

STUDENTS: Enrollment and Attendance

I. Definitions

- A. “Child” means an individual not currently enrolled in Baltimore County Public Schools.
- B. “Student” means an individual currently enrolled in Baltimore County Public Schools.
- C. “Parent(s)/guardian(s)” means a natural parent, education guardian, parent surrogate, foster parent court-appointed attorney, or court-appointed special advocate acting on behalf of the child in state-supervised care, or individual acting as a parent in the absence of a parent.
- D. “Baltimore County Public Schools Employee” means “public school employee,” “confidential employee,” “supervisory employee” or “management employee,” as defined by §6–404 and §6–501 of the Education Article of the *Annotated Code of Maryland*.
- E. “Child of an Employee” means a natural or foster child, a child under the legal guardianship of an employee, or a stepchild, when the employee’s spouse is the child’s natural parent and resides with the employee.
- F. “Fraudulent Enrollment” means intentional misrepresentation of material fact regarding domicile or the failure to notify a Baltimore County public school of a change in domicile within ten (10) school days.
- G. “Timely Filed” means an appeal has, within the allotted time period, been delivered to the appropriate Board of Education office for each level of appeal, postmarked, or deposited in the U. S. Mail as registered or certified mail.
- H. “SCHOOL DAY” MEANS ANY DAY THAT CENTRAL OFFICES OF BALTIMORE COUNTY PUBLIC SCHOOLS ARE OPEN FOR BUSINESS, INCLUDING SUMMER WEEKDAYS.

II. School Attendance Areas

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- A. Records and reports of all changes affecting school attendance areas and boundaries shall be maintained in the respective schools and offices of the Board of Education.
- B. Students will attend their assigned home schools within the Board approved attendance areas in which they reside. Exceptions to attending the home school are set forth below in Section III. B. of this rule.
- C. [For homeless students, refer to Pupil Services 512, “Procedures for the Education of Homeless Children and Youth.” For enrollment of homeless youth in the appropriate school attendance area, the principal or his/her designee should make immediate contact with their pupil personnel worker (PPW) and/or school-based homeless liaison.]**RULE 5140 DOES NOT APPLY TO HOMELESS STUDENTS REQUESTING SCHOOL CHOICE. SCHOOL CHOICE FOR HOMELESS STUDENTS IS GOVERNED BY PS 512, “PROCEDURES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.” RULE 5140 DOES APPLY TO HOMELESS STUDENTS REQUESTING A SPECIAL PERMISSION TRANSFER FOR REASONS THAT ARE UNRELATED TO HOMELESSNESS.**
- D. In order to verify the correct school attendance area, it is the responsibility of the parent(s)/guardian(s) to report changes in residence and provide all five (5) required residency documents (Policy and Rule 5150, II. A.) to the school within ten (10) school days of the date of the change in residence. Failure to provide this information within ten (10) school days of occurrence will result in withdrawal of the student(s) from the school due to fraudulent enrollment.

III. Special Permission Transfers

A. Applications

Special requests to permit a student in grades kindergarten through 12 to attend a school outside his/her school attendance area must be initiated by the parent(s) or guardian(s). A copy of the special transfer application may be obtained at any school or at www.bcps.org/system/policies_rules/5000toc.htm.

1. Prekindergarten students are not eligible for special transfers under Policy and Rule 5140. Parents of prekindergarten students must follow Office of Early Childhood enrollment procedures as presented in “Prekindergarten Screening Procedure, 2007-2008.”

2. Prekindergarten students identified as homeless are eligible for immediate priority prekindergarten enrollment.
3. Special permission requests related to application and admission to a magnet school/program must be made in accordance with Policy and Rule 6130, *INSTRUCTION: Magnet Schools and Programs*.

B. Special Circumstances:

The staff will evaluate the following special circumstances as justification for assigning a student in grades kindergarten through 12 to a school outside the attendance area in which the student currently resides:

