

7-2.4 Student School and Classroom Assignments

Assignment of Students to School

The Montgomery County School Board establishes school attendance areas for each school. The School Board may revise the boundaries for school attendance areas as needed.

~~When special permission is granted for students to attend school outside the attendance area in which they reside, parents are responsible for all transportation. The administration may attach additional stipulations when permission is granted for students to attend school outside their attendance areas.~~

~~Special permission may be granted for students in kindergarten through 5th grade to attend a school outside the attendance area in which they reside. Decisions will be based primarily on enrollment, space, and the ability of a school's staffing to accommodate additional students. If approved to allow their child to attend a school outside their attendance area, parents will be responsible for all transportation to and from that school. Students approved to attend a school outside their attendance area must maintain a satisfactory attendance record, attending school regularly, arriving on time, and departing from school promptly at dismissal time each day. These students also must demonstrate behavior that is consistently in compliance with the Student Code of Conduct and school rules. The administration may attach additional stipulations when permission is granted for students to attend a school outside their attendance areas. Failure to meet these stipulations shall result in permission for a student to attend a school outside his/her attendance area to be rescinded.~~

~~All MCPS students who receive approval to attend an elementary school outside the attendance area in which they reside will be permitted to remain in their current school through the completion of 5th grade as long as space in subsequent grades is available based on residential enrollment. All MCPS students in the 5th grade who are attending an elementary school outside the attendance area in which they reside will be automatically enrolled in the middle school within the attendance area in which they reside the following year. MCPS will verify the residency of all 5th graders during second semester each year to ensure that students are assigned to the appropriate middle school for their 6th grade year.~~

~~MCPS will not accept requests for students to attend a middle school or high school outside the attendance area in which their family resides. Children of year-long contracted employees of Montgomery County Schools may request that their children attend a middle school or high school within the attendance zone of their assigned work location only. Other exceptions may be granted by the superintendent or designee in cases of extenuating circumstances and as provided in Policy 7-2.2. All MCPS students in 6th through 11th grade who received approval to attend a middle or high school outside the attendance area in which they reside prior (**enter date of policy approval**) will be permitted to remain in their current school through 12th grade as long as space in subsequent grades is available based on residential enrollment. While a family has a child who has been permitted to continue attending a middle or high school outside the attendance area in which they reside, an exception may be made to allow that child's sibling(s) to begin attending the middle or high school in the same attendance zone that same school year and remain through 12th grade as long as space in subsequent grades is available based on residential enrollment.~~

~~Students who are attending a school within the attendance area in which they reside, but their parents move to a different attendance area within Montgomery County during the school year, may be allowed to complete the current school year at the school they are currently attending. These students will then be assigned to the appropriate school within the attendance area in which they reside for the following school year.~~

If any person knowingly makes a false statement concerning the residency of a child for the purpose of enrollment in a school outside the attendance zone in which the student resides, his/her child will be immediately placed in the school within the attendance area in which they reside.

Assignment of Students to Classes/Alternative Credit . . .

7-2.2 Student Attendance

Definitions

1. Person of school age - a person is of school age if the person will have reached his/her fifth (5th) birthday on or before September 30 of the school year and who has not reached twenty (20) years of age on or before August 1 of the school year.

2. Reside - a child will be deemed to reside in the Montgomery County school division

- a. when he or she is living with a natural parent, or a parent by legal adoption;
- b. when, in accordance with the provisions of Virginia Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes and the child's custodial parent has executed a Special Power of Attorney executed under Title 10, United States Code Section 1044b providing for the care of the child;
- c. when the parents of such student are dead and the student is living with a person in loco parentis who actually resides in the school division;
- d. when the parents of such student are unable to care for the student and the student is living, not solely for school purposes, with another person who resides in the school division and is

- i. the court-appointed guardian, or has legal custody, of the student;
- ii. acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Virginia Code § 63.2-1200;
- iii. or an adult relative providing temporary kinship care as that term is defined in § 63.2-100. One or both parents and the relative providing kinship care shall submit signed notarized affidavits:
 1. explaining why the parents are unable to care for the person
 2. detailing the kinship care arrangement, and
 3. agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person.

