



STUDENTS: Enrollment and Attendance

Assignment and/or Special Permission Transfer

I. Purpose

- A. To provide procedures and guidelines for special permission transfers in Baltimore County Public Schools (BCPS) for students in Grades K-12.
- B. In accordance with Board of Education of Baltimore County (Board) Policy 5140, each Baltimore County public school will have a designated school attendance area. Students shall attend the school serving the school attendance area in which their parents have a bona fide domicile, unless an exception is granted in accordance with the procedures and guidelines provided herein.

II. Definitions

- A. *Business Day* – Any day that the central offices of the school system are open for business or as provided on the official school system calendar.
- B. *Child* – Any child who meets all state requirements for enrollment and who is not currently enrolled in a Baltimore County public school.
- C. *Child of an Employee* – A dependent child of a BCPS employee. This includes:
 - 1. A biological child;
 - 2. A legally adopted child;
 - 3. A child for whom the employee has legal guardianship;
 - 4. A stepchild, when the employee’s spouse resides with the employee and the employee’s spouse is the child’s natural or adoptive parent; and
 - 5. A foster child placed in the employee’s home by a state agency or a licensed child placement agency.
- D. *Employee* – A certificated or non-certificated individual who is an employee of the Board for a least 9 months a year and as defined by §6–404 and §6–501 of the Education Article of the *Annotated Code of Maryland*. For the purpose of this rule, an employee does not include a temporary or contractual employee.

- E. *File* – An appeal will be deemed to have been timely filed if, before the expiration of time, it has been:
 - 1. Delivered to the appropriate BCPS administrative office, or
 - 2. Deposited in the United States mail, as registered or certified or express mail, or deposited with a delivery service such as Federal Express, UPS or DHL that provides verifiable tracking of the item from the point of origin.

- F. *Fraudulent Enrollment* – Refers to the intentional misrepresentation of documentation or material fact regarding domicile, providing false information on the special permission transfer application and/or the failure to notify BCPS of a change in domicile or a change in hardship conditions for which the special permission transfer was approved. Any such change must be provided to the school principal within fifteen (15) business days of occurrence.

- G. *Home School* – The school serving the school attendance area in which the student is domiciled with his/her parent.

- H. *Overcrowded School* – A school is deemed to be overcrowded when one or more of the following conditions exists:
 - 1. Current or projected student enrollment in the requested school is equivalent to or exceeds state-approved building capacity;
 - 2. Average class size of the requested grade is equivalent to or exceeds Board-approved staffing guidelines; or
 - 3. Enrollment in the requested program of study or requested course is equivalent to or exceeds staffing allocation.

- I. *Parent* – The biological or adoptive parent, legal guardian or person acting in the absence of the parent or guardian.

- J. *Primary Work Site* – The physical location where the employee receives his/her mail and maintains his/her office. For employees with split work sites, the primary work site means the work location identified by the Department of Human Resources' information system.

- K. *Principal* – The principal of a school or the principal's designee.

- L. *Program of Study* – An academic program in which the student completes a specified sequence of courses. Program of study does not include electives or extracurricular activities.

- M. *Receiving School* – The school where the student is seeking to be enrolled by special permission transfer.
- N. *Sibling* – A brother, sister, half-brother, half-sister, stepbrother, stepsister or foster child who is domiciled in Baltimore County in the same residence as the student who is enrolled in the requested school.
- O. *Special Permission Transfer* – An approved transfer, based on specified criteria, for a student to attend a school that is not his/her home school.
- P. *Student* – A school-aged child who meets specified conditions for establishing domicile in Baltimore County and who is currently enrolled in a BCPS school.
- Q. *Terminal Grade* – Grades 5, 8 and 12.

III. Guidelines

- A. A student attending a public school in Baltimore County is expected to attend the home school that serves the attendance area in which the student’s parents are domiciled. Transfers from the home school may be permitted as outlined in this rule.
- B. A special permission transfer may be requested for students in Grades K – 12.
- C. Prekindergarten students are not eligible for a special permission transfer. The Office of Early Childhood shall be responsible for determining the placement of a prekindergarten-eligible student.
- D. Special permission transfer requests related to application and admission to a magnet school must be made in accordance with Board Policy and Superintendent’s Rule 6400, *Magnet Programs*.
- E. A special permission transfer will be approved when one of the following conditions exists:
 - 1. Terminal Grade
A student has completed Grade 4, 7 or 11 and moves to different school attendance area in Baltimore County after the end of the school

year, but wishes to complete elementary, middle or high school in his/her current school.

2. Program of Study

- a. A student desires to pursue a curricular, academic, or sequential program of study not offered in the student's regularly assigned school.
- b. The student must have met the stated prerequisites for the requested program.
- c. Special permission transfer requests based on program of study will be denied if the requested program is overcrowded or the school is overcrowded.