1. When a student who has completed grades 4, 7, or 11 changes residence to another Baltimore County 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 regardless of overcrowded conditions.
2. When a student desires to pursue a curricular/academic course or sequential program of study not offered in the regularly assigned school or the geographically assigned magnet school. Said student may be transferred to the requested school provided the student has met the stated prerequisites, and the requested program of study is not overcrowded.
3. When the purpose of the application is for the student's:
 - a. Medical reasons. Requests which are based on medical, physical, or mental health reasons must be accompanied by documentation from a physician or mental health provider. Students accepted for medical or student adjustment reasons will be enrolled in the requested school regardless of overcrowded conditions.
 - b. Student adjustment issues which cannot be resolved at the home school placement as evaluated and determined by appropriate school system officials. Requests that are based on student adjustment must be accompanied by documentation of the involvement of appropriate school system officials and/or from a mental health or medical provider. Students accepted for medical or adjustment reasons will be enrolled in the requested school regardless of overcrowded conditions.
 - c. Severely/profoundly disabled high school students may be eligible for special transfer under childcare after the parent(s)/guardian(s) provide

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documentation, and after consultation with the offices of Special Education, Health Services, and Transportation regardless of overcrowded conditions.

4. When a student changes residence within Baltimore County during a school year. Upon approval of the special transfer application, said student may remain in the original school until the end of the semester regardless of overcrowded conditions. To request consideration for remaining in the original school for a subsequent semester or school year(s), a new *Application for Special Transfer* must be submitted and evaluated in accordance with the provisions of this rule.
5. When a student's family plans to move from one Baltimore County school attendance area to another [by] ON OR BEFORE November 1 of the current school year. Said student may enroll in the school in the attendance area in which he/she is planning to live with his/her parent(s)/guardian(s).
 - a. With appropriate documentation, such as a SIGNED settlement sheet or lease agreement, the child may be granted a special transfer, if the requested school is not overcrowded.
 - b. If, at of the end of the first marking period, the student is not domiciled with his/her parent(s)/guardian(s) in the new attendance area, the student will be withdrawn at the end of the semester and enrolled at the home school according to residence.
6. When unusual arrangements must be made to provide satisfactory supervision for the elementary and middle school student before- and after-school hours. Said student may be granted a special transfer, if the requested school is not overcrowded.
7. When family conditions necessitate that a student must live in another home within Baltimore County. Said student may be enrolled regardless of overcrowded conditions.
8. When the student is the child of a Baltimore County Public Schools' employee who resides in Baltimore County. For the purposes of this rule, "employee" means "public school employee," "confidential employee," "supervisory employee," and "management employee" as defined by Section 6-401 and Section 6-501 of the Education Article of the *Annotated Code of Maryland*. [For the purposes of this rule, "child" includes a natural or foster

child or one under the legal guardianship of an employee who is domiciled in Baltimore County.]

- a. Said student may be granted a transfer to a school outside of his/her attendance area regardless of the school's overcrowded conditions as defined in Section II. D. 7. a., b., and c. of this rule and provided the school is within the attendance area of the employee's primary work site or home school (office).
 - b. A child of an employee whose primary work site or home school (office) is in a magnet school may be granted a transfer to that school in accordance with the provisions of this section if said child qualifies for admission in accordance with Policy and Rule 6130, *INSTRUCTION: Magnet Schools and Programs*. Upon qualification, admission is granted for said child without entry into the lottery selection process.
9. When a student has a sibling who is attending the requested school and the sibling would continue to attend that school at the time of the student's initial enrollment. Said student may be granted a transfer to that school regardless of overcrowded conditions. For purposes of this rule, a sibling shall be defined as a brother, sister, half-brother, half-sister, stepbrother, stepsister, or foster child, who resides in the same household as the student applicant.
10. When a student attends a Baltimore County Public School that has been identified as eligible for Title I public school transfer option[s] and said student has been declared an eligible student under applicable Title I federal guidelines. The parent(s)/guardian(s) of said student will submit an application to the Office of Title I and Grant Assistance in accordance with Title I public school transfer option procedures.
- a. Schools identified as eligible for receiving students under Title I public school transfer OPTION will not approve any special transfer requests until all Title I eligible student transfer requests have been processed.
 - b. Denials of special transfer applications [may and] should be issued as received.
- [11. Parent(s)/guardian(s) must report to the school, within ten (10) school days of occurrence, any change in the reason(s) for which the special transfer

was granted. Failure to do so may result in the revocation of the special transfer and the withdrawal of the student from the school.]

