

**I. DETERMINATION OF SCHOOL ATTENDANCE AREA:**

- A. Determination of a child's School Attendance Area will be based upon the location of the residence of the parent/guardian. Biological parents are presumed to be the legal custodians of their children and are jointly responsible for the support, care, nurturing, welfare and education of their children unless the court has appointed another party as legal custodian with official documentation. Any legal documentation pertaining to the custody of the student must be provided at time of enrollment and maintained in the student's permanent file.
- B. If legal documentation states that parents live separately and share joint legal custody, the student may enroll in the school attendance area of either parent. If physical custody is designated in a court issued document, the student must enroll in the school district of the parent/guardian with whom he/she is ordered to reside.
- C. Notarized statements from parents transferring custody and/or residency of the child to a relative or another person are not acceptable for educational use. A student under the age of 18 living with a person other than his/her legal custodian(s) may not enroll in school until application for legal custody is filed with the Circuit Court of Allegany County.
- D. Items A, B, and C above do not pertain to children/families who are eligible for protection under Kinship Care, or Homelessness. Students protected by The McKinney-Vento Education of Homeless Children and Youth Assistance Act will be exempt from these regulations.
- E. Placement of a student with a disability in a nonpublic educational program shall be made in accordance with the Annotated Code of Maryland § 8-406.

**II. PROCEDURES FOR CONSIDERATION OF OUT-OF-DISTRICT PERMITS:**

- A. When a student is the child of an Allegany County Public Schools' employee who resides in Allegany County, said student may be granted a transfer to a school outside his/her attendance area provided the school is within the attendance area of the employee's primary work site or home school.
- B. Primary (Pre-K-2) classrooms with less than 22 students are eligible to accept Out-of-District students. Intermediate (Grade 3-5) and middle school (Grade 6-8) classrooms with less than 25 students are eligible to accept Out-of-District students.
- C. Schools with existing Out-of-District placements that have been established for a sibling (s) will be given consideration for an Out-of-District placement before those without an established relationship with the Out-of-District school.
- D. Students requiring child care in accordance with Section VI Standards for Evaluating Out-of-District Permits A-E File: JC-R1 as well as students in family child care will be considered.
- E. Parents requesting an Out-of-District Permit for other reasons (standardized test scores, closed classrooms, etc.) will be considered last.
- F. Out-of-District permit requests must be submitted by May 31.
- G. Pupil Personnel Workers will review an Out-of District-Permit for the following year.

**III. CONDITIONS FOR STUDENTS RESIDING IN ALLEGANY COUNTY ATTENDING SCHOOL ON AN OUT-OF-DISTRICT PERMIT**

- A. If an out-of-district permit is approved, parents are responsible for the student's transportation on a daily basis.
- B. A student who has been permitted to attend a school through an out-of-district permit without a bona fide change of residence of the parent(s) or legal guardian(s) shall be ineligible to participate in interscholastic athletics for a period of 365 days from the approved transfer date unless a clear hardship can be demonstrated or unless an unusual family change of circumstances can be proven. In order to be eligible for interscholastic athletics such hardship or unusual change of circumstances must have a detrimental effect on the student's education.
- C. Any appeal concerning hardship or unusual family circumstances shall be directed in writing to the Superintendent's Designee. The Superintendent's Designee may obtain information from the school principals and athletic directors before making a decision.

- D. Eligibility for pre-kindergarten programs will be determined in accordance with the State's student selection criteria. If vacancies still exist in the pre-kindergarten program, then children who do not meet the selection criteria or reside outside the schools' attendance area, may be admitted, pending completion of the out-of-district permit process.

**IV. PROCEDURES FOR PROCESSING OUT-OF-DISTRICT PERMITS**

- A. A request for an out-of-district permit may be submitted to the Pupil Services Department at the Central office or the school office. The out-of-district permit request (JC-E1) may be obtained at Central or school offices or accessed on the district website. Copies of completed requests will be forwarded to Pupil Services Department by school personnel.
- B. A Pupil Personnel Worker will review the request for an out-of-district permit and discuss with respective principals the impact of the request on the sending and receiving schools prior to making a recommendation.
- C. School administrators must approve all requests for an out-of-district permit based on the criteria found in Section II Procedures for Consideration of Out-of-District Permits A-F, Section III Conditions for Students Attending on an Out-of-District Permit A-D and VII Standards for Evaluating Out-of-District Permits A-D.

