

## SCHOOL ADMISSION

### I. RESIDENT

A person of school age (i.e., a person who will have reached his/her fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1 of the school year), is eligible for admission on a non-tuition basis if residing in the Albemarle County school division, or if eligible for admission under Policy JECA. Students who do not meet the residency standards established in this section are not eligible for admission, whether on a non-tuition or tuition basis, unless they meet the requirements of Policy JECA or the nonresidency admission standards in Sections II or III of this policy.

Residency is determined in reference to the student's residence with a legal guardian such as a natural or adopted parent, a court-appointed guardian, or a person *in loco parentis*. Proof of residency does not require an intent to reside permanently in Albemarle County. Possessing a visa does not, by itself, mean that a student cannot demonstrate bona fide residency. Whether a student is a bona fide resident of Albemarle County depends on all relevant facts evaluated by school officials, including statements and actions during the enrollment process. Under Virginia law, however, bona fide residency does *not* exist if a student resides in a school division solely for school purposes.

School officials may make any reasonable inquiry needed to determine whether a student is a bona fide resident of Albemarle County, but may *not* inquire into the student's citizenship or visa status. Any questions about the legality of inquiries to determine residency should be directed to the School Board Attorney through the Superintendent/Designee.

A person of school age shall automatically be deemed to reside in the school division when such person meets one of the following criteria, but may be deemed to reside in the school division if he/she demonstrates bona fide residency in the school division through other means:

- A. Is living with a natural parent or parent by legal adoption who actually resides in Albemarle County.

When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either (i) the court-appointed guardian, or has legal custody of the person, or (ii) acting in *loco parentis* pursuant to placement of the person for adoption by a person or entity authorized to do so under Section 63.2-1200. When, in accordance with the provisions of Va Code section 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10, United States Code section 1044b by the custodial parent.

- B. Is a legally emancipated minor living in the Albemarle County school division but not solely for school purposes.

- C. When the person has been placed in a foster care placement within the school division by a local social services agency. The school division and the responsible social services agency will jointly determine the child's best interest for school placement. The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction.

The School Board provides for the transportation of students as required by state and federal laws and regulations.

Albemarle County Public Schools will work collaboratively with child welfare agencies to provide timely, efficient transportation for students in foster care. As specified by the VDOE, the funding source for transportation is determined by the Individual Education Plan (IEP) of the student. The Transportation Department is responsible for the cost of transportation for students in foster care if special transportation is required in their IEP. If the foster student does not have an IEP, or if the IEP does not specify that special transportation is required, the local Department of Social Services (DSS) is responsible for the cost of transportation. Students may be suspended from using school transportation services by school administrators for violations of the Standards of Student Conduct or when the student endangers the health, safety, or welfare of other riders or Board employees. In such case, the parent or guardian is responsible for transporting the student to school.

- D. When all or any portion of the building in which the person resides (i) with another person as set forth above or (ii) as an emancipated minor as set forth above is taxable by the locality in which the school division is located.
- E. Under extenuating circumstances, the Superintendent/Designee may approve the temporary admission of a student who is living with a non-parent by using a Special Power of Attorney Form. Refer to JEC-E, attached, for additional guidelines.
- F. The Superintendent/Designee may approve the enrollment of a student whose family is living in the home of a bona fide resident and who has executed a Shared Housing Agreement. Shared Housing Agreements may not be used by individuals who own or lease a habitable property in another location either within or outside Albemarle County.
- G. Under no circumstances may a family maintain two residences for school attendance purposes. It is the obligation of the school to know the complete residence status of each student and to see that all comply with these requirements. Any change in residence must be bona fide. Determination of what constitutes a bona fide change of residence depends upon the facts of each case,

but in order for a change of residence to be considered bona fide the following facts must exist, at a minimum, unless the Superintendent/Designee determines that extenuating circumstances justify the waiver of the following: (1) the original residence must be abandoned as a residence, meaning sold, rented or disposed of as a residence, and must not be used as residence by any member of the family; (2) the entire family must make the change and take with them the household goods and furniture appropriate to the circumstances; and (3) the change must be made with the intent that it is permanent.