Additionally, the parent or adult relative must obtain written verification from the department of social services where the parent or parents live, or from the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose other than school enrollment. With written consent from the parent or adult relative the school division may obtain such written verification directly from the local department or departments of social services. If the arrangement lasts for more than one year, the parent or adult relative must provide annual written verification directly from one department of social services as to why the parents are unable to care for the person and that the kinship arrangement serves a legitimate purpose other than school enrollment.

- e. when the student is living in the school division not solely for school purposes, as an emancipated minor;
- f. when the student living in the school division is a homeless child or youth, as set forth in Virginia Code § 22.1-3, who lacks a fixed, regular, and adequate nighttime residence;
- g. when the person has been placed in a foster care placement within the school division by a local social services agency upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

Admissions

1. Residents – The Montgomery County Public Schools shall admit all persons of school age who reside within Montgomery County.

2. Non-Residents - Non-resident students will not be admitted to the Montgomery County Public Schools unless one of the following exemptions applies and space is available:

- a. children of ~~year-long contracted employees of~~ Montgomery County Public Schools' ~~employees-will-be-admitted~~ may apply for admission with tuition waived; and
- b. international exchange students ~~will-be-admitted~~ may apply for admission with tuition waived.

3. Persons over school age - the School Board may admit persons twenty (20) years of age and over.

4. Persons not required to be admitted to the Montgomery County Public Schools by this policy:

- a. may be admitted only after a determination that space for such admission is available;
- b. may be admitted only after a determination that such admission will not impair the usefulness and efficiency of the school to which such persons are admitted ~~or any other school.~~

5. No person of school age shall be denied admission or charged tuition when (i) such person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; (ii) such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code § 1044b providing for the care of the person of school age by an individual who is defined as a parent in Virginia Code § 22.1-1 during the time of his deployment outside the United States; and (iii) such person has been attending a public school in this Commonwealth while residing with his custodial parent. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code § 1044b, resides or, when practicable, to continue to attend the school in which he was enrolled while residing with his custodial parent.

6. Students who are enrolled in MCPS whose parents move out of Montgomery County and thus become non-residents during the school year, may be allowed to complete the current semester at the school they are currently attending with tuition waived. These students must then transfer to the appropriate school within the school division in which their parents reside. Exceptions may be granted by the superintendent or designee in cases of extenuating circumstances and as provided in this policy.

Requirements for Admission

1. Birth Certificate

No pupil shall be admitted for the first time to any public school in the school division unless the person enrolling the pupil shall present, upon admission, a certified copy of the pupil's birth record. The principal or the principal's designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record. The principal may retain a copy of the birth certificate in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain the pupil's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

The Montgomery County Public Schools may accept documentation from a school in which the pupil was previously enrolled that a certified copy of the pupil's birth record was presented upon the pupil's initial enrollment.

Upon failure of any person enrolling a pupil to present a certified copy of the pupil's birth record, the school division shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

2. Student Identification Number

The School Board shall assign a unique student identification number to each student enrolled in a public elementary or secondary school. No student identification number shall include or be derived from the student's federal social security number. Each student shall retain his student identification number for as long as he is enrolled in a public elementary or secondary school in the Commonwealth.

3. Report of Physical Examination

No pupil shall be admitted for the first time to kindergarten or elementary school unless the pupil furnishes, prior to admission, a report from a qualified licensed physician of a comprehensive physical exam performed no earlier than twelve (12) months prior to the date the pupil enters school. This request may be satisfied by production of records establishing that the pupil furnished such a report upon prior admission to another school or school division. If the student is a homeless child or youth as defined in Virginia Code § 22.1-3, and for that reason cannot furnish the report or records, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating, and also indicating that, to the best of his or her knowledge, such student is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the school division liaison, as described in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended, who shall, as soon as practicable, assist in obtaining the necessary physical examination by the health department or other clinic or physician's office and shall immediately admit the pupil to school as required by such Act. The physical examination shall not be required of any child whose parent shall object on religious grounds and who shows no visual evidence of sickness, provided that such parent shall state in writing that, to the best of his/her knowledge, such child is in good health and free from any communicable or contagious disease.

