollment
- a. Proof of date of birth includes birth certificate, physicians' records, hospital certificate, birth registration, baptism certificate, church certificate, passport/visa, 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.
 - (1) Stepparents are not considered legal guardians unless awarded custody by a court.
 - (2) The determination of bona fide residency for school purposes in all Kinship Care and Hardship enrollments and supporting documentation shall be made by the Division of Student Services based upon a review of circumstances and documentation.
 - (3) Schools shall enroll students with Out-of-County living arrangements (Group Home or Foster Care placements) immediately, using the Enrollment of Students in State-Supervised

Care Form completed by either the foster parent or the enrolling agency. These registrations and enrollment approvals occur at the local school. The Office of Pupil Personnel is available for consultation.

- d. Proof of immunization is DHMH 896 *Maryland Immunization Certificate* or a computer form generated by a physician or health clinic.
- e. Proof of residency must include two (2) forms of the following documentation provided prior to enrollment; however, the Office of Pupil Personnel and/or the principal have the discretion to require additional proof of residency.
 - (1) 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,
 - ii. a copy of a mortgage document, deed, or rental agreement, and
 - iii. a second form of documentation as described in C.2.(2).
 - b) The individual enrolling the student(s) must provide one additional form of documentation as described in C.2.(2) in his/her name at their current residence within 30 days of enrollment.
 - (2) A second form of documentation, issued within the past 60 days, is also required, including any of the following, provided the address on the document matches the mortgage document, deed, rental agreement, military housing lease, or TRV:
 - 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 (CDL)
 - f) Any government issued documentation such as:
 - i. Social Security check
 - ii. Domestic Relations/child support check
 - iii. Department of Social Services-Food Stamps or Community Medical Assistance letter
 - iv. Unemployment award
 - g) PPW verification letter or form verifying residence after a home visit

- (3) Online copies of this documentation may be accepted.
- (4) If the parents live apart, the child's bona fide residence is the bona fide residence of the parent 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.
- (5) If the parents share physical custody, the student may attend the school assigned to either parent's bona fide residence, unless one parent has educational decision-making rights in which the child shall attend the school assigned to that parent's bona fide residence. However, if the parents disagree on which school the student will attend, the Division of Student Services and/or principal shall make a determination for school placement based on the best interest of the student, which includes but is not limited to 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/academic needs
 - f) Continuity of instruction
 - g) Time remaining in the school year
 - h) Travel time from home to school from both parent's residence.
- (6) 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.

3. 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 Services. The Division of Student 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.

4. Payment of Tuition for Non-Resident Students

A non-resident student shall be charged tuition unless otherwise waived by the Division of Student 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 Services for information on tuition.

5. 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 is the total cost of educating a student.
- b. The tuition rate for students who are residents of Maryland, but not Anne Arundel County, is 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.

6. 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).

7. Fraudulent Enrollment

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.

If a parent(s)/guardian(s) are not in agreement with the principal's decision, they have the right to appeal. See Appeal Procedures, Section 13.

8. The 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/Annual Continuation Form;
- b. Temporary reassignment of students by the Superintendent because of school construction, renovation, or an emergency situation;
- c. Redistricting by the Board of Education;
- d. A change in procedures by the Board of Education or Superintendent;
- e. 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;

- f. The student must maintain satisfactory attendance, defined as 94% or better daily attendance and no more than five (5) tardies per marking period, and the production of lawful excuses for absences and tardies;
- g. The student must not have been suspended or expelled; and
- h. Any changes in student circumstances relevant to the reason(s) for the transfer (address, daycare, employment, etc).
 - (1) 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.
- i. Transportation is the parent(s)/guardian(s) responsibility. Out-of-Area students are not permitted to ride an AACPS bus.

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

All out-of-area transfer students **MUST** complete the Out-of-Area Transfer Form: Request for Placement/Annual Continuation form each year. Siblings are considered individually in accordance with outlined procedures.

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.