## II. NONRESIDENT

Nonresident students will be admitted under the following conditions:

- A. Students whose parents or guardian move from the county after the end of the first semester may be permitted to complete that school year in the school they currently attend with no tuition charge provided they reside with their parents or legal guardian and remain in good standing at the school.
- B. A parent or guardian planning to move into Albemarle County after the school year begins and will be spending the majority of the year in an Albemarle County Public School may be permitted to begin the school year in an Albemarle County Public School (documentation must be presented). Tuition will be charged and held in escrow for the time the parents live outside of the division and refunded if the parents move during the school year into Albemarle County.
- C. Seniors whose parents or guardian move from the county after the end of the first semester of their junior year may be permitted to complete their final year in high school with the payment of tuition provided they reside with their parents or a legal custodian.
- D. Students may attend school in the division if they are in a foreign exchange program approved by the School Board and live with host families that are residents of Albemarle County.

Partial transportation may be provided from within the County for a student attending an Albemarle County Public School when living outside the school division. This transportation may be provided on an established bus route from an established bus stop within the County on a space available basis. It will be the responsibility of the parent to transport the student to and from the appropriate bus stop. If such transportation cannot be provided, it will be the responsibility of the parent to arrange transportation to and from school.

All requests must be put in writing annually to the Superintendent/designee. Decisions made by the Superintendent/designee are not subject to further appeal.

### III. NONRESIDENT STUDENTS OF ALBEMARLE COUNTY EMPLOYEES

The Albemarle County School Board may accept children of persons employed in full-time, regular positions by the Albemarle County School Division, CATEC, or General Government (defined as persons employed exclusively by Albemarle County General Government in approved budgeted positions that are part of the regular County work force) who reside outside Albemarle County on a reduced tuition basis, depending on space availability, provided such students meet admission requirements and require educational services that can be provided by the staff of the Albemarle County School Board in its existing facilities and utilizing its existing programs and services.

Eligibility for consideration does not signify acceptance of the admission application of a student. Each application for admission will be considered on an individual basis and is valid for one academic year only. The request must be resubmitted and approved annually. Approval depends on enrollment capacity, county growth patterns, class openings, and/or services available.

Admissions cannot and will not be guaranteed at a specific school from year to year. The School Division will assign a child to a school based entirely on a space availability, but will try to assign the child based on school preference.

#### Procedure for Admission

The following procedure shall be followed for application and review of applications for admission of non-resident students of employees.

The eligible student's parent/guardian shall apply for admission on behalf of his/her child by completing the school division application. The application form shall contain information and agreements including, but not limited to the following:

1. the current legal residence of the child and the school division in which he/she is currently enrolled;
2. the basis for requesting admission;
3. the school or schools of interest;
4. the agreement that the student becomes subject to all policies, regulations and guidelines of the school division, including the Albemarle County Student Code of Conduct; and
5. any additional requirements listed in the administrative procedures.

Applications for non-resident students will be considered in order received, i.e. first come first served. Applications of those students who meet Albemarle standards will be approved to the extent that class openings and/or services are available. Applications are available upon request. The school division Superintendent/Designee will act upon the application. Any student accepted on a tuition basis will not be enrolled in the Albemarle County Public Schools before the receipt and approval of school records from the student's previous school.

Tuition

Tuition will be based on local cost and shall be set by the division Superintendent/Designee for each academic year. Tuition may be paid in monthly installments using payroll deduction or be paid in full at the beginning of the year

Transportation

It will be the responsibility of the parent to arrange transportation to and from school. Partial transportation may be provided from within the County for a student attending an Albemarle County Public School when living outside the school division. This transportation may be provided on an established bus route from an established bus stop within the County on a space available basis. It will be the responsibility of the parent to transport the student to and from the appropriate bus stop. If such transportation cannot be provided, it will be the responsibility of the parent to arrange transportation to and from school.