3. Change of Residence

a. A student has moved from one school attendance area to a different school attendance area in Baltimore County during the regular school year, but wishes to continue attending his or her school in his or her previous attendance area until completion of the school year. The family must provide the principal of the school the student currently attends with proof of the new address in Baltimore County as outlined in Superintendent's Rule 5150, *Resident and Nonresident Student Eligibility*.

b. A student plans to move from one school attendance area to a different attendance area on or before November 1 of the current school year.

(1) A student must demonstrate definite plans to move to a different attendance area, as follows:

- (a) Proof of purchase or rental must be provided with the application for student transfer.
- (b) The new residence must be the primary permanent residence for the student and the student's family and must be located within the receiving school's attendance area.
- (c) Additional documentation may be requested to establish that the new residence is a bona fide domicile for the student.

(2) If the student is not domiciled with his/her parent in the new attendance area by November 1, the student will be withdrawn at the end of the semester.

4. Child of an Employee

- a. The parent is a BCPS employee and is requesting a special permission transfer to the school where the parent is employed or to the school nearest the employee's primary work site.
 - (1) The employee's primary work site must be located within the attendance area of the receiving school.
 - (2) If the receiving school is overcrowded, the student will be given the option of applying for a special permission transfer to another school that is not overcrowded and whose boundary is adjacent to the employee's primary work site.
 - b. If the employee's primary work site and the requested school is a magnet school, the employee's child must be an eligible applicant and meet the admissions criteria as outlined in Superintendent's Rule 6400, *Magnet Programs*.
 - c. Special permission transfer requests made under this subparagraph will be denied if the requested school is overcrowded.
5. Child Care
- a. The parent of an elementary school student demonstrates hardship in obtaining appropriate full-time before- and/or after-school supervision of the student within the boundaries of the school where the child is domiciled. The parent shall provide documentation concerning the child care provider, including the provider's name, address and telephone number.
 - b. A student is severely or profoundly disabled and the parent provides documentation of child care, and after consultation with the appropriate offices including, but not limited to, the Offices of Special Education, Health Services and Transportation.
 - c. Special permission transfers for reasons of child care will be denied if the requested school is overcrowded.
6. Boundary Changes
- a. During the first year of a boundary change, when a student is currently enrolled in Grades 4-5, 7-8 or 11-12 of the school affected by a change in attendance area, and the student wishes to remain in the school through his/her terminal grade.
 - b. If a student who meets the criteria in Subparagraph III(E)(6)(a) has a sibling who is currently enrolled in the affected school, the sibling will be given the option of remaining in the affected school through his/her terminal grade.
7. Siblings

- a. The sibling of a currently enrolled student wishes to attend the same school as the enrolled student, such request may be approved if:
 - (1) The sibling is domiciled in Baltimore County in the same residence as the student who is enrolled in the requested school.
 - (2) The sibling is enrolled on the first day of school of the requested school year.
- b. Special permission transfer requests made under this subparagraph will be denied if the requested school is overcrowded.

F. Medical/Student Adjustment

A special permission transfer may be approved for medical/student adjustment under the following conditions:

- 1. The student demonstrates exceptional hardship for reasons of medical, emotional or social adjustment.
 - a. Independent, detailed documentation substantiating the circumstances (e.g., from physicians, psychologists, social workers or counselors) is required and must be attached to the *Application for Special Permission Transfer for Medical/Student Adjustment*. (Rule 5140, Form B)
 - b. All applications for medical/student adjustment shall be submitted to the Director of School Climate and reviewed by the Coordinator of Health Services and/or the Coordinator of Psychological Services prior to making a decision.
- 2. The Director of School Climate, or his/her designee, is responsible for determining whether a special permission transfer under this subparagraph may be granted.
- 3. The Director of School Climate, or his/her designee, shall determine the appropriate placement of a student approved for special permission transfer due to medical/student adjustment. An approved placement under this subparagraph is not subject to appeal.
- 4. Overcrowded conditions and boundary changes will not preclude approval under this subparagraph.