C. Procedures:

1. The parent(s)/guardian(s) must complete and submit as directed the triplicate form, *Application for Special Transfer*, between April 1 and June 1 for the next school year. The parent(s)/guardian(s) must submit the original white copy of the form to the receiving school principal for his/her approval or denial, submit the pink copy of the form to the home school principal for his/her notification, and retain the yellow copy of the form for his/her record. IF THE APPLICATION IS OBTAINED FROM THE BCPS WEBSITE, THREE (3) COPIES OF THE APPLICATION MUST BE COMPLETED AND FILED.
 - a. Policy and Rule 6130, *INSTRUCTION: Magnet Schools and Programs*, require an earlier deadline for magnet applicants to submit the *Application for Special Transfer*.
 - b. Applicants must submit the *Application for Special Transfer* in its entirety according to the guidelines established by the magnet application process.
2. Relevant written documentation supporting the transfer must be attached to the application and to any [further] appeal[s] AT ALL LEVELS OF THE APPEAL PROCESS when an application or appeal is denied.
3. All transfer requests, regardless of the reason for the application, must be submitted between April 1 and June 1 each year unless DOCUMENTATION ACCOMPANIES THE APPLICATION AND SUSTANTIATES ONE OR MORE OF THE FOLLOWING CONDITIONS:
 - a. The student is a new resident of Baltimore County.
 - b. There is an emergency or event that could not have been foreseen and can be documented as such.
 - c. Information relevant to the transfer request was not available between April 1 and June 1 and can be documented as such.

4. Students residing in Baltimore County must enroll in and attend their home school while transfer requests are being processed.
 - a. Students found to be fraudulently enrolled in schools other than the one zoned for their residence shall be withdrawn and must enroll in their zoned school according to residence in order to file special transfer applications.
 - b. A special transfer under this rule will not be available within a school year to any school wherein the student's original enrollment was found [under this policy and rule] to be fraudulent UNDER THIS RULE AND RULE 5150 during or prior to that school year.
 - c. A student who changes residence from the attendance area of a school during the school year may remain in that school if/while a special transfer application is filed and/or appealed, if that application is made under *change of residence from attendance area*, and if the enrollment at the school was not fraudulent.

5. In processing the request, the receiving school principal will:
 - a. Stamp application with the date received and evaluate the request and written documentation to determine compliance with the special circumstances outlined in Section III. B. of this rule and obtain necessary information from school system personnel pertaining to the request which will assist in the formulation of the decision.
 - b. Forward recommendations from medical personnel accordingly:
 - (1) Medical documentation from physicians will be forwarded to the school system's Coordinator in the Office of Health Services for evaluation and consultation with the child's physician. The Coordinator may seek additional consultation with the Director of Child, Adolescent, and Reproductive Health of the Baltimore County Department of Health.
 - (2) Psychological documentation from mental health or medical professionals will be forwarded to the school system's Coordinator in the Office of Psychological Services for evaluation and consultation with the child's mental health or medical provider.

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- c. Make every effort to issue a decision to parent(s)/guardian(s) by July 1 for applications filed during the required timeline for the upcoming school year, except when the request is for admission to kindergarten or to a Title I Transfer option school.
 - (1) The principal will make every effort to issue a decision concerning admission to kindergarten before the beginning of the school year.
 - (2) For applications filed for a current school year, the principal will make every effort to issue a decision within ten (10) school days.

The principal must indicate his/her approval or denial in the appropriate section of the original application (white copy), which will be sent to the parent(s)/guardian(s). A photocopy of the original application will be forwarded to the principal of the home school and a photocopy of the original application must be retained by the receiving school.

- d. Verify that the student either is domiciled in Baltimore County with his or her parent(s)/guardian(s) or has been approved for enrollment as a nonresident student in accordance with Policy and Rule 5150, *STUDENTS: Enrollment and Attendance, Residents and Nonresidents*. If the transfer request is approved, the parent(s)/guardian(s) must submit to the receiving school documentation of domicile within Baltimore County or approval for enrollment as a nonresident student. Students will not be enrolled until all five required residency documents AS OUTLINED IN RULE 5150 are provided to the requested school.
 - e. Schools in the first year of operation are not eligible to accept special permission transfers under Rule 5140.
6. Special transfer applications may be denied for any or all of the following reasons:
- a. Overcrowded Conditions, FOR SPECIAL CIRCUMSTANCES OTHER THAN THOSE LISTED IN III. B. 1, 3, 7, 8, AND 9 IN THIS RULE, which exist when any or all of the following occur at the receiving school:
 - (1) Total student enrollment is equivalent to or exceeds state approved building capacity.

