



STUDENTS: Enrollment and Attendance

Resident and Nonresident Student Eligibility

I. Purpose

- A. To set forth the procedures verifying bona fide domicile for enrollment purposes and assessing tuition under certain circumstances.
- B. In accordance with Board of Education of Baltimore County (Board) Policy 5150, a child who is domiciled in Baltimore County with his/her parent as outlined below shall be admitted to Baltimore County Public Schools (BCPS) without the payment of tuition and shall attend his/her assigned home school unless attendance in another school is authorized in accordance with school system policy, this rule and/or school system procedures.
- C. A child will not be enrolled in BCPS unless and until all documentation is complete, except as required by law.

II. Definitions

- A. *Bona Fide Domicile* – The place in which an individual has a settled connection for legal purposes and the place where a person has his/her true, fixed permanent home, habitation and principle establishment, without any present intention of leaving. It does not include a temporary residence established for the purpose of free school attendance in the public schools.
- B. *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.
- C. *Child* – Any child who meets all state requirements for enrollment and who is not currently enrolled in a Baltimore County public school.
- D. *Child of an Employee* – A dependent child of a Board 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.
- E. *Child of a Military Family* – A school-aged child, enrolled in kindergarten through Grade 12, in the household of an active duty member. Active duty means full-time duty status in the active uniformed service of the United States, including members of the National Guard and reserve on active duty orders.
- F. *Employee* – A certificated or non-certificated individual who is employed for at 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*. For the purpose of this rule, an employee does not include a temporary or contractual employee.
- G. *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 school system 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.
- H. *Foster Home* – A family home in which the child is placed by a licensed public or private agency or by a court of competent jurisdiction.
- I. *Fraudulent Enrollment* – Refers to the intentional misrepresentation of documentation or material fact regarding domicile, providing false information on documentation or applications and/or the failure to notify BCPS of a change in domicile or change in hardship conditions for which enrollment was approved. Any change in hardship conditions or domicile must be provided to the school principal within fifteen (15) business days of occurrence.
- J. *Informal Kinship Care* – A living arrangement in which a relative of child, who is not in the care, custody or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship.
- K. *Nonresident Student* – Any qualified school-aged child who does not have an established bona fide domicile in Baltimore County.

- L. *Overcrowded* – A school is deemed to be overcrowded 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; or
  - 3. Enrollment is equivalent to or exceeds staffing allocation schoolwide or within specific programs, grade levels or courses.
- M. *Parent* – The biological or adoptive parent, legal guardian or person acting in the absence of the parent or guardian.
- N. *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 location identified by the Department of Human Resources' information system.
- O. *Relative* – An adult related to the child by blood or marriage within the fifth degree of consanguinity.
- P. *Residential Dwelling Unit* – One or more rooms in a residential building or structure, such as a house, apartment, condominium or trailer that is used for living purposes.
- Q. *Sibling* – A brother, sister, half-brother, half-sister, step-brother, step-sister or foster child who is domiciled in Baltimore County in the same residence as the student who is enrolled in the requested school.
- R. *Student* – A school-aged child who meets specified conditions for establishing domicile in Baltimore County and who is currently enrolled in a Baltimore County public school.
- S. *Terminal Grade* – Grades 5, 8 and 12.

III. Resident

- A. A school-aged child meeting any one of the following conditions will be considered a resident student and will be admitted to BCPS, without payment of tuition, except as noted elsewhere in this rule.
  - 1. A school-aged child whose parent(s) has/have established a bona fide domicile in Baltimore County.

2. A school-aged child whose parents live apart and one or more of the following circumstances exist.
  - a. The parent to whom legal custody is awarded by the court has established a bona fide domicile in Baltimore County.
  - b. The parent with whom the child lives regularly has established a bona fide domicile in Baltimore County, and joint custody is awarded by the court, or a determination of legal custody has not been made.
  - c. A school-aged adult who has established an independent bona fide domicile in Baltimore County.
- d. A school-aged child with a court-appointed guardian who has established a bona fide domicile in Baltimore County.
- e. A school-aged child whose parent has established a bona fide domicile in Baltimore County and who has been placed in a foster or group home in Baltimore County by a licensed private, county or state child placement agency. Domicile for purposes of admission and assignment is the address of the foster or group home.