**V. PROCEDURES FOR RENEWAL OF AN OUT-OF-DISTRICT PERMIT**

- A. All out-of-district permits are approved for a period of one school year and will be reviewed in May for the subsequent school year. Out-of-district permits may be denied for the subsequent year upon recommendation of the School Administrator for one or more of the following reasons: (1) attendance, behavior or grades are unsatisfactory; (2) the student no longer meets an out-of-district permit standard; (3) information on the original application is determined to be false.
- B. Students transitioning to middle school from elementary school or high school from middle school must submit a new request for an out of district placement when the request is for a school outside of the student's home feeder system.

**VI. PARENT NOTIFICATION DATES**

- A. Parents of a student in grades 9-12 will be notified of the status of the Out-of District Permit immediately upon approval or denial by the school Principal.
- B. Parents of student in grade 1-8 will be notified of the status of the Out-of-District Permit by June 30 of the year prior to the implementation of the permit.
- C. Parents of students in Pre-K and kindergarten will be notified by the first full week in August of the year prior to the implementation of the permit.
- D. Applications received by schools or by the Pupil Personnel office will be dated upon receipt and processed in chronological order.
- E. Applications received after May 31 will be processed by the principal on a case by case basis.

**VII. STANDARDS FOR EVALUATING OUT-OF-DISTRICT PERMITS:****A. CHILD CARE**

A student whose parents are required to be outside the home and there is no responsible adult in the child's home to send him/her to or receive him/her from the home school may apply to attend another school in Allegany County. Any parent requesting an out-of-district permit in accordance with this requirement must provide a child care/day care provide license number (Family Article of the Annotated Code of Maryland Regulation 07.04.01) unless the child care provider is a relative or not required to register.

Requests approved under the provision may be limited to students in grades Pre-K-8. The parent, guardian, or child care provider will be required to provide transportation if the buses are at capacity as determined by the Allegany County Public Schools Department of Transportation. Students living in the attendance area will have priority for bus transportation, therefore, transportation for children in supervised child care cannot be guaranteed, and transportation may become the obligation of the parent by declaration of the Director of Transportation.

**B. SCHOOL YEAR COMPLETION**

A student whose family moves into a new school district in Allegany County during a respective school year may request an out-of-district permit to complete the current school year without transferring schools. If the student making the request is in grade 11, the request may be extended for an additional year.

If approved, transportation will be the responsibility of the parent(s)/guardian.

**C. STUDENTS RESIDING OUTSIDE OF ALLEGANY COUNTY OR OUT OF STATE**

The parents or guardians of a student residing in another Maryland county or state who desires to enroll in an Allegany County school must submit a letter to the Supervisor of Student Services detailing a rationale for such attendance. The case should then be evaluated by the Supervisor of Student Services as to whether to accept or reject the enrollment of this individual as a student. If the decision has been made to enroll the student, a letter from the Supervisor of Student Services should be sent to the school district of origin.

The Supervisor of Student Services may grant an out of state or out of county student permission to attend school in Allegany County if he/she concludes that the student has proven one of the following:

- (a) Problems associated with relocation of family residence where the student wishes to continue a previous enrollment in ACPS.
- (b) Problems associated with the transfer of authority over a student by a change of parent or guardianship.
- (c) A clearly identified hardship or other compelling circumstances.
- (d) Student's parents have the means and are in agreement to pay full tuition.

In all cases where an out of state student is permitted to attend ACPS, all other provisions of this regulation will also be applicable.

**D. TUITION STUDENTS**

Tuition costs for students enrolling in a general education program will be the cost per pupil for the current year. Tuition costs for students who are enrolling in a special education program will be calculated by the Finance Department based on the array of services required by the student in accordance with their Individualized Education Plan (IEP).

A non-resident student shall be charged the appropriate tuition required under the circumstances unless otherwise waived by the Supervisor of Student Services. The Supervisor of Student Services may waive tuition in the event of proven financial hardship.

<b>Board Reviewed</b> <b>06/08/2021</b>	<b>Superintendent Approved</b> <b>06/08/2021</b>
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