- a. Procedures for out-of-area requests due to daycare in the elementary and middle schools:
 - (1) 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) Parent(s)/guardian(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 should receive an approval or denial letter within 30 (thirty) days of receipt of the Form, but no later than June 1.
 - c) The principal or designee shall stamp the time and date such requests are received in the school office.
 - d) The principal shall deny all out-of-area requests once their school projection reaches 90% of state-rated capacity;

however, for a Title I receiving school, it is 80% of state-rated capacity. The principal will deny all out-of-area requests that cause the actual class size projection to exceed:

Grade	Actual Class Size	Class Size Reduction (CSR)	90% State Rated Capacity	80% State Rated Capacity
K	18	18	16	14
1 - 2	25	20	18	16
3	25	25	23	20
4 - 5	28	28	25	22

- e) Copies of denial letters shall be forwarded to the Division of Student Services.
- b. Procedures for elementary, middle, and high school initial out-of-area transfer requests excluding daycare:
- (1) Requests for out-of-area transfers for reasons other than daycare (i.e., professional recommendations, moving, etc.) are to be submitted to the Office of Pupil Personnel in the Division of Student Services between March 1 and May 1.
 - (2) 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 professionals, a licensed social worker, the Department of Social Services, licensed pastoral counselor, or other agencies recognized by the Division of Student Services detailing the necessity of this transfer and the intended outcome the professional is seeking for the student.
 - (3) A written decision to approve or deny the request shall be made within thirty (30) days of receipt of the Form, but no later than June 1.
 - (4) Copies of denial letters shall be forwarded to the Division of Student Services.
- c. Procedures for elementary, middle, and high school continuation of out-of-area requests:
- (1) 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 *Request for Continuation of Transfer* and submit the Form to the principal for review between March 1 and May 1. Appropriate written documentation, including but not limited to, daycare, professional recommendation, and/or residency verification must accompany the Form. This request for continuation indicates the criteria for which initial approval was granted still exists.

- (2) A written decision to approve or deny the request shall be made within thirty (30) days of receipt of the Form, but no later than June 1.
- (3) Copies of denial letters shall be forwarded to the Division of Student Services.

d. Procedures for out-of-area transfer requests submitted after May 1:

- (1) After May 1, the parent(s)/guardian(s) must submit the Form to the Division of Student Services.
 - a) The Form shall be date stamped upon receipt.
 - b) The out-of-area request shall 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.
 - c) Student must be enrolled and/or remain in their home school while the out-of-area request is being reviewed.
 - d) The standard criteria for out-of-area transfers shall be applied.
 - e) A written decision to approve or deny the request shall be made within thirty (30) days of receipt of the Form, but no later than June 1.

10. Appeal Procedures for Out-of-Area Transfers: If the parent(s)/guardian(s) are not in agreement with the principal's decision or the decision of the Division of Student Services, they have the right to appeal. See Appeal Procedures, Section 13.

11. Special Circumstances:

The staff 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 ninety (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 the school to which he/she has been reassigned, regardless of the grade level.
- e. When student adjustment issues cannot be resolved at the home school, placement is evaluated and determined by the Superintendent or his/her designee.

12. Title I Transfers

- a. Definitions for Clarification for Title I Transfers
 - (1) *Adequate Yearly Progress* is the adequate yearly progress (AYP) of Title I schools that shall be measured each year as directed by the Maryland State Department of Education (MSDE).
 - (2) *Corrective Action* is when a Title I school that has not achieved AYP for four consecutive years shall be identified for corrective action.
 - (3) *Identified Schools* are Title I schools that are identified for school improvement, corrective action, or restructuring, according to MSDE standards, shall be considered identified schools, and students enrolled in such schools shall have the option to transfer in accordance with this regulation.
 - (4) *Receiving Schools* are schools determined to be eligible to receive transfer students from identified schools by the Superintendent or designee shall be considered receiving schools.

- (5) *Restructuring* is when a Title I school that has not achieved AYP for five (5) consecutive years shall be identified for restructuring.
- (6) *School Improvement* is when a Title I school that has not achieved AYP for two (2) consecutive years shall be identified for school improvement, level one. Title I schools that have not achieved AYP for three (3) consecutive years shall be identified for school improvement, level two.
- (7) *Targeted Assistance Schools* are schools that have less than forty (40) percent of students qualifying for the free meals program.