Termination of Employment

Students who are enrolled, but whose parent terminates employment with Albemarle County will be allowed to complete the school year provided the remaining tuition is paid upon termination.

IV. CHILDREN OF PERSONS ON ACTIVE MILITARY DUTY

No child of a person on active military duty who is attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school;

No child of a person on active military duty who is attending a school free of charge in accordance with this policy shall be charged tuition upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and

No child of a person on active military duty who is eligible to attend school free of charge in accordance with this policy shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service members command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be

charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. Students eligible to enroll in the school division in accordance with this policy because they are the children of military personnel on active military duty who will reside in the division may register, remotely or in-person, for courses and other academic programs at the same time and in the same manner as students who reside in the division. The assignment of the school such child will attend shall be determined by the school division.

## V. GENERAL PROVISIONS

- A. Making a false statement about a child's residency for the purpose of enrolling the child in school, the parent(s) may be guilty of a Class 4 Misdemeanor, and will be required to pay tuition owed for the time the child was enrolled in Albemarle County Public Schools. If a student or his/her parent(s) or guardian gives false information, written or verbal, relating to his/her residence, eligibility or any other aspect of these rules and regulations, the student shall be deemed ineligible at any VHSL school for a period of one year from the date the information is certified as being false. Employees who falsify information will be subject to disciplinary action for intentionally misleading the school division.
- B. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his/her designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.
- C. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- D. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.

- E. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Board of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.
- F. See also JHCA, *Physical Examinations of Students*, and JHCB, *Student Immunizations*.
- G. This policy does not preclude contractual arrangements between the Albemarle County School Board and agencies of the federal government or the School Board of another jurisdiction to permit students not otherwise eligible to attend Albemarle County Public Schools.
- H. Prior to admission to the Albemarle County school division, the parent, guardian, or other person having control or charge of the child shall provide upon registration:
  - a. a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public-school division of the Commonwealth or another state for an offense in violation of School Board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
  - b. a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Virginia Code Section 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the Superintendent and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident that formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Section 16.1-260, the notice shall become a part of the student's disciplinary record.

When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

- I. Prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements

contained in §§ 22.1-270, 22.1-271.2 and 32.1-46 of the Code of Virginia and policies JHCA and JHCB.

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

VI. ADMISSION OF STUDENTS SUSPENDED OR EXPELLED BY OTHER SCHOOL DIVISIONS

- A. A student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in Virginia or in another state, or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the Division regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after:
- (i) written notice to the student and his/her parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his/her parent to participate in a hearing to be conducted by the Superintendent/Designee regarding such exclusion; and
  - (ii) a hearing of the case has been conducted by the Superintendent/Designee and the decision has been to exclude the student from attendance.
- B. The student or his/her parent may file a written petition for review with the School Board within ten (10) days of notice of the decision of the Superintendent/Designee. The School Board shall review the petition based on the records and either confirm or disapprove the decision of the Superintendent/Designee.
- C. In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of the conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The School Board shall not impose additional conditions for readmission to

school.

- D. Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board or Superintendent/Designee, as the case may be, the student may petition the School Board for readmission. If the petition for readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission.

Adopted: July 1, 1993  
 Amended: December 13, 1993; September 12, 1994; July 28, 1997; October 11, 1999; May 8, 2000; September 27, 2012; September 14, 2000; January 11, 2001; November 20, 2003; April 22, 2004; April 27, 2006; September 14, 2006; September 6, 2007; July 10, 2008; April 2, 2009; January 28, 2010; September 27, 2012; December 11, 2014; November 12, 2015; June 8, 2017; September 18, 2018; September 12, 2019; January 13, 2022

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200

2007 Va. Opin. AG 07-015

1987-88 Va. Opin. AG 274

Superintendent’s Memo #283-21, Refugee Student Enrollment, dated October 1, 2021

Cross Ref.: JHCA, *Physical Examinations of Students*  
 JHCB, *Student Immunizations*  
 JECA, *Admission of Homeless Children*  
 IGAP, *Student Exchange/Travel/Study Programs*  
 JGD/JGE, *Student Suspension/Expulsion*

## SCHOOL ADMISSION

### **Emancipated Minor**

A legally emancipated minor is a minor who has been emancipated pursuant to the requirements of Virginia Code §16.1-331.