B. Verification of Domicile

1. Proof that a child is domiciled in Baltimore County with the child's parent is required. The burden of establishing a bona fide domicile is with the parent(s).
2. The following documents are required to verify domicile in Baltimore County:
  - a. Proof of Parent Identity
    - (1) A valid driver's license with photograph, passport, motor vehicle administration identification or other legal form of photographic identification.
    - (2) A document used for photo identification only may not be used to verify domicile.
  - b. Proof of domicile for homeowner. Acceptable documents are:
    - (1) Deed or deed of trust that has all required signatures;
    - (2) Title;
    - (3) Mortgage coupon book;
    - (4) Real estate tax bill or receipt; or
    - (5) If a home has just been purchased and no deed is available, proof of purchase may be submitted. Within 30 days of enrollment, the parent must submit a deed or a deed of trust with all required signatures.
  - c. Proof of domicile for renter. Acceptable documents are:
    - (1) Original, current lease or rental agreement from a real estate management company or commercial lessor for a

- residential dwelling located in Baltimore County, along with all required signatures; or
- (2) Lease or rental agreement from a private party owner. The private party owner must establish ownership as outlined in Paragraph III(B)(2)(b) above.
- d. Three documents from the following list must be submitted to verify parent name and address. If mail, an invoice or a statement is used, the document must be dated within 60 calendar days of the date the documents are submitted for enrollment purposes.
- (1) Federal or state income tax return for the tax year immediately preceding enrollment.
  - (2) W-2 form for the current year.
  - (3) A statement written on company letterhead from the parent's employer which verifies the parent's current address.
  - (4) Correspondence addressed to the parent(s) from an office of a federal, state or local county governmental agency.
  - (5) Charge account/credit card billing statement.
  - (6) Bank account statement.
  - (7) Gas and electric bill.
  - (8) Cable bill.
  - (9) Voter's registration card.
  - (10) Motor vehicle administration vehicle registration.
  - (11) Driver's license, Maryland identification card, or age of majority card issued by the Maryland Motor vehicle Administration only when document has not been used to verify proof of parent identity in Paragraph III(B)(2)(a) above;
  - (12) Change of address notification from the United States Postal Service.
  - (13) Court documents.
  - (14) Government-issued license and/or professional certificate.
  - (15) First-class mail from a business or agency.
  - (16) Health center mailing.
  - (17) Mailing from a Baltimore County public school or office.
  - (18) Paycheck/paystub stating name and address.
  - (19) Other documentation acceptable to the Pupil Personnel Worker (PPW) or residency investigator.

3. All documents used to verify domicile under this subparagraph must reflect the same address in Baltimore County as indicated on the documents presented for verification of domicile.

C. Transition Year Verification

1. All resident students transitioning from Grade 5 to Grade 6 and from Grade 8 to Grade 9 will be required to verify domicile prior to the beginning of the school year. This requirement does not apply to students identified as homeless, in a shared domicile or in state-supervised care.
2. Failure to verify domicile in the school attendance area prior to the start of the school year shall result in the student's withdrawal from school.

D. Shared Domicile

1. The following procedures shall be followed when a child is domiciled with a parent in a residential dwelling located in Baltimore County with another person or persons.
2. The parent must contact the PPW or residency investigator for the school attendance area for the address of the shared domicile residence.
3. The parent must complete the Office of Pupil Personnel Services *Shared Domicile Disclosure Form* (See Rule 5150, Form A).
  - a. The form must be signed and notarized by the owner or leaseholder of the shared property.
  - b. The form must be signed and notarized by the parent of the student.
4. The owner or leaseholder of the shared property must provide proof of ownership or leaseholder interest as outlined in Paragraph III(B)(2) above.
  - a. The PPW and/or residency investigator may require the owner or leaseholder of the shared property, whose name and signature appear on the shared domicile application, to be present for the review of the application and documentation.
  - b. Failure of the owner/leaseholder to be present at the application review, as directed, may result in denial of the shared domicile application or withdrawal of the student from school.
5. The parent must provide proof of identity as outlined in Paragraph III(B)(2)(a) above.
6. The parent must provide three documents to verify name and address at the shared domicile residence as outlined in Paragraph III(B)(2)(d) above.