IV. Application Procedure

- A. The following procedures shall be followed when a student is requesting special permission to attend a school outside his or her home school.
- B. Student Transfer Application

1. The parent must complete the *Application for Special Permission Transfer, K-12*, and submit the completed application form with requisite supporting documentation as provided herein to the principal of the receiving school.
 2. The *Application for Special Permission Transfer* is attached hereto as Rule 5140, Form A.
- C. Student Transfer Application for Medical/Student Adjustment
1. The parent must complete the *Application for Special Permission Transfer for Medical/Student Adjustment* and submit the completed application to the Director of School Climate, along with supporting documentation that demonstrates exceptional hardship for reasons of medical, emotional or social adjustment.
 2. The *Application for Special Permission Transfer for Medical/Student Adjustment* is attached hereto as Rule 5140, Form B.
- D. Applications for the succeeding school year must be submitted between April 1 and June 1 of the current school year. The deadline for application submission will be waived if documentation accompanies the application and substantiates one or more of the following conditions:
1. The student is a new resident of Baltimore County;
 2. There is an emergency or event that could not have been foreseen and can be documented as such; or
 3. Information or documentation supporting the transfer request was not available between April 1 and June 1.
- E. The student shall be enrolled in and attend the home school serving his/her attendance area while the special permission transfer request is being processed.
- V. Application Review Process Receiving School
- A. The school will date and time stamp each application immediately upon receipt in the order in which it is received.
 - B. The principal will review the application and:
 1. Consult with the home school principal, as appropriate.
 2. Verify that the student is domiciled in Baltimore County or has been approved for enrollment as a nonresident student and that the student is currently enrolled in his/her home school.

- C. The principal will deny the application for one or more of the following reasons:
 - 1. Overcrowded school as defined in paragraph II(H);
 - 2. Reason for transfer is inconsistent with policy and rule;
 - 3. Lack of appropriate documentation;
 - 4. The application was not submitted within the required timeline and/or the parent provided no documentation to support the late filing;
 - 5. The requested school is a new school in the first year of operation;
 - 6. The requested school is in the first year of a boundary change; or
 - 7. The requested school is a closed school.

VI. Application Review Process Medical/Student Adjustment

- A. The Director of School Climate (director) or his/her designee will review the application and complete the following.
 - 1. Consult with the home school principal and receiving school principal, as appropriate.
 - 2. Verify that the student is domiciled in Baltimore County or has been approved for enrollment as a nonresident student and that the student is currently enrolled in his/her home school.
 - 3. Forward documentation of a medical or emotional/social adjustment hardship for review:
 - a. Documentation demonstrating a medical hardship shall be forwarded to the Coordinator of Health Services for evaluation and consultation.
 - b. Documentation demonstrating an emotional or social adjustment hardship or documentation from mental health or medical professionals shall be forwarded to the Office of Psychological Services for evaluation and consultation.
 - c. Documentation concerning bullying, harassment or intimidation shall be forwarded to the executive director of the Department of School Safety for evaluation and consultation.
- B. The director or his/her designee will deny an application for one or more of the following reasons:
 - 1. Reason for transfer is inconsistent with policy and rule;
 - 2. Lack of appropriate documentation; or
 - 3. The application was not submitted within the required timeline and/or the parent provided no documentation to support the late filing.

VII. Notification

- A. The principal or director will render a decision no later than July 1, except as provided below.
 - 1. Decisions concerning admission to kindergarten will be rendered before the beginning of the school year.
 - 2. For applications filed for a transfer during the current school year, the principal or director will make every effort to issue a decision within ten (10) business days.

- B. The principal or director will indicate his/her approval or denial of the application in the appropriate section of the application. If denied, the reason(s) for denial will be clearly marked. Copies of the application shall be forwarded as follows:
 - 1. Original application will be returned to the parent;
 - 2. A copy will be forwarded to the home school and receiving school principals; and
 - 3. A copy will be maintained in the student's official school record.

VIII. Student Contract for Special Permission Transfer

- A. The student's enrollment shall be conditional upon completing and signing the *Student Contract for Special Permission Transfer*. (Rule 5140, Form C).

- B. The completed and signed *Student Contract* must be submitted to the receiving principal.

- C. A student who has failed to meet the conditions of the *Student Contract* may be withdrawn at the end of the school year for any one of the following reasons:
 - 1. Absences resulting in an attendance rate that does not meet the state standard of 94% for any given marking period, unless the absence is a verified, lawful absence as provided in Superintendent's Rule 5120, *Attendance and Excuses*.
 - 2. Accumulated tardiness in excess of 6%, unless the tardiness is a verified, lawful absence as provided in Superintendent's Rule 5120, *Attendance and Excuses*.
 - 3. Three (3) or more suspensions, including in-school suspensions, out of school suspensions or suspensions to the pupil personnel worker.
 - 4. Suspension to the superintendent's designee resulting in disciplinary action.

5. The student's final report card fails to meet the following grading criteria:
 - a. High School – A 2.0 GPA with no more than one (1) failing grade and a passing grade in the student's program of study.
 - b. Middle School – A "C" average with no more than one (1) failing grade.
 - c. Elementary Grades K-2 – Grading is developmental and does not apply.
 - d. Elementary Grades 3-5 – A "C" average with no more than one (1) failing grade.
 6. There is a change in reason for which the transfer was granted. Siblings who were approved for enrollment under this Rule will not be affected by the withdrawal of a student under this subparagraph.
- D. A student who fails to meet the conditions of the *Student Contract for Special Permission Transfer* and who is approaching terminal-year status will be withdrawn by no later than the final day of school and terminal-year status will not apply.

