

I. Policy Statement

The Board of Education of Howard County is committed to establishing a system of public schools that educates the students of Howard County and promotes the general welfare of Howard County residents. The Board recognizes the need to regulate and manage student eligibility, residency, enrollment, and assignment in prekindergarten through grade 12.

II. Purpose

The purpose of this policy is to establish procedures for determining eligibility to attend school in the Howard County Public School System (HCPSS), for admitting/enrolling students in schools, and for reassigning students.

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Assigned School – The school that a student physically attends.
- B. Bona Fide Residence – The person’s principal residence maintained in good faith. It does not include a temporary residence or a superficial residence established for the purpose of attendance in the HCPSS. Evaluation of a person’s bona fide residence is a factual one and will be made on an individual basis.
- C. Caregiver for Non-Maryland Resident Student – A living arrangement in which an adult relative of a child whose parent is not a resident of Maryland and 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, and is a bona fide resident of Howard County.
- D. Deferred Admission – The option provided to parents to request that students meeting the state’s age requirement for kindergarten be granted a one-year attendance waiver.
- E. Designated School – The school appointed by virtue of a student’s attendance area.
- F. Early Admission – The option for parents to request that students be admitted to prekindergarten, kindergarten, or first grade one year earlier than the state’s age requirements.
- G. Emancipated Student – A student who meets one or more of the following conditions:

1. The student is under age 21 and married.
 2. The student is under age 18 and has been declared emancipated by the court.
 3. The student is age 18-21 and is living independently of the student's parents.
- H. Extracurricular Activities – HCPSS-sponsored activities available to students beyond the regular school day, which are voluntary and not required for the satisfactory completion of a particular class.
- I. Homeless Student – A student who lacks a fixed, regular, and adequate nighttime residence, whether or not the temporary housing is located in Howard County including:
1. Students who are sharing the housing of other persons due to loss of housing or to economic hardship, or due to a similar reason; living in motels, hotels, transitional housing, or campgrounds due to the lack of alternative accommodations; living in emergency or transitional shelters; abandoned in hospitals; are runaways, living in shelters or other inadequate accommodations; or awaiting foster care placement.
 2. Students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
 3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
 4. Migratory students as defined under federal law who qualify as homeless because they are living in the circumstances above.
- J. Informal Kinship Care – A living arrangement in which an adult relative of a 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 documented family hardship. The caregiver must be a resident of Howard County.
- K. International Exchange Student – A student who holds a J-1 Visa and is participating in an approved exchange program.
- L. Interscholastic Athletics – Approved athletic competitions between or among two or more high schools.
- M. Junior Status – The situation in which a student has earned a minimum of 10 credits, including English 9 and English 10.

- N. Nonresident Student – A student who meets any criteria listed in Section IV.G. below.
- O. Open School – A school designated by the Board as one that is open to enrollment by students living in other school attendance areas because there is available space.
- P. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. Biological Parent – A natural parent whose parental rights have not been terminated.
 2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
 3. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
 5. Caregiver – An adult resident of Howard County who exercises care, custody, or control over the student but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care) or has been issued a U.S. Department of Health and Human Service’s Office of Refugee Resettlement (ORR) Verification of Release form entering into a custodial arrangement with the federal government.
 6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- Q. Prekindergarten – The grade level prior to kindergarten. It is offered through a variety of programs and is available to eligible students who are four years old by September 1.
- R. Residency – Establishing bona fide residence.
- S. Resident Student – A student who meets any criteria listed in Section IV.E. below.
- T. School-Aged Student – Student who has met the age requirement for admission to a Maryland public school.
- U. School Attendance Area – Geographic area from which a school’s students are drawn.

IV. Standards

- A. Any decision made under this policy may be rescinded or altered if found to have been issued based on substantive information that was erroneous or false.
- B. In order to enroll in the HCPSS, students and/or parents will meet all legal standards related to age, immunization, authority to make educational decisions, and residency.
 - 1. Exceptions are made for homeless students (see Policy 9300 Homeless Children and Youth).
 - 2. A student's or family's citizenship or immigration status has no impact on their enrollment eligibility.
- C. HCPSS will follow the state mandated school attendance for students of a prescribed age, and has defined minimum and maximum age eligibility for education services from local public school systems. These mandates and requirements include:
 - 1. Prekindergarten is available for and limited to children who meet eligibility requirements established by the state, with first priority given to families who meet income-eligibility criteria.
 - 2. Kindergarten is mandatory in Maryland for children reaching the compulsory attendance age established by the state. Children must be five (5) years old on or before September 1 to attend kindergarten.
 - 3. Parents may request deferred admission of their child to kindergarten for one (1) year due to the child's level of maturity.
 - 4. Parents may request early admission of children to prekindergarten, kindergarten, or first grade one year earlier than the state's age requirements if their child's birthday falls within six weeks of the September 1 deadline established by the state. (See assessment procedures in the Implementation Procedures Section IV.D.)
 - 5. Students will not begin a school year if they are 21 years of age or older.
- D. All children will have the required immunizations in order to attend school. A limited number of exceptions may apply.
- E. A school-aged student meeting any of the following conditions will be considered a resident student and will be admitted to the HCPSS without the payment of tuition except as noted elsewhere:
 - 1. A student whose parent(s) has/have established bona fide residence

in Howard County.