7. The PPW or residency investigator will meet with the parent, review all documentation submitted, verify that the documentation complies with the requirements outlined in this rule and approve or deny enrollment.
8. Enrollment in a shared domicile arrangement will be approved for one school year only.
  - a. Each school will provide the parent(s) of a child enrolled at the school under a shared domicile living arrangement notice of the annual renewal requirement, along with a copy of the *Shared Domicile Disclosure Renewal Form*.
  - b. To be considered for enrollment in any subsequent school year, the parent must submit the following to the student's home school **by no later than June 30**:
    - (1) A completed *Shared Domicile Disclosure Renewal Form*; and
    - (2) Three documents to verify name and address at the shared domicile residence as outlined in Paragraph III(B)(2)(d) above. If mail, an invoice or a statement is used, the document must be dated within 60 calendar days of the date of the renewal.
    - (3) If the *Shared Domicile Renewal Form* is not received by the school by the June 30 deadline, the student will be withdrawn, and the parent will be required to complete the application process as outlined in Paragraph III(D) above before the student may be enrolled in the school.
9. Notice of Shared Domicile Decision
  - a. If enrollment is approved, the PPW or residency investigator will provide a copy of the *Shared Domicile Disclosure Form*, marked approved, to the parent. The parent will take the approved form and all required documents to the child's school to complete enrollment.
  - b. If enrollment is denied, the PPW or residency assistant will provide a copy of the *Shared Domicile Disclosure Form*, marked denied and advise the parent of the reason(s) for the denial.

#### IV. Nonresident Students

- A. Nonresident students will be admitted to BCPS under the following circumstances:

1. Enrollment of a nonresident child will be made only upon the written authorization from the Superintendent and/or the pupil personnel worker. Principals are not authorized to enroll a nonresident student without such authorization.
2. Enrollment of a nonresident child will be approved for one school year only. Enrollment in any subsequent school year will only be approved by the Superintendent or PPW upon submission of appropriate documentation.

B. Out-of-County Foster Placement

1. A nonresident child who is placed in a foster home or group home in Baltimore County by a licensed private, county or state child placement agency may be admitted to BCPS as provided below.
  - a. The costs associated with the child's education will be assessed against the Maryland school system determined to be financially responsible.
  - b. Out-of-state agencies that place a child in a foster care home or residential facility in Baltimore County shall be liable for the costs of the child's education, including transportation.
  - c. A nonresident child who is placed for adoption in Baltimore County by an agency with the requisite court order or documentation deemed acceptable by BCPS may be admitted to BCPS without payment of tuition.
2. The PPW will be responsible for authorizing enrollment under this subparagraph.
3. The following documentation will be required in order to establish residency in Baltimore County.
  - a. A court order or a letter from the placing agency that verifies the current address of the student.
  - b. One document from the following list:
    - (1) Deed establishing ownership;
    - (2) Lease or rental agreement from a real estate management company, commercial lessor, or a private party owner;
    - (3) Rent receipts;
    - (4) Real estate tax bill or receipt;
    - (5) Gas and electric bill;
    - (6) Water bill;
    - (7) Cable bill;
    - (8) Online computer services bill;
    - (9) Non-cellular phone bill; or



- (10) Residency documentation required by the school system.
4. When enrollment has been approved, the child may be enrolled by one of the following:
    - a. Parent;
    - b. Placement agency caseworker;
    - c. Foster parent;
    - d. Formal kinship care provider;
    - e. Parent surrogate;
    - f. Educational guardian;
    - g. Residential child care program representative;
    - h. The student, if the student is age 18 or older;
    - i. Court-appointed special advocate; or
    - j. Court-appointed attorney.
  5. Enrollment of a child under this subparagraph will be approved for one school year only. Enrollment in any subsequent school year will be reviewed by the PPW to determine whether the student is eligible to remain in his/her school of origin under fostering connections, as outlined in federal law.

C. Exchange Students

An international child holding a J-1 visa who comes for one year of study through a school exchange program approved by BCPS and who resides with a host family with an established bona fide domicile in Baltimore County may be admitted without the payment of tuition.

