



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. “Parents/guardians” mean a natural or adoptive 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 §6-401 and §6-501 of the Education Article of the *Annotated Code of Maryland*.
- E. “Child of an Employee” means a natural, adopted, 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 or adoptive parent and resides with the employee.
- F. “Sibling” means a brother, sister, half-brother, half-sister, stepbrother, stepsister, or foster child, who resides in the same household as the student applicant.
- G. “Fraudulent Enrollment” means intentional misrepresentation of material fact regarding domicile.
- H. “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.

RULE 5140

- I. “School Day” means any day that central offices of Baltimore County Public Schools are open for business, including summer weekdays.

II. 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 schools within the Board approved attendance areas in which they reside. Exceptions to attending the assigned school are set forth in this rule.
- C. 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. It is the responsibility of the parents/guardians to report changes in residence and provide to the school within ten (10) school days five (5) required residency documents as set forth in Policy and Rule 5150. Failure to provide this information within ten (10) school days may result in withdrawal of the student from the school.

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 parents/guardians. A copy of the special permission transfer application may be obtained at any school or at [www.bcps.org/system/policies\\_rules/5000toc.htm](http://www.bcps.org/system/policies_rules/5000toc.htm).

1. Prekindergarten students are not eligible for special permission transfers. Parents of prekindergarten students must follow the Office of Early Childhood enrollment procedures as presented in the “Prekindergarten Screening Procedure”.

2. Prekindergarten students identified as homeless are eligible for immediate priority prekindergarten enrollment.
3. Special permission transfer requests related to application and admission to a magnet school/program must be made in accordance with Policy and Rule 6400, *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 Grade 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 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. 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:
  - a. Medical reasons which are based on medical, physical, or mental health conditions must be accompanied by documentation from a medical or mental health provider. Students accepted for medical reasons will be enrolled in the requested school regardless of overcrowded conditions.
  - b. Student adjustment issues which cannot be resolved at the home school 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 student 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 permission transfer under childcare after the parents/guardians provide documentation, and after consultation with the appropriate offices including, but not limited to, 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 permission 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, 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 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 parents/guardians.
  - a. With a signed settlement sheet or lease agreement, the child may be granted a special permission transfer.
  - b. If the student is not domiciled with his/her parents/guardians in the new attendance area by November 1, the student will be withdrawn at the end of the semester.
6. When arrangements to provide satisfactory supervision for the elementary and middle school student necessitate enrollment in a school in another attendance area. Said student may be granted a special permission transfer, if the requested school is not overcrowded.
7. When family conditions necessitate that a student lives 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

- a. Said student may be granted a special permission transfer to a school outside of his/her attendance area regardless of the school's overcrowded conditions, provided the school is within the attendance area of the employee's primary work site.
    - b. A child of an employee whose primary work site is in a magnet school may be granted a special permission transfer to that school in accordance with the provisions of this section if said child qualifies for admission in accordance with Policy and Rule 6400, *INSTRUCTION: Magnet Schools and Programs*. Upon qualification, admission is granted for said child without entry into the lottery selection process.
  9. When a sibling attends the requested school, the sibling must be enrolled at the school at the time of application and enrollment of the student. Said student may be granted a special permission transfer to that school regardless of overcrowded conditions.
  10. When a student attends a Baltimore County Public School that has been identified as eligible for Title I public school transfer option and said student has been declared an eligible student under applicable Title I federal guidelines. The parents/guardians 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 permission transfer requests until all Title I eligible student transfer requests have been processed.
    - b. Denials of special permission transfer applications should be issued in the order they are received.
- C. Procedures:
1. The parents/guardians must complete and submit to the requested school an *Application for Special Permission Transfer*, between April 1 and June 1 for the next school year unless documentation

accompanies the application and substantiates 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.
2. Magnet schools and programs require an earlier deadline for magnet applicants to submit the *Application for Special Permission Transfer, as outlined in Policy and Rule 6400, INSTRUCTION: Magnet Schools and Programs*.
  3. Relevant written documentation supporting the transfer must be attached to the application and to any subsequent appeal.
  4. At the start of the school year students residing in Baltimore County must enroll in and attend the school in the attendance area in which they are residing while transfer requests are being processed.
    - a. A student who changes residence from a school's attendance area during the school year may remain in that school during the special transfer process.
  5. A special permission transfer will not be approved for any student whose enrollment in the school has been found to be fraudulent during that school year.
- D. School process:
1. Immediately upon receipt, the school will stamp the application with the date received.
  2. The principal will
    - a. Forward recommendations from medical personnel accordingly:

