

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 County Attorney's Office.

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 the Albemarle County school division.
- B. 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 the person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; and such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code section 1044b providing for the care of the person of school age by an individual who is defined as a parent in Va. Code section 22.1-1 during the time of his deployment outside the United States. The person of school age shall be allowed to attend a school in the school division

in which the individual providing for his/her care, pursuant to the Special Power of Attorney resides. Furthermore, when practicable, such persons of school age may continue to attend school in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending such division.

- C. Is a legally emancipated minor living in the Albemarle County school division but not solely for school purposes.
- D. Resides with a non-parent in the Albemarle County school division not solely for school purposes with no intent of changing residency to that of his/her parents. The resident with whom the student is living must be the court-appointed guardian, have legal custody of the student, or have taken appropriate steps to obtain legal custody as determined by the Superintendent/Designee.
- E. Under extenuating circumstances, the Superintendent may approve the temporary admission of a student who is living with a non-parent.
- F. 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 ~~at least~~ 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 ; that is~~ 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.~~

~~Residency of a student 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. School officials may not inquire into the student's citizenship or visa status in determining residency.~~

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 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 on a full-time basis by the Albemarle County School Division, CATEC, or Local Government (defined as persons employed exclusively by Albemarle County Local Government in approved budgeted full-time positions that are part of the regular County work force) who reside outside Albemarle County on a half-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.

The eligible student's parent or 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:

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 to be made between March 1 and May 1 of the preceding school year. The school division Superintendent or his/her 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 for elementary (K-5) and secondary (6-12) school students will be based on local cost and shall be set by the division Superintendent or his/her Designee for each academic year. The tuition for the first child will be half of the local cost and the tuition for each additional child will be one-fourth of the local cost. A non-refundable fee of \$50.00 must accompany the application. No application will be considered without the accompanying fee. Tuition will be based upon semester attendance and may be paid in monthly installments using payroll deduction or monthly checks. Tuition may also be paid in full at the beginning of the year or half paid at the beginning of each semester.

Transportation

Partial transportation may be provided on a space available basis on an established bus route from an established 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. GENERAL PROVISIONS

- A. 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.
- B. 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.
- C. 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.
- D. The student shall present a federal social security number within 90 days of his enrollment. If the student is ineligible to obtain a social security number pursuant to guidelines developed by the Board of Education after consulting with the Social Security Administration, or the student's parent is unwilling to present such number, the Superintendent/Designee may assign another identifying number to the student or waive the requirement.
- E. See also JHCA, *Physical Examinations of Students*, and JHCB, *Student Immunizations*.
- F. 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.
- G. 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:
 - (i) 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
- (ii) 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 which 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.

- H. 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.

IV. 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 fifteen (15) 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 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

Legal Ref.: Code of Virginia, 1950, as amended, ~~Sections §§ 16.1-331, 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-4.1, 22.1-4.2, 22.1-5, 22.1-200.1, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277,~~ 22.1-277.2, 22.1-288.2, 32.1-46, 63.2-900, and 63.2-1200

Public Law 104-208, Illegal Immigration Reform and Immigrant Responsibility Act of 1996
 Opinions of the [Virginia](#) Attorney General ~~to The Honorable William C. Mims, Jr.;~~ [June 13, 2007 \(No. 07-015\); April 7, 2005 \(No. 04-094\); April 14, 1999 \(Hon. William C. Mims\); December 18, 1987 \(Hon. Edward Semonian\); October 28, 1974 \(Hon. Harold B. Singleton\).](#)

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](#) ~~who is self-supporting and is not dependent on parents or guardian.~~

Legal Custody

A resident who seeks legal custody of a person of school age who is living with that resident should contact the Youth and Family Services Department of the Juvenile and Domestic Relations Court to set up an intake hearing.

Adopted: July 1, 1993

Amended: September 14, 2000

Reviewed: November 20, 2003; September 6, 2007

~~Cross Ref.: IGAP – Student Exchange/Travel/Study Programs~~

[Legal Ref.: Code of Virginia, as amended, §16.1-331](#)

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