### **Regular Employment**

Employment in an approved, budgeted, non-temporary, full-time or part-time position that is part of the regular Board workforce.

Adopted: July 1, 1993  
Amended: September 14, 2000; January 28, 2010; September 27, 2012 December 11, 2014;  
September 12, 2019; January 13, 2022  
Reviewed: November 20, 2003; September 6, 2007; June 8, 2017

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Legal Ref.: Code of Virginia, as amended, §16.1-331

Cross Ref.: GCA, *Personnel – Definitions*  
IGAP, *Student Exchange/Travel/Study Programs*

**Proof of Residency**

The student’s address must be the actual legal and physical residence of the student and his/her parent or guardian, and must be in Albemarle County. A parent or guardian must notify the school immediately when a change in legal residency occurs.

**Checklists for School Enrollment  
P.O. Box Numbers are not considered proof.**

**Proof of Residency Checklist**

<b>Required One of the following:</b>	<b>Plus One of the following:</b>
Deed, Mortgage	Paid Albemarle County Tax Receipt
Monthly Mortgage Statement	Utility Bill within last 30 days, Notice of Hook Up or Deposit
Residential Rental/Lease Agreement	Letter from Social Worker
Shared Housing	Court Orders, Military Orders, State Agency Agreement regarding the child’s residency
Written Documentation from Federal Agency or designee	Payroll check stub issued by an employer within 30 days
	Monthly bank statement within 30 days
	Current automobile, health, renters insurance card, or bill within 30 days
	Medical report, healthcare provider bill within 30 days

\*For exceptions based on the inability to provide the documents, contact ESOL, Homeless, or Student Services

**Special Power of Attorney and Sworn Statement by Resident Caretaker**

The following process shall be followed to consider the temporary enrollment of a student in Albemarle County Public Schools (“ACPS”) while residing with a non-parent family member. Enrollment based on the Special Power of Attorney request must be approved on a yearly basis at the school division level.

- A. The Special Power of Attorney is not a custodial agreement. Rather, it is an agreement whereby the parent of a minor child appoints another person to be his or her attorney-in-fact and grants that person the power to make educational decisions for their minor child(ren).
- B. The Superintendent/Designee may approve the temporary admission of a student living with a non-parent family member who is a bona fide resident of Albemarle County for purposes other than attending ACPS when the Albemarle County resident has been granted Special Power of Attorney by the parent.

- C. The ACPS will consider Special Power of Attorney requests only in situations where the parent can document to the satisfaction of the Superintendent/Designee the existence of an actual hardship that limits the ability of the parent or guardian to care for the child.
- D. The ACPS will consider Special Power of Attorney requests based on the following hardship conditions:

**Financial Hardship.** A financial hardship exists when a family is facing economic circumstances beyond their control that limit the ability of the parent to care for the child.

**Physical/Emotional Safety Hardship.** A physical/emotional safety hardship exists when circumstances outside the control of the parent or guardian exist that threaten the physical or emotional safety of the student and, therefore, limits the ability of the parent to care for the child.

**Medical Hardship.** A medical hardship exists when a medical condition experienced by the parent or guardian significantly limits the ability of the parent or guardian to care for their child.

**General Family Hardship.** A general family hardship occurs when conditions exist within a family that significantly limit the ability of the parent or guardian to care for a minor child.

Should a parent not have a family member who is a bona fide resident of Albemarle County, enrollment will only be reviewed if an actual change in custody has occurred.