RULE 5140

- (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 appropriate professional.
    - (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 appropriate professional.
  - b. Make every effort to issue a decision to parents/guardians 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.
  - c. Indicate his/her approval or denial in the appropriate section of the original application, which will be sent to the parents/guardians. 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 parents/guardians or has been approved for enrollment as a nonresident student in accordance with Policy and Rule 5150, *STUDENTS: Enrollment and Attendance, Residents and Nonresidents*.
3. Schools in the first year of operation are not eligible to accept special permission transfers under Rule 5140.

4. Special permission transfer applications may be denied for any or all of the following reasons:
  - a. Overcrowded Conditions:
    - (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.
  - c. Lack of appropriate documentation. The reason given for the transfer request is not supported by 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 to support one of the conditions for which a late application may be filed.
5. It is understood by the receiving school principal and the parents/guardians that the transfer is approved until the student completes the terminal grade of a school level. Exceptions 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. Parents/guardians must submit a new *Application for Special Permission Transfer*, and the application will be evaluated consistent with the criteria set forth in this rule and in Policy 5140, STUDENTS: *Enrollment and Attendance*.

RULE 5140

- b. A student who is granted a special permission transfer for the purpose of *change of residence from attendance area* is approved for that semester only. If parents/guardians seek continued enrollment in the school, a new application must be filed.
  
- c. A special permission transfer student whom the principal determines has not benefited from enrollment at the school and who fails to meet the conditions of the contract for special permission transfer students requires the principal to follow the procedures in PS 517 with documentation of all interventions. The conditions for which a special permission transfer student may be revoked at the end of the school year are:
  - (1) Attendance/Tardiness:
    - (a) An attendance rate equal to or below the state mandated adequate yearly progress 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
    - (a) Discipline resulting in three (3) or more suspensions.
    - (b) A suspension to the Superintendent's Designee resulting in disciplinary action.

RULE 5140

- (3) Academics – The student has received more failing final grades than passing final grades.
  - (4) The condition for which a transfer was approved no longer exists.
  - (5) The student has withdrawn from a magnet program within a comprehensive school that is not his/her assigned school. To request consideration for remaining in the school for a subsequent semester or school year, an *Application for Special Permission Transfer* must be submitted and evaluated in accordance with the provisions of this rule.
6. When the student completes the terminal grade of a school level, that student shall be required to attend the subsequent middle or high school serving his/her residence unless a new application has been filed and approved.
  7. Parents/guardians 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 parents/guardians are responsible for providing transportation to and from the existing bus stop.

IV. Fraudulent Enrollment

- A. It is the responsibility of the parents/guardians to report changes in residence and provide all five (5) required residency documents as outlined in Rule 5150, to the school within ten (10) school days of the date of the change in residence.
- B. A special permission 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. Denials of special permission transfer requests may be appealed by the parents/guardians who initiated the transfer request. 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

RULE 5140

special permission transfer matters of appeal. 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 parents/guardians 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 or within 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 parents/guardians of his/her right to appeal in writing to the 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.

Rule

Superintendent of Schools

Approved: 12/13/73  
Revised: 3/13/80  
Revised: 11/23/93  
Revised: 4/11/00  
Revised: 8/14/01  
Edited: 1/7/02  
Revised: 3/26/02  
Revised: 3/9/04  
Revised: 4/20/04  
Revised: 3/22/05  
Revised: 6/12/07  
Revised: 8/14/07  
Revised: 4/21/09