D. Relocation

1. A nonresident child whose parent(s) are in the process of establishing a bona fide domicile in Baltimore County prior to November 1 of the current school year and who have entered into a contract to build, buy or lease a home may be admitted to BCPS.
  - a. The parent shall provide evidence of the relocation by presenting proof of purchase or an original, current lease or rental agreement from a real estate management company or commercial lessor for a residential dwelling located in Baltimore County, along with all required signatures.
  - b. Upon approval of the PPW, the child will be admitted to BCPS at the beginning of the school year without the payment of tuition.
  - c. If the child is not in his/her projected home by November 1 of the current school year:

- (1) Tuition shall be charged from the beginning of the school year until the end of the first marking period.
  - (2) The student will be withdrawn at the end of the first marking period of the school year.
2. Students who become nonresidents due to a change in domicile by the parent(s) with whom the student resides moving out of Baltimore County during the school year may complete the current marking period in his/her current school. If a student has completed Grade 11 in a Baltimore County public school high school, that student may complete Grade 12 in his/her current Baltimore County public school.
- a. Tuition will be assessed and shall be paid in full within 30 calendar days.
  - b. The parent will be responsible for providing transportation.

E. Medical Placement

A nonresident child who is a patient at a hospital, sanitarium or convalescent home located in Baltimore County will be enrolled upon payment of tuition.

F. Children of Employees

1. A nonresident child whose parent is a BCPS employee may be admitted to BCPS, upon payment of tuition. Any enrollment under this subparagraph shall be approved by the PPW, as follows:
  - a. The parent will be responsible for transportation.
  - b. The child may attend a school within the attendance area of the primary work site of the employee, with the following exceptions:
    - (1) If the school serving the attendance area is overcrowded, the employee shall be given an option of enrolling his/her child at another school adjacent to the employee's work site.
    - (2) If the employee's primary work site 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. Enrollment under this subparagraph is approved until the student completes the terminal grade at the receiving school level except when:
    - (1) The student withdraws from BCPS;
    - (2) The student withdraws from the magnet program under which the application was granted; or
    - (3) The parent is no longer employed by BCPS.

2. The child's enrollment shall be conditional upon completing and signing the *Student Contract for Nonresident Employee's Children* ("Student Contract").
  - a. 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 (PPW).
    - (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 and 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.
  - b. Terminal year status will not apply to students who fail to meet the conditions of the *Student Contract Nonresident Employee/Special Permission Transfer*; students will be withdrawn on the last day of the current school year.
3. Tuition will be assessed as follows:
  - a. If the employee is domiciled in the state of Maryland, tuition shall be assessed as follows:
    - (1) \$1,000 for a child enrolled prior to January 1 of the school year;
    - (2) \$500 for a child enrolled after January 1 of the school year;
    - (3) \$500 for a child enrolled in a half-day program;

- (4) Tuition assessed under this subparagraph shall be payable in full or by payroll deduction and will not be prorated except as outlined in Paragraph IV(F)(3)(c) below.
  - b. If the employee is domiciled outside of Maryland, tuition will be established in accordance with Superintendent's Rule 3610, *Tuition and Fees*, on the county's portion of the cost of educating a student.
  - c. If employment of the parent ends during that school year, the student may complete the current semester in his/her approved school; tuition will be prorated at the non-employee rate for students enrolled less than a full school year.
- G. Schools near Boundary of Two Counties
- 1. A child domiciled with his/her parent(s) in a Maryland county that is in an unusually isolated geographic location and near or adjoining Baltimore County may be enrolled only as follows:
    - a. The Superintendent of Schools of the local school system where the child is domiciled requests that the child be enrolled in Baltimore County; and
    - b. The Superintendent of BCPS approves the request.
  - 2. Any enrollment under this subparagraph shall be referred to the PPW for processing.
  - 3. The parent will be responsible for providing transportation.
  - 4. In accordance with the *Annotated Code of Maryland*, Education Article §4-121, all funding will be provided by the school system in which the child is domiciled.
- H. Hardship
- 1. Informal Kinship Care
    - a. A nonresident child whose parent(s) are residents of the state of Maryland and who is living with a relative due to a serious family hardship as provided by state law may be enrolled.
    - b. The educational costs associated with the student's education will be assessed against the Maryland school system determined to be financially responsible.
    - c. The criteria for a serious family hardship under this provision are:
      - (1) Death of a father/mother/legal guardian of a child;
      - (2) Serious illness of a father/mother/legal guardian of a child;