- (2) Average class size is equivalent to or exceeds Board-approved staffing guidelines.
 - (3) Enrollment is equivalent to or exceeds staffing allocation schoolwide or within specific programs, grade levels, or courses.
- b. Reason inconsistent with policy and rule. The reasons(s) given by the parent(s)/guardian(s) for the transfer is/ARE not [a reason allowed under] IN ACCORDANCE WITH this [policy and] rule.
 - c. Lack of appropriate documentation. The reason given for the transfer request is not supported by required documentation.
 - d. Late/no unforeseen emergency. The application was not submitted within the required timeline of April 1 to June 1, and no explanation and/or documentation is presented [of an unforeseen emergency or information not available to the applicant during the required application period.] TO SUPPORT ONE OF THE CONDITIONS LISTED IN SECTION III. C. 3. OF THIS RULE.
7. If the transfer request is approved, designated staff from the home school will supply the receiving school with available student information, school records and data to assist the student in making a satisfactory adjustment.
8. If the transfer is approved, the athletic eligibility set forth in Policy 6145.2, *INSTRUCTION: Extra Curricular Activities: Intramural, Informal, and Interscholastic Activities*, applies.
9. It is understood by the receiving school principal and the parent(s)/guardian(s) that the transfer is approved until the student completes the terminal grade of a school level. Exceptions to this provision are as follows:
- a. A student who voluntarily withdraws from the receiving school. Said student will be subject to reapplication and a new evaluation IF (re)enrollment to the receiving school is requested. Parent(s)/guardian(s) must submit a new *Application for Special Transfer*, and the application will be evaluated consistent with the criteria set forth in this rule and in Policy 5140, *STUDENTS: Enrollment and Attendance*.

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- b. A student who is granted a special transfer for the purpose of *change of residence from attendance area* (Section III. B. 4. of this rule). Said student is approved for that semester only. Parent(s)/guardian(s) must reapply for transfer for an additional year(s) or attend the home school for the next semester or school year. The new *Application for Special Transfer* will be evaluated consistent with the criteria set forth in this rule and in Policy 5140, *STUDENTS: Enrollment and Attendance*.
- c. A student whom the receiving school principal determines has not benefited from the special transfer as a result of any of the following conditions. Said student may have the special transfer reviewed and/or revoked by the school's principal at the end of a school year. The principal shall review the record of each student enrolled by special transfer for:
 - (1) Attendance/Tardiness – The student has:
 - (a) Absences RESULTING IN AN ATTENDANCE RATE THAT IS equal to or BELOW [exceeding] the state mandated AYP attendance rate, or the previous school year's local school or BCPS annual attendance rate, whichever is lower, for any given quarter during the school year for which the special transfer was granted.
 - (b) An absence rate resulting in an attendance referral to the pupil personnel worker and to Project Attend where applicable.
 - (c) Accumulated tardiness in excess of the school's per student average tardiness rate.
 - (d) Tardiness rate resulting in a referral to the pupil personnel worker.
 - (2) Discipline – The student has not behaved him/herself in ways that contribute to a safe and orderly learning environment for all students and has been suspended to the Superintendent's Designee and placed in an alternative learning setting for any amount of time during the school year for which the special transfer was granted.

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- (3) Academics – The student has received failing grades in more subjects than he/she has received passing grades.
 - (4) Reason for transfer approval – The reason for which the transfer was originally approved has ceased to exist.
 - (5) The student has withdrawn from a magnet program within a comprehensive school that is not his/her zoned school. To request consideration for remaining in the school for a subsequent semester or school year(s), an *Application for Special Transfer* must be submitted and evaluated in accordance with the provisions of this rule.
10. When the student completes the terminal grade of a school level, that student shall be required to attend subsequent middle or high schools serving his/her residence.
 11. Approved transfers will be subject to reapplication and a new evaluation when a student is ready to move from the elementary school to the middle school or from the middle school to the high school. The reapplication will be evaluated consistent with the criteria set forth in this rule and in Policy 5140, *STUDENTS: Enrollment and Attendance*.
 12. Parent(s)/guardian(s) are responsible for providing transportation to and from the newly assigned school unless the student can be accommodated by the existing bus routes and existing bus stops of that school. In such instances, the parent(s)/guardian(s) are responsible for providing transportation to and from the existing bus stop.
 13. If the transfer request is denied by the receiving school principal, the parent(s)/guardian(s) may initiate the appeal process as described in Section V. of this rule.

IV. Fraudulent Enrollment

- A. It is the responsibility of the parent(s)/guardian(s) to report changes in residence and provide all five (5) required residency documents AS OUTLINED IN [Policy and] Rule 5150, II. A. to the school within ten (10) school days of the date of the change in residence.