4. Immunizations

a. General

A school shall admit no student unless at the time of admission the student or his/her parent or guardian submits documentary proof of immunization to the admitting official of the school or unless the student is exempted from immunization.

b. Conditional Enrollment

A student may be enrolled for a period of 90 calendar days contingent upon the student's having received at least one dose of each of the required vaccines and the student's possessing a plan, from a physician, registered nurse or employee of a local health department, for completing his immunization requirements within the ensuing 90 calendar days; except that a student who has not yet received a second dose of measles (rubeola) vaccine must receive such second dose pursuant to the Virginia Board of Health's minimum immunizations required for school attendance. Also, if the student requires more than two doses of hepatitis B vaccine, the conditional enrollment period shall be 180 calendar days. The admitting official shall, at the end of the conditional enrollment period, exclude any student who is not in compliance with the immunization requirements and who has not been granted an exemption, until that student provides documentary proof that his/her immunization schedule has been completed, unless documentary proof that a medical contraindication developed during the conditional enrollment period is submitted.

c. Exemptions

Certificate of immunization shall not be required for the admission to school of any student if:

- i. the student or his/her parent or guardian submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices, or
- ii. the school has written certification from a licensed physician or a local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contradicts immunization, or
- iii. the student is a homeless child or youth as defined in Virginia Code § 22.1-3. If a student is a homeless child or youth and (a) does not have documentary proof of necessary immunizations or has incomplete immunizations and (b) is not exempted from immunization for other reasons, the school division shall immediately admit such student and shall immediately refer the student to the local school division liaison, as described in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, who shall assist in obtaining the documentary proof of, or completing, immunization and other services required by the Act.

5. Affirmation Relating to Expulsion

Prior to admission to any public school, the Montgomery County Public Schools require the parent, guardian, or other person in control or charge of a child of school age to provide, upon registration,;

(a) a sworn statement or affirmation indicating whether the student has been expelled from school attendance from a private school or a public school division of the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and

(b) a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Virginia Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained as provided in Virginia Code § 22.1-288.2.

When a child is registered as a result of a foster care placement, the information required herein shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

Exclusion

1. Generally

a. Expulsion or withdrawal of admission

Notwithstanding the requirements above, a student who has been expelled from either a public or private school or for whom admission has been withdrawn by a private school may be excluded from school attendance in the Montgomery County public school division for no more than 365 calendar days upon a finding that the student presents a danger to the other students or staff of the school division. In excluding any expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon a student by the expelling school board. The School Board shall not impose additional conditions for readmission.

b. Suspension for more than thirty (30) days

Notwithstanding the requirements above, a student who has been suspended for more than thirty (30) days from either a public or private school may be excluded from school attendance for no longer than the duration of the suspension, upon a finding that the student presents a danger to the other students or staff of the school division.

2. Procedure for Exclusion

The school division will notify the student and the student's parent in writing that the student may be subject to exclusion and the date, time, and place of a hearing before the division superintendent or the division superintendent's designee. The letter must include the reasons for the proposed exclusion and notice that the student or the student's parent will have the opportunity to participate in the hearing. If the division superintendent or the division superintendent's designee decides to exclude the student from attendance, the decision will be final unless altered by the School Board. The School Board will consider the matter only if the student or the student's parent has filed a written petition within fifteen (15) days after the division superintendent or his/her designee has made a decision.

3. Petition for Admission

Upon the expiration of the exclusion period, the student may petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the exclusion period and the subsequent date upon which the student may re-petition the School Board for admission.

4. Alternative Education Program

The School Board may permit students who have been long-term suspended or expelled from MCPS or another school division to attend an alternative education program provided by the School Board for the term of the exclusion.

Admission of Homeless Children

The Montgomery County School Board is committed to providing a free public education to homeless children and unaccompanied youth. Homeless students are those who lack a fixed, regular, and adequate nighttime residence. This includes, for example, students who lose their permanent homes due to economic hardship, migratory children and children living in shelters or public places not designed for regular, human sleeping accommodations. Homeless students are entitled to immediate enrollment in school, immediate eligibility for free breakfast and lunch, and, in some instances, continued transportation to their schools of origin.