- (3) Drug addiction of a father/mother/legal guardian of a child;
  - (4) Incarceration of a father/mother/legal guardian of a child;
  - (5) Abandonment by a father/mother/legal guardian of the child;
  - (6) Assignment of a father/mother/legal guardian of a child to active military duty.
- d. Enrollment under this subparagraph shall be referred to and approved by the PPW.
  - e. The caregiver will be required to complete the *Affidavit of Informal Kinship Care* and provide supporting documentation of one or more serious family hardships.
  - f. To be considered for enrollment under the kinship provision in subsequent school years, the caregiver must submit a new application to the PPW at least two weeks prior to the beginning of each school year.
2. Serious Family Hardship
- a. A nonresident child whose caregiver status does-not satisfy the conditions of informal kinship or whose parent(s) reside outside of the state of Maryland may be enrolled with the payment of tuition. The criteria for serious family hardship under this subparagraph include:
    - (1) Death of father/mother/legal guardian;
    - (2) Serious illness of father/mother/legal guardian;
    - (3) Drug addiction of father/mother/legal guardian;
    - (4) Incarceration of father/mother/legal guardian;
    - (5) Abandonment by father/mother/legal guardian;
    - (6) Assignment of father/mother/legal guardian to active military duty;
    - (7) Child abuse or neglect;
    - (8) Physical or mental condition of father/mother/legal guardian such that he/she cannot provide adequately for the child's care and supervision;
    - (9) Financial circumstances of father/mother/legal guardian making it a hardship for him/her to provide for the child's care and supervision; or
    - (10) Medical or other conditions necessitate that a child live in a home within Baltimore County.
  - b. Enrollments under this subparagraph shall be referred to and approved by the PPW.

- c. The caregiver will be required to complete an application to enroll a child under this subparagraph and provide supporting documentation of one or more serious family hardships.
  - d. Tuition shall be paid, unless the parent qualifies for a tuition waiver.
3. The caregiver must provide evidence of a bona fide domicile in Baltimore County as outlined in Paragraph IV.
4. The caregiver must notify the PPW, in writing, within fifteen (15) business days, if any change occurs in the care of the student or in the serious family hardship of the student's parent.
5. A student enrolled under the hardship provision will be enrolled for one school year only. To be considered for enrollment under the hardship provision in subsequent school years, the caregiver must submit a new application to the PPW at least two weeks prior to the beginning of each school year.
6. The Office of Pupil Personnel Services may verify the facts given by the caregiver. If fraud or misrepresentation is discovered during a review, the student shall be withdrawn from BCPS.
7. Any person who makes a material misrepresentation in the caregiver agreement shall be subject to a penalty payable to BCPS for the pro rata share of tuition for the time the student was fraudulently enrolled in a Baltimore County public school.
8. The following will not be considered a hardship for the purpose of enrollment in BCPS:
  - a. Presence in Baltimore County primarily for improved quality of education;
  - b. Presence in Baltimore County primarily because of adverse conditions in or dissatisfaction with the child's prior school system; or
  - c. Placement of the child with the caretaker for child care purposes.

V. Homeless Students

- A. BCPS is subject to the requirements of the McKinney-Vento Homeless Education Act concerning the education of homeless children and youth.
- B. Schools shall immediately refer for enrollment all homeless children and unaccompanied youth or all children that appear to be homeless to the PPW or to the school-based homeless liaison in accordance with established procedures.

- C. A child who is determined to be homeless by the PPW or school-based homeless liaison shall be enrolled immediately in BCPS, with or without proof of residency, school immunization records, academic records or other documents normally required for enrollment.
- D. A student or child who is determined to be homeless may attend his/her school of origin for the duration of homelessness, with transportation provided, even if he/she moves outside of the attendance area or the school in the attendance area serving his/her temporary residence.
- E. If students who have been determined to be homeless become permanently housed during the same school year that the homeless determination was made, the provisions of McKinney-Vento still apply for the remainder of that school year.

VI. Fraudulent Enrollment

- A. A parent shall notify his/her child's school of any change in domicile or hardship condition as soon as the change occurs. Failure to notify the school within fifteen (15) business days of occurrence may result in the student being withdrawn from school.
- B. Residency and custody matters 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 fifteen (15) business days; the letter will advise the parent of his/her right to appeal the finding.
- D. The parent shall be financially liable for tuition for the entire time of fraudulent enrollment or attendance, no tuition waiver shall be granted.

