



STUDENTS: Enrollment and Attendance

Special Permission Transfer

I. Purpose

- A. To provide procedures and guidelines for student (K-12) special permission transfers in Baltimore County Public Schools (BCPS).
- B. In accordance with Board of Education 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.
- C. The Superintendent delegates the responsibility of determining whether a special permission transfer should be granted to the principal of the requested school. The receiving principal shall make his/her decision based on the criteria outlined herein.
- D. The Superintendent, in his/her sole discretion, has the authority to determine when a school or schools will be closed to special permission transfers. When a school is deemed a “closed school” under this rule, no students will be admitted to the school through the special permission transfer process.

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.
- D. *Closed School* – A school determined by the Superintendent to be closed to the special permission transfer process.
- E. *Employee* – A certificated or non-certificated individual who is an employee for a least 9 months a year by BCPS and as defined by §6–404 and §6–501 of the Education Article of the *Annotated Code of Maryland*.
- F. *Filed* – Means the delivery of documents to the appropriate school system office on or before the documents are due, or depositing the papers in the United States mail before the date the papers are due.
- G. *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.
- H. *Overcrowded* – Occurs when one or more of the following conditions exists:
1. Current or projected 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.
- I. *Parent* – The biological or adoptive parent, legal guardian, or person acting in the absence of the parent or guardian.
- J. *Receiving School* – The school where the student is seeking to be enrolled by special permission transfer.
- K. *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 applicant.
- L. *Student* – A school-aged child who meets specified conditions for establishing domicile in Baltimore County and who is currently enrolled in a BCPS school.

- M. *Terminal Grade* – The last grade before transitioning to middle or high school.

III. Guidelines

- A. A student is expected to attend the school that serves his/her attendance area. However, a request for a special permission transfer may be approved by the principal of the receiving school, except as provided herein.
- B. Prekindergarten students are not eligible for special permission transfers.
- C. Special permission transfer requests related to application and admission to a magnet school must be made in accordance with Board of Education Policy and Superintendent’s Rule 6400, *Magnet Schools and Programs*.
- D. A special permission transfer will be approved when one of the following conditions exists:
 - 1. Terminal Grade
 - a. When a student in Grades 4, 7, or 11 moves to a different school attendance area after the completion of the school year wishes to complete the final year of elementary, middle, or high school.
 - 2. Program of Study
 - a. When 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 school is overcrowded.
 - 3. Medical/Student Adjustment
 - a. When the student demonstrates exceptional hardship for reasons of medical, emotional, or social adjustment.
 - (1) 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*.
 - b. Overcrowded conditions will not preclude approval under this section, unless the school has been deemed a closed school.
 - 4. Change of Residence

- a. When 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.
 - (1) The family must provide the principal of the school the student currently attends with proof of the new address.
 - b. When 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.
5. Siblings
- a. When a student whose sibling lives in the same household and is enrolled in the requested school.
 - (1) To qualify, the sibling of the student seeking special permission must be currently enrolled in the receiving school at the time of application for special permission transfer.
 - b. Overcrowding will not preclude approval under this section.
6. Family Conditions
- a. When a parent has demonstrated a hardship necessitates that a student lives in another home within Baltimore County.
 - b. Overcrowding will not preclude approval under this section, unless the school has been deemed a closed school.
7. Child of an Employee

- a. When 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 work site.
 - b. If the employee's primary work site and the requested school is a magnet school, the employee's child must qualify for admission in accordance with Board of Education Policy and Superintendent's Rule 6400, *Magnet Schools and Programs*. If the student qualified for admission into the magnet program, the student will be given priority placement, without entry into the lottery selection process.
 - c. Special permission transfer requests made under this section will be denied if the requested school is overcrowded.
8. Child Care
- a. When the parent of an elementary or middle 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.
 - b. When a high school 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 requested for reasons of child care will be denied if the requested school is overcrowded.
9. Title I Transfer
- a. When a student attends a BCPS school that has been identified as eligible for the Title I Public School Transfer Option and the student has been declared eligible under applicable Title I federal guidelines.
 - b. Transfer requests under this section shall be filed with the Office of Title I and Grant Assistance in accordance with Title I Public School Transfer Option procedures.