b. Procedures

- (1) In accordance with the standard set by MSDE, school system staff shall designate identified/receiving schools. School system staff shall designate at least two (2) receiving schools for each identified school, taking into consideration class size reduction figures, established county class size ratios, and transportation costs. A receiving school may be designated as eligible only at particular grade levels based on class size reduction figures and established county class size ratios. Available space shall be calculated without considering out-of-area transfers.
- (2) School system staff shall inform the parent(s)/guardian(s) of students enrolled in each identified school of the school's status, eligible receiving schools, and the transfer application process. Staff shall inform parent(s)/guardian(s) that students may be assigned to any eligible receiving school designated for the identified school based on the criteria identified in these regulations; and that there is no guarantee that students will be assigned to particular schools, although parent(s)/guardian(s) preferences shall be taken into account as required by law.
- (3) Parent(s)/guardian(s) shall submit transfer applications by the published deadline to the published address and office.
- (4) The Director of Student Services or designee, in conjunction with the Department of Curriculum and Instruction and the Division of Transportation, shall assign each student for whom a transfer is requested according to the following criteria:
 - a) Student Performance
 - i. In Title I Assistance Schools, the first priority shall be given to Title I identified students, in accordance with the class rank groupings identified in Section

b(4)a(ii) below. Second priority shall be given to other students in accordance with the class rank groupings identified in Section b(4)a(ii) below.

- ii. In all other schools, first priority shall be given to students performing in the bottom 20% of their class in the area of reading/language arts as determined from a ranking list based on student performance. Second priority shall be given to students performing in the bottom 50% of their class in the area of reading/language arts as determined from a ranking list based on student performance. Third priority shall be given to students performing in the top 50% of their class in the area of reading/language arts as determined from a ranking list based on student performance.
- b) Space Available – The Director of Student Services or designee shall take into consideration the space available in receiving schools. The Director of Student Services or designee shall avoid assigning transfers, where possible, in excess of class size reduction figures or county class size maximums.
- c) Transportation - The Director of Student Services or designee shall take into consideration the transportation costs of transporting a student to the receiving school and may assign transfers to receiving schools in such a way as to minimize transportation costs.
- d) Duration of Transfer – A student who transfers under this policy and whose identified school is no longer identified for school improvement, corrective action, or restructuring shall be permitted to remain at the receiving school until the student has completed the highest grade in that school. The obligation of the school system to provide transportation ceases at the end of a school year if the school from which the child transferred is no longer identified for school improvement, corrective action, or restructuring.
- e) Enrollment – Students must be registered, but not necessarily attending, at the time of the published deadline for applications through the end of that school year to be eligible for transfers for the subsequent school year.
- f) Number of Requests – Students eligible to transfer from identified schools may transfer one (1) time per school

year, except if they elect to return to the identified school. In such cases, a parent(s)/guardian(s) must notify the Director of Student Services in writing of the desire to return to the identified school, and the Director of Student Services shall effectuate the student's return to the identified school as soon as is practical.

- g) Timing of Requests – Title I transfer requests made after the published deadline shall be considered on a case-by-case basis. The list of eligible receiving schools shall be revised on an ongoing basis to reflect transfer requests already granted. In addition, out-of-area transfers already assigned will not be revoked to accommodate Title I transfer requests that are made after the published deadline.
- h) Renewal - parent(s)/guardian(s) shall renew requests for transfers each year in accordance with published deadlines. The Director of Student Services or designee shall monitor the transfer application process, the identified school and receiving school for each transferring student, and the identified school's continuing status as such. If applicable, the Director of Student Services or designee shall notify parent(s)/guardian(s) that the school system's obligation to provide transportation has ceased.
- i) Out-of-Area Transfers – Transfer requests under the Title I transfer option are to be given priority over transfers requested under Policy JAB, except as specified in Section 12b(4)(g) herein.
- j) For appeals to the decision of the Director of Student Services, refer to procedures outlined in Section 13.a.

13. Appeal Procedures

If the parent(s)/guardian(s) disputes the decision made on the assignment or transfer of a student in Anne Arundel County Public Schools, the parent(s)/guardian(s) may appeal the decision.

- a. To initiate an appeal of a principal's decision, the parent(s)/guardian(s) must file a written notice of appeal to the Superintendent within seven (7) calendar days from the date of the decision.
- b. To initiate an appeal of a decision by the Division of Student Services, the parent(s)/guardian(s) must file a written notice of appeal to the Superintendent within seven (7) calendar days from the date of the decision.

- c. If the appeal to the Superintendent is denied, the matter may be appealed to the Board of Education within thirty (30) calendar days from the date of the decision by the Superintendent or the Superintendent's designee.

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Note previous history: *Replaces AR900.01, Assignment of Students to a School*
 Rescinds AR900.02, Title I Transfer