VII. Students who may be Denied Admission

A child who is currently expelled or suspended from another school system may be denied enrollment in accordance with the *Annotated Code of Maryland*, §7-305(e)(5) or assigned to alternative programs.

VIII. Tuition and Collection of Educational Costs

- A. The Department of Fiscal Services will implement procedures for invoicing and collecting tuition payments and educational costs associated with this rule.
- B. Tuition rates will be determined annually in accordance with Superintendent's Rule 3610, *Nonresident Student Tuition*.
- C. Requests for tuition waivers, except as provided elsewhere in this rule, may be submitted to the Office of Pupil Personnel Services, along with documentation that the child meets the criteria for a free lunch, reduced-priced lunch or medical assistance.
- D. A nonresident student whose tuition payments are in arrears will be withdrawn at the end of the current semester and will not be approved for re-enrollment as a nonresident student in subsequent years.
- E. Educational Costs by Sending Agencies
  - 1. Funding for the education of students in out-of-county living arrangements will be assessed against the local education agency for the county where the parent or legal guardian of a child resides in accordance with §4-122 of the Education Article.
  - 2. Funding for the education of a student in an informal kinship care relationship will be assessed against the local education agency for the county where the parent or legal guardian of a child resides in accordance with §4-122.1 of the Education Article.
  - 3. An out-of-state agency that places a child in a foster care home or residential facility in Maryland shall be liable for the costs of the student's education, including transportation in accordance with §4-122 of the Education Article.
  - 4. An out-of-state agency that places a child for adoption in Maryland is not responsible for paying the educational costs associated with the student's education.

IX. Appeal Process

- A. Appeal to the Executive Director
  - 1. A decision of the PPW or residency investigator to deny the enrollment of a child or the decision of the principal to withdraw a student under this rule may be appealed to the Executive Director of Social-Emotional Support (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 of the notice of enrollment denial or student withdrawal.
  3. The appeal must include the following:
    - (a) The full name, mailing address and telephone number for the person filing the appeal or that of the designated representative.
    - (b) A copy of the decision rendered by the PPW or residency investigator.
    - (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 his/her 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 (Board).
  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 of Education Policy 8340, *Appeal Before the Board of Education*.
- D. All appeals filed under this paragraph must be made in writing; no electronic transmittals will be accepted.
- E. Enrollment during Appeal Process

If the student is currently enrolled in a Baltimore County public school at the time the appeal is filed, and the appeal has been timely filed, the student may remain in that school until earlier of one of the following:

1. The Board has issued its Opinion and Order;
2. All appeals have been exhausted; or
3. The current school year has ended.

Legal References: 42 U.S.C. §11431, *et seq.*, McKinney-Vento Homeless Education Assistance Improvement Act  
*Annotated Code of Maryland* Education Article §1-201, *Free Schools*  
*Annotated Code of Maryland*, Education Article §4–108, *Duties in General*  
*Annotated Code of Maryland*, Education Article §4–109, *Establishment of Public Schools*  
*Annotated Code of Maryland*, Education Article §4–121, *Schools near Boundary of Two Counties*  
*Annotated Code of Maryland*, Education Article §4–122, *Funding for Education of Children in Out-of-County Living Arrangements*  
*Annotated Code of Maryland*, Education Article §4-122.1, *Education of Child in Informal Kinship Care Relationship*  
*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*  
*Annotated Code of Maryland*, Education Article §7-305, *Suspension and Expulsion*  
COMAR 13A.05.09, *Programs for Homeless Children*  
COMAR 13A.08.05, *Informal Kinship Care*

Related Policies: Board of Education Policy 1280, *Boundary Changes*  
Board of Education Policy 5100, *Compulsory Attendance*  
Board of Education Policy 5110, *Admission*  
Board of Education Policy 5140, *Assignment and/or Special Permission Transfer*  
Board of Education Policy 6400, *Magnet Programs*

RULE 5150

Board of Education Policy 8340, *Appeal Before the Board of Education*

Board of Education Policy 8341, *Appeal Before A Hearing Examiner*

Related Rule: Superintendent's Rule 3610, *Nonresident Student Tuition*

Rule	Superintendent of Schools
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