Homeless students who already attend the Montgomery County Public Schools shall be permitted to remain in their schools of origin to the extent feasible. Students may remain in their schools of origin for the entire time they are homeless and until the end of any academic year in which they become permanently housed. The school division will coordinate the identification and provision of services to homeless students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve inter-divisional issues. The division superintendent or his/her designee shall develop guidelines for contacting shelter agencies, ministerial associations, and other community service providers to identify homeless children with the school division. Such children shall be provided with educational services, including specialized services to meet their needs, as determined and directed by the division superintendent or his/her designee and in accordance with state and federal law.

Homeless children and unaccompanied youth who are non-residents shall not be charged tuition.

Proof of Residence

A resident is defined as one who resides permanently in Montgomery County. Proof of residence shall include, but not be limited to, two or more of the following, which reflect the physical address of the resident: a U.S. or Virginia income tax return from the previous year; a U.S. Internal Revenue Service tax reporting W-2 form from the current year; a deed or lease agreement to the residence; a voter registration card; a receipt for personal property taxes paid within the last year; a payroll check or payroll check stub issued by an employer within the last three months; or a telephone bill issued within the last three months. The division superintendent or his or her designee shall make final decisions regarding residence for school attendance purposes.

Any person who knowingly makes a false statement concerning the residency of a child in a particular school district or school attendance zone, for the purpose of (1) avoiding the tuition charges authorized by applicable law or (2) enrollment in a school outside the attendance zone in which the student resides, may be guilty of a Class 4 misdemeanor and shall be liable to the School Board for tuition charges authorized by applicable law for the time the student was enrolled in the Montgomery County Public Schools pursuant to Virginia Code § 22.1-264.1.

Non-Residents

~~Non-resident children of Montgomery County School Board employees may be accepted into Montgomery County.~~ The only non-resident students who will be considered for admission to Montgomery County Schools are children of year-long contracted employees of Montgomery County Schools. Eligible employees may request that their non-resident children attend a school within the attendance zone of their assigned work location only. Non-resident students must meet admission requirements; require educational services that can be provided by the staff of the Montgomery County School Board in its existing facilities and utilizing its existing programs and services and based on space availability; and comply with the Code of Student Conduct (Policy 7-3.1). **If approved for admission, the family must provide transportation for non-resident children to/from school, and the student must continue to meet all attendance and behavioral expectations of the school.** Student behavior that is inconsistent with the Code of Student Conduct, including attendance and disciplinary problems, and that requires excessive dedication of school division staff resources, shall result in denial of the non-resident student's application and/or the student's withdrawal from the Montgomery County Public Schools. ~~Homeless children and accompanied youth who are non-residents shall not be charged tuition.~~

The Code of Virginia provides that no person shall be charged tuition for admission or enrollment in the public schools of the Commonwealth, whether on a full-time or part-time basis, who meets the residence criteria set forth in Virginia Code § 22.1-3. However, Montgomery County Public Schools may charge tuition to a student who:

1. is a resident of the school division, but not of school age;

2. is temporarily living with a non-parent who resides within the school division (unless the student otherwise meets the definition of homeless within the meaning the McKinney-Vento Act);
3. along with his or her parents, resides in an adjacent state or in the District of Columbia and the said jurisdiction grants equal attendance privileges to residents of the Commonwealth;
4. is a resident of a military or naval reservation located wholly or partly within the geographical boundaries of the school division, is not a domiciled resident of the Commonwealth of Virginia, and is a student for whom federal funds provided under Public Law 874 of 1950 fund less than 50 percent of the total per capita cost of education in Montgomery County Public Schools, exclusive of capital outlay and debt service;
5. is of school age and attending a school in the school division pursuant to a foreign student exchange program approved by the School Board;
6. is a resident of the Commonwealth, but not of the school division;
7. is of school age and was enrolled in a public school within the school division as a domiciled resident of the Commonwealth, and has been required as a result of military or federal orders issued to his or her parents to relocate and reside on federal property in another state or the District of Columbia, where such state or the District of Columbia is contiguous to the school division; or
8. is of school age and residing within the school division, and is enrolled in summer programs other than remediation required under Virginia Code § 22.1-253:13.1, or is enrolled in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

Eligibility for consideration does not signify acceptance of the admission application of a student. Each application for admission will be considered on an individual basis.

