

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** March 26, 2002

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. J. Hairston, Superintendent

**SUBJECT:** **Revision of Superintendent's Rule 5140**

**ORIGINATOR:** Christine M. Johns, Deputy Superintendent of Curriculum and Instruction

**RESOURCE PERSON(S):** Dr. Donald Mohler, Executive Director for Student Support Services  
Ms. Risa Schuster, Ombudsman  
Dr. Vivian Ferguson, Coordinator, Pupil Personnel  
Dr. Carol Batoff, Residency Liaison

**INFORMATION**

That the Board of Education receive as an information item  
an update to Superintendent's Rule 5140, STUDENTS:  
Enrollment and Attendance.

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The changes to the rule reflect current practice in the Baltimore County Public Schools. The changes not only reflect current practice, but also reflect recent advice of legal counsel.

## Rule 5140

## STUDENTS: Enrollment and Attendance

## I. SCHOOL ATTENDANCE AREAS

- 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 II. C. of this rule.

## II. SPECIAL PERMISSION TRANSFERS

- A. Special requests to permit a student to attend a school outside his/her school attendance area must be initiated by the parent(s) or guardian(s).
- B. 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*.

## C. Special Circumstances

The staff will evaluate **THE FOLLOWING** special circumstances as justification for assigning a student to a school outside the attendance area in which the student currently resides[, **including, but not limited to the following**]:

1. When a student who has completed gradeS **4, 7, OR 11** changes residence to another Baltimore County **[high]** school attendance area. Said student may continue in the original **ELEMENTARY, MIDDLE, OR** high school until **[graduation] COMPLETION OF THE TERMINAL GRADE OF THAT SCHOOL LEVEL.**
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 as long as overcrowded conditions do not exist as defined in Section II. D. 7. a., b., and c. of this rule.]**

3. When the purpose is for:
  - 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.
  - b. Student adjustment issues which cannot be resolved at the home school placement as evaluated and determined by appropriate school system officials.
4. When a student changes residence within Baltimore County 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 a subsequent 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 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).
6. When unusual arrangements must be made to provide satisfactory supervision for the elementary and middle school student before- and after-school hours.
7. When family conditions necessitate that a student must live in another home within Baltimore County.
8. When a 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[s 6-404] 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. 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). 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 WHO WILL CONTINUE TO ATTEND THAT SCHOOL THE NEXT YEAR. SAID STUDENT MAY BE GRANTED A TRANSFER TO THAT SCHOOL.**
  
10. **WHEN A STUDENT ATTENDS A BALTIMORE COUNTY PUBLIC SCHOOL THAT HAS BEEN IDENTIFIED AS ELIGIBLE FOR TITLE I PUBLIC SCHOOL TRANSFER OPTIONS AND SAID STUDENT HAS BEEN DECLARED AN ELIGIBLE STUDENT UNDER APPLICABLE TITLE I FEDERAL GUIDELINES. THE PARENT/GUARDIAN 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. SCHOOLS IDENTIFIED AS ELIGIBLE FOR RECEIVING STUDENTS UNDER TITLE I PUBLIC SCHOOL TRANSFER OPTIONS WILL NOT APPROVE ANY SPECIAL TRANSFER REQUESTS UNTIL ALL TITLE I ELIGIBLE STUDENT TRANSFER REQUESTS HAVE BEEN PROCESSED.**

D. 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.
  - 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.
3. Transfer requests must be submitted between April 1 and June 1 unless:
  - a. The student is a new resident of Baltimore County
  - b. There is an emergency or event that could not have been foreseen.
  - c. Information relevant to the transfer request was not available between April 1 and June 1.
4. Students must enroll in and attend their home school while a transfer request is being processed.
5. In processing the request, the receiving school principal will:
  - a. Evaluate the request and written documentation to determine compliance with the special circumstances outlined in Section II. C. 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.
  - c. Make every effort to issue a decision to parent(s)/guardian(s) by July 1 except when the request is for admission to kindergarten. Principals will make every effort to issue a decision concerning admission to

kindergarten before the beginning of the school year. 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.
6. The transfer request may be approved or denied after consideration of the reason(s) for the transfer and review of the total number of requested transfers made to the receiving school as of June 1.
7. Permission to attend a school outside the attendance area in which the student resides can be denied because of overcrowded conditions, which exist when any or all of the following occur at the receiving school:
  - a. Total student enrollment **IS EQUIVALENT TO OR** exceeds state-approved building capacity
  - b. Average class size **IS EQUIVALENT TO OR** exceeds Board-approved staffing guidelines
  - c. Enrollment **IS EQUIVALENT TO OR** exceeds staffing allocation schoolwide or within specific programs, grade levels, or courses.
8. If the transfer request is approved, designated staff from the home school will supply the receiving school with available school records and data; and if necessary, arrange for a conference involving personnel from both schools to assist the student in making a satisfactory adjustment.
9. If the transfer is approved, the athletic eligibility set forth in Policy 6145.2, *INSTRUCTION: Extra Curricular Activities: Intramural, Informal, and Interscholastic Activities*, applies.

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10. It is understood by both the receiving school principal and the parent(s)/guardian(s) that the **[newly assigned school becomes the student's home school for the approved school year(s)] TRANSFER IS APPROVED UNTIL THE STUDENT COMPLETES THE TERMINAL GRADE OF A SCHOOL LEVEL.** An exception to this provision is a student who is granted a special transfer **FOR THE PURPOSE OF SECTION II.C.4. OF THIS RULE OR** for the purpose of enrolling in a pre-kindergarten program. Said student is approved for that school year only. Parent(s)/guardian(s) must reapply for transfer for an additional year(s) or **[return to] ATTEND** the home school for the next school year.
11. 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.
12. 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 policy and rule.
13. 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.
14. 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 II. E. of this rule.

## E. Appeals

1. Denials of special permission transfer requests may be appealed by the parent/guardian who initiated the transfer request. The appeal must be made in writing to the Executive Director of Student Support Services within ten (10) calendar days of the date of the principal's denial or the postmarked date, whichever is later. The Executive Director of Student Support Services 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 Executive Director of Student Support Services or designee will also consider additional evidence

provided on appeal. The Executive Director of Student Support Services or designee will make every effort to issue a written decision by August 1.

2. If the appeal is denied by the Executive Director of Student Support Services or designee, the written decision will inform the parent(s)/guardian(s) of his/her right to appeal, in writing, to the Superintendent within fifteen (15) calendar days of the date of the denial letter or the postmarked date, whichever is later.
3. Denials of special permission transfer requests by the Executive Director of Student Support Services or designee must be appealed in writing to the Superintendent within fifteen (15) calendar days of the date of the Executive Director of Student Support Services' or designee's 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.
4. 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 Board of Education within (thirty) 30 calendar 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.

Rule

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Superintendent of Schools