2. A student whose parents live apart and the parent to whom custody is awarded by the court has established bona fide residence in Howard County.
3. A student whose parents live apart and are provided joint or shared custody by a court and one of whom has established a bona fide residence in Howard County.
4. An emancipated student who has established an independent bona fide residence in Howard County.
5. A student with a court-appointed guardian who has established bona fide residence in Howard County.
6. A student whose parent(s) has/have established bona fide residence in Howard County, and who has been placed in a foster or group home in Howard County by a licensed private, county, or state child placement agency. Residence for purposes of admission and assignment is the address of the foster or group home.

F. Admission will be denied to students in the following circumstances:

1. The student does not meet age, eligibility, residency, immunization, or enrollment requirements.
2. The student is currently expelled or on an extended suspension from another school system for a length of time equal to that expulsion or extended suspension, in accordance with the Annotated Code of Maryland, Education Article, Section 7-305(e)(5) and COMAR 13A.08.01.11C.(8).
3. The student has already completed requirements to earn a diploma or certificate of attendance in another school district, state, or country.

G. A school-aged student who does not qualify as a resident student under the provisions of Section IV.E. is considered a nonresident student. Nonresident students will be admitted to the HCPSS only under the following circumstances. In some cases, payment of tuition may be required.

1. A nonresident student whose parent(s) are in the process of establishing bona fide residence in Howard County and have presented a contract to build, buy, or lease a home may be admitted to the HCPSS. The student may attend school tuition free for up to 90 calendar days. After 90 calendar days, if the parent(s) have not presented documentation of residency in Howard County, parent(s) must apply for an extension.

- a. If the extension is granted, tuition will be assessed beginning on the first day of the extension.
 - b. If the extension is not granted, the student will be required to attend school in the district of current residence.
2. A student who becomes a nonresident, because the parent(s) with whom the student resides move out of Howard County during the school year, must submit a request in order to complete the current school year at the school in which the student is enrolled. Tuition will be assessed based on the following:
- a. If the student becomes a nonresident prior to the fourth marking period, the student will be allowed to remain for the duration of that school year and tuition will be assessed.
 - b. If the student becomes a nonresident during the fourth marking period, the student may attend for the rest of that school year tuition free.
 - c. For a student who becomes a nonresident after achieving Junior status, the student will be allowed upon request to remain at the student's current school through graduation upon payment of tuition.

A student will retain eligibility for extracurricular activities, including interscholastic athletics. Parents will be required to provide transportation.

3. A nonresident student who is placed in a foster or group home in Howard County by a licensed private, county, or state child placement agency can attend school subject to HCPSS being reimbursed for tuition by the placement agency or placing state or jurisdiction.
4. A nonresident student living with caregiver(s) due to documented hardship (see Implementation Procedures Section III.B.) may be admitted to the HCPSS and have tuition waived by satisfying one of the following conditions:
 - a. Informal Kinship Care.
 - b. Caregiver for Non-Maryland Resident Student.
5. An international exchange student who comes for one year of study through an approved exchange program and who resides with a host family with established bona fide residence in Howard County may be admitted, and tuition is waived.
 - a. Each high school may enroll up to five such students each year. A high school principal in collaboration with his/her supervisor may approve the enrollment of more than five such students in a year if there are sufficient resources.

