

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

- A. Determination of a child's School Attendance Area will be based upon the location of the bona fide 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 a final or temporary custody order is granted by a court of appropriate jurisdiction.
- 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.
- F. Students placed in a special education program as part of an Individualized Education Plan (IEP) shall be enrolled in the school where the program is located.

**II. STANDARDS FOR GRANTING 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. Consideration will be given to the following classroom guidelines:
  - 1. Pre-K classrooms less than 18 students
  - 2. Kindergarten classrooms less than 18 students
  - 3. Grades 1-3 classrooms less than 22 students
  - 4. Intermediate (Grade 4-5) and middle school (Grade 6-8) classrooms less than 25 students
- C. Eligibility for pre-kindergarten programs will be determined in accordance with 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.
- D. 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.
- E. 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 childcare/day care provide license number (Family Article of the Annotated Code of Maryland Regulation 07.04.01) unless the childcare 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 childcare 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 childcare cannot be guaranteed, and transportation may become the obligation of the parent by declaration of the Director of Transportation.

- F. 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.
- G. A student who is attending a school outside of his/her district may return to their home school within a school year. However, the student will be ineligible for participation in interscholastic athletics and/or extra-curricular activities for the duration of the school year.
- H. Students may also be granted an Out-of-District Permit for the following reasons:
  - 1. academic/social interest of the child,
  - 2. mental health reasons documented by a licensed provider, or
  - 3. exceptional family circumstances.
- I. Transportation is not provided to students attending school on an Out-of-District Permit. Parent or guardian must certify that they are able to provide transportation.
- J. School administrators have discretion to grant an otherwise ineligible application based upon a probationary contract with the student and parent.

### **III. STANDARDS FOR DENYING AN OUT-OF-DISTRICT PERMIT**

- A. Out-of-District Permits may be denied for the following reasons:
  - 1. Unsatisfactory attendance due to unexcused absences/tardies
  - 2. Unsatisfactory grades due to missing, incomplete, or unacceptable assignments
  - 3. Unsatisfactory conduct
  - 4. Information on the application is determined to be false
  - 5. Classroom size
- B. Out-of-District Permits requested for transfer within a school year shall be denied except for documented:
  - 1. Mental health reasons necessitating change of placement as documented by a licensed provider;
  - 2. Exceptional family circumstances as determined by appropriate supervisors and administrators; and/or
  - 3. Circumstances described in Section II.E above

### **IV. STANDARDS FOR REVOKING AN OUT-OF-DISTRICT PERMIT**

Permits may be revoked during an annual review or at the end of the first semester review for any of the following reasons:

- A. Reasons 1-4 under Section III.A
- B. Any violations of the probationary contract

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

- A. Except as provide in Section IV above, 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 any of the reasons provide in Section III.
- 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. PROCEDURES FOR PROCESSING OUT-OF-DISTRICT PERMITS**

- A. Out-of-District Permit requests must be submitted by June 30. Applications received after June 30 will be processed on a case-by-case basis.
- B. Applications received by schools or by the Pupil Personnel Worker will be dated upon receipt and processed in chronological order.

- C. Pupil Personnel Workers will review an Out-of-District Permit for the following year and coordinate with the applicable school principal.
- D. A request for an Out-of-District Permit may be submitted to the Pupil Services Secretary 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 Secretary by school personnel.
- E. 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.
- F. School administrators must approve or deny all requests for an Out-of-District Permit based on the standards found in Sections II and III.

**VII. PARENT NOTIFICATION DATES**

- A. Parents of a students in grades 9-12 will be notified of the status of the Out-of-District Permit immediately upon approval or denial by the school administrator.
- B. Parents of students in grades K-8 will be notified of the status of the Out-of-District Permit by July 15 of the year prior to the implementation of the permit.
- C. Parents of students in pre-kindergarten will be notified in accordance with pre-kindergarten guidelines.
- D. Parents of students whose Out-of-District Permit are revoked during the school year shall be notified before the start of the next marking period.

<b>Board Reviewed</b> 05/27/2025	<b>Superintendent Approved</b> 05/27/2025
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