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 designated school attendance area.
- 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. The *Application for Special Permission Transfer* is attached hereto as Rule 5140, Form A.
 - 2. Applications for the succeeding school year must be submitted between April 1 and June 1 of the current school year.
 - a. 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.
 - (3) Information or documentation supporting the transfer request was not available between April 1 and June 1.
 - 3. The student shall be enrolled in and attend the school serving his/her attendance area while the special permission transfer request is being processed.
- C. Receiving School Application Review Process
 - 1. The school will date and time stamp each application immediately upon receipt in the order in which it is received.
 - 2. The principal, or his/her designated administrator, will review the application and:
 - a. Consult with the home school principal, as appropriate.
 - b. Verify that the student is domiciled in Baltimore County or has been approved for enrollment as a nonresident student in accordance with Board of Education Policy and Superintendent's Rule 5150, *Residents and Nonresident Students*.
 - c. Forward documentation of a medical or emotional/social adjustment hardship for review:

- (1) Documentation demonstrating a medical hardship shall be forwarded to the coordinator of health services for evaluation and consultation.
 - (2) 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.
 3. The principal may deny the application for one or more of the following reasons:
 - a. Overcrowding.
 - b. Reason for transfer is inconsistent with policy and rule.
 - c. Lack of appropriate documentation.
 - d. The application was not submitted within the required timeline and/or the parent provided no documentation to support the late filing.
 - e. The school is deemed a closed school.
- D. Notification
 1. The principal will make every effort to render a decision by no later than July 1, except as provided below:
 - a. Decisions concerning admission to kindergarten will be rendered before the beginning of the school year.
 - b. For applications filed for a transfer during the current school year, the principal will make every effort to issue a decision within ten (10) business days.
 - c. Schools identified for Title I transfers will not approve or deny applications until released to do so by the Title I Office.
 2. The principal 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:
 - a. Original application will be returned to the parent.
 - b. A copy will be forwarded to the home school principal.
 - c. A copy will be maintained in the student's official school record.
- E. Contract for Special Permission Transfer Students

1. The child's enrollment shall be conditional upon completing and signing the *Student Contract: Nonresident Employee/Special Permission Transfer* (Rule 5140, Form B).
 - a. Students who have failed to meet the conditions of the *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 is equal to or below the state mandated Adequate Yearly Progress (AYP) attendance rate, the attendance rate of the previous local school year, or the BCPS annual attendance rate, whichever is lower for any given marking period.
 - (2) An absence rate or tardiness rate resulting in an attendance referral to the pupil personnel worker (PPW) or to Project Attend, where applicable.
 - (3) Accumulated tardiness in excess of the school's per student average tardiness rate.
 - (4) Three (3) or more suspensions.
 - (5) Suspension to the Superintendent's designee resulting in disciplinary action.
 - (6) The student has received more failing final grades than passing final grades.
 - (7) 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 section.
 - b. Students who fail to meet the conditions of the *Contract for Special Permission Transfer Students* and who are approaching terminal-year status will be withdrawn by no later than June 15, and terminal-year status will not apply.

V. 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 instructional program under which the transfer was granted.
 3. A student withdraws from a magnet program within a comprehensive school that is not his/her assigned school.
 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 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.

VI. 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 BCPS 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.

VII. Special Conditions

- A. 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;
2. The school is in its first school year of a boundary change;
3. The Superintendent has declared that the school is a closed school.

VIII. Appeal Process

A. Appeal to the Executive Director

1. A decision of the principal to deny a special permission transfer application under this rule may be appealed to the Executive Director of Student Support 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.
 - a. 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.
 - a. 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 of Education **within thirty (30) calendar days** of the date of the Superintendent's decision.
 - 3. The procedures for filing an appeal with the Board of Education are outlined in Board of Education Policy 8340, *Appeal Before the Board of Education*.
- D. For all appeals filed under this section, electronic transmittals will not be accepted.

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 5140, *School Attendance Areas*
Board of Education Policy 5150, *Residents and Nonresidents*
Board of Education Policy 6400, *Magnet Schools and Programs*
Board of Education Policy 8340, *Appeal Before the Board of Education*
Board of Education Policy 8341, *Appeal Before A Hearing Examiner*

Rule

Superintendent of Schools

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