- b. Residence for purposes of admission and assignment is the address of the host family.
 - c. A student whose host family assignment changes during the school year will be transferred to the school serving the new host family's residence.
- 6. A nonresident student whose parent is a full-time, school-based HCPSS employee may be admitted to the HCPSS and enrolled in the school to which the parent is assigned, upon payment of tuition. If the employee leaves full-time employment, the nonresident student may complete the current school year only.
- H. Students who are determined to be homeless by the Office of Pupil Personnel, under the provisions of the McKinney-Vento Act, will be immediately enrolled in the HCPSS (see Policy 9300 Homeless Children and Youth).
- I. Tuition rates will be determined annually and approved by the Board.
 - 1. Tuition is effective from a non-resident student's first day of attendance or the date upon which a student no longer resides in the county.
 - 2. Tuition is payable in advance. Requests for tuition waivers or for revised payment schedules based on financial hardship will be submitted to the Superintendent/Designee, along with supporting documentation, and evaluated on a case by case basis. Financial accommodations will be provided only during the period the financial hardships are shown to exist. Eligibility status is subject to review.
- J. All schools will have attendance areas determined by the Board. A student attending a public school in Howard County will attend the designated school serving the school attendance area in which the parents have bona fide residence unless reassignment is granted or administrative placement occurs.
- K. Subject to the conditions outlined in Standard L., a resident student may be reassigned from the student's designated school when:
 - 1. A student who has a change of bona fide residence within the county during the school year may submit a request to complete the current school year at the school in which the student is enrolled. The student must enroll for the next school year in the newly designated school. An exception will be made for a student who has a change of residence after achieving Junior status. Upon request, the student will be allowed to remain at the current school through graduation. A student reassigned under this standard will retain eligibility for extracurricular activities, including interscholastic athletics.

2. A resident student whose parents have presented a contract to build, buy, or lease a home in a different school attendance area than that of the student's designated school may request reassignment to a school in the projected attendance area. If the student is not in the projected home within 90 calendar days of the student's attendance, an extension may be granted by the Superintendent/Designee. If there are no approved extensions, the student will be returned to the original designated school.
 3. A resident student has an Individualized Education Program (IEP), 504 Plan, or at least one parent who is currently active duty military personnel is reassigned for the purposes of redistricting may request reassignment to remain at their current school until the completion of that school level. The process outlined in Section V. of the Policy 9000 Implementation Procedures will be used for the reassignment request.
 4. A resident student who is the child of a full-time, school-based HCPSS employee may be enrolled in the school to which the parent is assigned.
 5. In rare circumstances, the Superintendent/Designee, in consultation with school-based administrators, may grant parent requests for individual exceptions to the student reassignment standards based on documented unique hardship situations. Eligibility for extracurricular activities, including interscholastic athletics, and provision of transportation for students reassigned under this standard will be determined by the Superintendent/Designee.
 6. Reassignment will not be granted for the following reasons:
 - a. The need for a particular schedule or class.
 - b. Requests for siblings to remain enrolled at the same school.
 - c. Addressing the impact of redistricting decisions, except for students with an IEP, 504 Plan, or those with at least one parent who is currently active duty military personnel.
 - d. Accommodating childcare arrangements.
- L. The conditions that follow apply to requests by parents for student reassignments. Transportation will not be provided by HCPSS and parents will agree to provide transportation unless transportation is included in a student's IEP or 504 plan:
1. Parents initiating a request for reassignment will agree, in writing, to register the student for the complete school year, or the remainder of the school year, in the school for which the application is made.

2. A student who is reassigned to a school need not reapply for reassignment for that same school on a yearly basis except as noted elsewhere. However, reassignment decisions will be subject to annual review.
3. While an application for reassignment is pending, an applicant will remain in attendance at the student's designated school.
4. When a student is reassigned because of an extraordinary hardship situation, the student will be reassigned, when appropriate, to another school that is under capacity in the geographic proximity to the designated school. The Superintendent/Designee may make exceptions on a case by case basis.
5. A student who is reassigned at the request of parents, and who does not meet expectations described in the HCPSS Student Code of Conduct (including, but not limited to attending regularly and on time, showing academic commitment, and following behavioral expectations), may be returned to the student's designated school at any time during the school year. Such decision is made by the current principal after due consideration and proper notification to the student, parents, the principal of the designated school, and the Superintendent/Designee.
6. Student eligibility for participation in extracurricular activities is subject to Policy 9070 Academic Eligibility for High School Extracurricular Activities.

M. Open School Designation (General)

The Board may identify schools that, because they have available space, are open to enrollment by a student not living in the schools' attendance areas. Parents may request a student's reassignment to an open school according to established procedures. The request is subject to approval by the Superintendent/Designee. A student reassigned under this standard will be eligible for extracurricular activities, except the student will not be eligible for participation in interscholastic athletics for a period of one year effective the date of transfer. The parent may be required to provide transportation.

N. Open School Designation (Directed)

The Board may identify schools that have a programmatic initiative where there are fewer applicants than openings and direct that they are open to enrollment by a student not living in the programmatic initiative schools' attendance areas. Parents may request a student's reassignment to a directed open school according to established procedures. The request is subject to approval by the Superintendent/Designee. A student reassigned under this standard will be eligible for extracurricular activities and participation in interscholastic athletics. Transportation may be provided.

O. A resident student may be administratively placed in a school/program for any of the reasons listed below. Administrative placements are permanent, subject to the review

of the Superintendent/Designee. A student placed in a school under this standard will be eligible for extracurricular activities, including interscholastic athletics, in the assigned school unless determined otherwise by the Superintendent/Designee.