IX. Conditions

- A. Any student who is granted a special permission transfer must maintain appropriate behavior, attend school regularly and demonstrate academic progress.
- B. A special permission transfer is approved until the student completes the terminal grade of a school level, except when:
 1. A student voluntarily withdraws from the receiving school;
 2. A student withdraws from the program of study or course under which the transfer was granted;
 3. A student withdraws from a magnet program within a comprehensive school that is not his/her home school; or
 4. A special permission transfer is granted for the purpose of *Change of Residence from Attendance Area* and is approved for one school year only.
- C. Any student who is granted a special permission transfer and who completes a terminal grade must attend the middle or high school serving the attendance area where the student is domiciled with his/her parent, unless a new special permission transfer application is approved.

- D. Parents are responsible for providing transportation to and from the receiving 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.

X. Fraudulent Enrollment

- A. A parent shall notify the school of any change in domicile or change in reason for which the special permission was approved. Failure to notify the school within fifteen (15) business days of any change may result in the student being withdrawn from school.
- B. If non-residency or non-custody of an enrolled student is suspected, the matter will be referred to the Office of Pupil Personnel Services for investigation.
- C. If a student is found to be fraudulently enrolled in a Baltimore County public school, the school will issue a letter notifying the parent that the student will be withdrawn in ten (10) business days; the letter will advise the parent of his/her right to appeal the finding.
- D. If a student is found to be fraudulently enrolled, he or she is precluded from applying for a special permission transfer to the same receiving school during the school year.

XI. Special Conditions

Special permission transfers will not be accepted if one of the following conditions applies at the receiving school:

- 1. The school is a new school and is in its first school year of operation; or
- 2. The school is in its first school year of a boundary change, except as authorized in Paragraph III(E)(7).

XII. Appeal Process

- A. Appeal to the executive director
 - 1. A decision of the principal or director to deny a special permission transfer application under this Rule may be appealed to the Executive Director of Academic Services (hereinafter, executive director).

2. The appeal must be made in writing and filed with the executive director **within fifteen (15) business days** of the date the application is denied.
 3. The appeal must include the following:
 - a. The full name, mailing address and telephone number for the person filing the appeal or that person's designated representative.
 - b. A copy of the application signed by the principal.
 - c. A concise statement of the issues presented and the facts about which the person is appealing.
 4. The executive director, or his/her designee, will review the facts of the case and issue a final decision in writing. The executive director, or his/her designee, will make every effort to issue a written decision within thirty (30) business days of the receipt of the written appeal.
- B. Appeal to the Superintendent
1. If the appeal is denied or the party is not satisfied with the decision rendered by the executive director, he/she may further appeal that decision by filing an appeal with the Superintendent.
 2. The appeal must be made in writing and filed with the Superintendent **within ten (10) business days** of the date of the executive director's decision.
 3. The Superintendent, or his/her designee, will review the facts of the case and issue a final decision in writing. The Superintendent or designee will make every effort to issue a written decision within forty-five (45) business days of the receipt of the appeal.
- C. Appeal to the Board of Education
1. A decision of the Superintendent, or his/her designee, regarding enrollment or withdrawal under this Rule may be appealed to the Board of Education of Baltimore County.
 2. The appeal must be made in writing and filed with the Board **within thirty (30) calendar days** of the date of the Superintendent's decision.
 3. The procedures for filing an appeal with the Board are outlined in Board Policy 8340, *Appeal Before the Board of Education*.
- D. For all appeals filed under this paragraph, electronic transmittals will not be accepted.

RULE 5140

Legal References: *Annotated Code of Maryland*, Education Article §4-205, *Powers and Duties of County Superintendent*
Annotated Code of Maryland, Education Article §6-404, *Designation of Exclusive Representative for Employees; Specific Units*
Annotated Code of Maryland, Education Article §6-501, *Definitions*
Annotated Code of Maryland, Education Article §7-101, *Admission of Students; Location; Kindergarten Programs*

Related Policies: Board of Education Policy 5100, *Compulsory Attendance*
Board of Education Policy 5110, *Admission*
Board of Education Policy 5150, *Resident and Nonresident Student Eligibility*
Board of Education Policy 6400, *Magnet Programs*
Board of Education Policy 8340, *Appeal Before the Board of Education*
Board of Education Policy 8341, *Appeal Before a Hearing Examiner*

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