Procedure for Admission

The following procedure shall be followed for application and review of applications for admission of non-resident students who are children of **year-long contracted employees of Montgomery County Schools Board employees**.

A parent or guardian of a non-resident student who are children of **year-long contracted employees of Montgomery County Schools** shall apply for admission on behalf of his or her child by completing the school division application, ~~accompanied by the non-refundable \$50 fee~~. The application form shall contain information and agreements including, but not limited to:

1. the current legal residence of the child and the school division in which he or she is currently enrolled;
2. the basis for requesting admission;
3. the specific building and grade level (elementary) or course offerings (secondary) in which the student desires to be enrolled if accepted by the school division; and
4. the agreement that the student becomes subject to all policies, regulations and guidelines of the School Board, including the Montgomery County Code of Student Conduct.

~~Applications for non-resident students will be considered in the order received, i.e., first come, first served. Any current non-resident students will be given first opportunity to continue enrollment in Montgomery County Public Schools. Applications for the upcoming year may be submitted after January 1 of each year. The division superintendent or designee will act upon the request by mid July for grades 1-12 and by mid August for applications on behalf of kindergarten students. Any student accepted will not be enrolled in the Montgomery County Public Schools before the receipt and approval of school records from the student's previous school.~~

~~Students who are children of year-long contracted employees of Montgomery County Schools whose parents move out of Montgomery County and thus become non-residents during the school year, may be allowed to complete the current school year at the school they are currently attending without completing an application. An application will be required for the following school year.~~

Tuition

~~Tuition shall not be required of non-resident children of Montgomery County School Board employees. A non-refundable fee of \$50.00 must accompany the application. No application will be considered without the accompanying fee. Students who are enrolled, but whose parents move out of Montgomery County and thus become non-residents during the second semester may be allowed to complete the current school year without paying tuition. The parent or guardian shall complete the application for admission of a non-resident student. If approved, the family must provide transportation, and the student must continue to meet all attendance and behavioral expectations of the school.~~

No person of school age shall be denied admission or charged tuition when (i) such person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; (ii) such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code § 1044b providing for the care of the person of school age by an individual who is defined as a parent in Virginia Code § 22.1-1 during the time of his deployment outside the United States; and (iii) such person has been attending a public school in this Commonwealth while residing with his custodial parent. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code § 1044b, resides or, when practicable, continue to attend the school in which he was enrolled while residing with his custodial parent.

In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty attending a public school free of charge in accordance with applicable law shall be charged tuition by the School Board upon the child's relocation to military housing located in Montgomery County, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. If the child was attending the Montgomery County Public Schools immediately prior to the relocation, the student shall be allowed to attend the Montgomery County school and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

State Welfare or Institutionalized Students and Students Placed in Foster Care

Welfare or institutionalized students assigned to Montgomery County by a state agency, serving as custodian of these children, shall be permitted to enroll and attend the Montgomery County Public Schools without being charged tuition.

Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his or her knowledge, sets forth (1) the student's age, (2) compliance with requirements of Virginia Code § 22.1-3.2 (related to the notice of the student's school status as a condition of admission), and (3) that the student is in good health and is free from communicable or contagious disease.

The sending school division and the Montgomery County Public Schools shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The sending school division and the Montgomery County Public Schools may agree to allow the child to continue to attend the school in which the student was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child. While a receiving school division and a sending school division, as those terms are defined in Virginia Code § 22.1-3.4, may enter into financial arrangements contemplated by that statute, under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the Montgomery County school division.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the Montgomery County school division shall expedite the transfer of the scholastic record of the student. Within seventy-two (72) hours of placing a child of school age in a foster care placement, the local social services agency making such placement is required by applicable law, in writing, to (1) notify the principal of the school in which the student is to be enrolled and the division superintendent of the relevant school division or his or her designee of such placement, and (2) inform the principal of the status of parental rights. If the documents required for enrollment of the foster care child pursuant to applicable law are not immediately available upon taking the child into custody, the placing social services agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster care child within thirty (30) days after the child's enrollment.

Admission of Nonpublic Students for Part-Time Enrollment: Prohibition

Private and home-schooled students shall not be permitted to enroll part-time or to participate in academic or extracurricular activities in the Montgomery County Public Schools.