1. The Superintendent/Designee may administratively place a student in a school other than the assigned/designated school as part of a disciplinary consequence. Transportation will not be provided by HCPSS and parents will agree to provide transportation.
 2. The Superintendent/Designee may administratively place a student in a school other than the assigned/designated school when there is concern for the physical, mental, or emotional well-being or educational welfare of the student, other students, or school system personnel. Transportation may be provided by HCPSS.
 3. An IEP team may administratively place a student receiving special education services in a school other than the assigned/designated school when the IEP team determines the placement change is necessary in order to implement the student's IEP and provide a Free Appropriate Public Education (FAPE) as mandated in the Individuals with Disabilities Education Act (IDEA). Transportation will be provided in accordance with the student's IEP.
 4. Placement of a student in the Teenage Parenting and Childcare Program will be implemented in accordance with entrance and exit guidelines for that program. Transportation will be provided by HCPSS.
 5. Parents may request administrative placement of a student into the Junior Reserve Officers' Training Corps (JROTC) program. Decisions will be made by the Superintendent/Designee. Regardless of grade level, a student will be immediately returned to his/her designated school if withdrawing or removed from the JROTC program. Transportation will not be provided by HCPSS and parents will agree to provide transportation.
 6. Parents may request administrative placement into Board identified eligible programmatic initiative(s). Acceptance decisions will be made by the Superintendent/Designee. Transportation may be provided by HCPSS.
 7. Prekindergarten programs, available to eligible students from any attendance area, are only located at selected school sites. A prekindergarten student will attend the school to which the student is assigned and transportation will be provided by HCPSS. The student will attend kindergarten in the student's regularly designated school regardless of where the student attended prekindergarten.
- P. Individuals who disagree with the decisions of the Superintendent/Designee with regard to enrollment and assignment may appeal to the Board of Education pursuant to the requirement of the Annotated Code of Maryland, Education Article, Section 4-

205(c)(3). The appeal must be received in writing within 30 calendar days of the date of the written decision.

V. Responsibilities

- A. The Board will establish tuition rates annually.
- B. The Superintendent/Designee will ensure that procedures related to enrollment and school assignment are published annually to staff, parents, and the community.
- C. The Finance Office will bill responsible parties and collect tuition payments.
- D. Pupil Personnel Workers and the School Security Office will investigate the residency or custody status of students seeking to meet enrollment requirements, determining whether circumstances exist which constitute hardship where appropriate, investigate reports of suspected fraudulent residency or custody, and reporting findings to school and central office staff for appropriate action.
- E. School-based staff and Pupil Personnel Workers will ensure that students assigned to their school are properly enrolled.
- F. Parents or emancipated students are responsible for providing documentation required for enrollment in the HCPSS.

VI. Delegation of Authority

The Superintendent is authorized to develop procedures to implement this policy.

VII. References

- A. Legal
 - Individuals with Disabilities Education Act, 20 U.S.C. §1400, et. seq.
 - Plyler v. Doe*, 457 U.S. 202 (1982)
 - The Annotated Code of Maryland, Education Article, Section 4-109(c),
Geographical Attendance Areas
 - The Annotated Code of Maryland, Education Article, Sections 4-122 and
4-122.1, Funding for Education of Children Out-of-County Living and Education
of Child in Informal Kinship Care Relationship
 - The Annotated Code of Maryland, Education Article, Section 4-205(c)(3)
 - The Annotated Code of Maryland, Education Article, Section 7-101, Admission of
Students; Location; Kindergarten Programs
 - The Annotated Code of Maryland, Education Article, Section 7-301, Compulsory
Attendance
 - The Annotated Code of Maryland, Education Article, Section 7-305, Suspension and
Expulsion

COMAR 13A.06.02, Prekindergarten Programs
COMAR 13A.08.01.02, Age of School Attendance
COMAR 13A.08.01.11C.(8), Disciplinary Action
COMAR 13A.08.05, Informal Kinship Care
McKinney-Vento Homeless Assistance Act, Title VII, Subtitle B COMAR 13A.05.09,
Programs for Homeless Children

- B. Other Board Policies
 - Policy 5200 Pupil Transportation
 - Policy 6010 School Attendance Areas
 - Policy 8010 Grading and Reporting: Pre-Kindergarten through Grade 8
 - Policy 9070 Academic Eligibility for High School Extracurricular Activities
 - Policy 9020 Students' Rights and Responsibilities
 - Policy 9200 Student Discipline
 - Policy 9300 Homeless Children and Youth
- C. Relevant Data Sources
- D. Other
 - Kindergarten Waiver
 - Multi-Family Disclosure
 - Student Reassignment Request form

VIII. History

ADOPTED: July 24, 1980

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