- B. Failure to provide this information when a change of residence occurs during the school year will result in withdrawal of the student from the school due to fraudulent enrollment.
- C. A special transfer under this rule will not be available within that same school year to the school wherein the original enrollment was fraudulent.

V. Appeals

- A. THE RESIDENCY LIAISON, OF THE OFFICE OF PUPIL PERSONNEL SERVICES, WILL ACT AS THE DESIGNEE FOR THE EXECUTIVE DIRECTOR OF STUDENT SUPPORT SERVICES IN ISSUING DECISIONS IN ALL SPECIAL PERMISSION TRANSFER MATTERS OF APPEAL. Denials of special permission transfer requests may be appealed by the parent(s)/guardian(s) who initiated the transfer request. The appeal must be made in writing to the residency liaison within ten (10) school days of the date of the principal's denial or the postmarked date, whichever is later. The residency liaison will research and evaluate the appeal based on the information and documentation provided at the time the initial request was made to the receiving school principal. The residency liaison will also consider additional evidence provided on appeal. The residency liaison will make every effort to issue a written decision by August 1, or within thirty (30) school days of the receipt of the written appeal during the school year.
- B. If the appeal is denied by the residency liaison, the written decision will inform the parent(s)/guardian(s) of his/her right to appeal, in writing, to the Superintendent within ten (10) school days of the date of the denial letter or the postmarked date, whichever is later.
- C. Denials of special permission transfer requests by the residency liaison must be appealed in writing to the Superintendent within ten (10) school days of the date of the residency liaison denial letter or the postmarked date, whichever is later. The Superintendent or designee will research and evaluate the appeal based on the information and documentation provided at the time the initial request was made to the receiving school principal. The Superintendent or designee will also consider additional evidence provided on appeal. The Superintendent or designee will make every effort to issue a written decision before the beginning of the school year and within [thirty (30)] NINETY (90) calendar days during the school year.
- D. If the appeal is denied by the Superintendent or designee, the written decision will inform the parent(s)/guardian(s) of his/her right to appeal in writing to the

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Board of Education within thirty (30) school days of the date of the denial letter in accordance with Section 4-205 of the Education Article of the *Annotated Code of Maryland* and Board of Education Policy 8339, INTERNAL BOARD POLICIES: *Operations*, Appeal Before Hearing Examiner. An appeal will be considered timely filed, if, within the allotted time period, it has been delivered to the Board of Education, postmarked, or deposited in the U. S. Mail as registered or certified mail.

E. To be considered, an appeal must be timely filed.

Rule

Superintendent of Schools

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REVISED:

BALTIMORE COUNTY PUBLIC SCHOOLS

Joe A. Hairston, Superintendent

6901 Charles Street

Towson, MD ♦ 21204-3711

Contract for Special Transfer Students

I, _____, parent/guardian of _____ agree to the following conditions/requirements listed below while my child [attends] IS ENROLLED IN _____ on special permission[.]:

1. **Attendance/Tardiness-** The student named above will:
 - *Maintain an attendance rate equal to or exceeding the state-mandated AYP attendance rate, or the previous school year's local school or BCPS annual attendance rate, whichever is lower, for any given quarter during the school year(s) for which this special transfer was granted.*
 - *Maintain an attendance rate that does not result in an attendance referral to the pupil personnel worker or to Project Attend where applicable.*
 - *Report to school on time at a rate equal to or better than the school's average tardiness rate.*
 - *Attend school daily on time and will not be referred to the pupil personnel worker for attendance purposes.*
2. **Behavior -** The student named above will:
 - *Behave him/herself in positive ways that contribute to a safe and orderly learning environment for all students.*
 - *Behave appropriately and will not be suspended to the Superintendent's Designee and placed in an alternative program.*
3. **Academics -** The student named above will:
 - *Maintain passing grades in more than one half of all his/her subjects each school year.*
4. **Change in reasons for which the transfer was granted -** The parent/guardian of the student named above will:
 - *Report to the school, within ten (10) school days of occurrence, any change in the reason(s) for which the special transfer was granted.*
5. **Magnet program enrollment in comprehensive schools -** The student named above will:
 - *Maintain enrollment in a magnet program in the requested school when program of study within that program is the reason for which the transfer was granted.*

Failure to comply with any of the above requirements may result in your child's withdrawal at the end of the school year.

Student Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

Principal Signature: _____ Date: _____