

## **POLICY 7-2.2 ADMISSIONS**

### **Requirements**

1. Age. A person of school age (i.e., a person who will have reached his 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 Poquoson City.
2. Residence. A person of school age shall be deemed to reside in the Poquoson City Public School division:
  - a. when the person is living with a natural parent, or a parent by legal adoption in the Poquoson City school division;
  - b. when in accordance with the provisions of Virginia Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes and the person's custodial parent has executed a Special Power of Attorney executed under Title 10, United States Code § 1044b providing for the care of the child. The person shall be allowed to attend school where the individual providing care resides. When practicable, the child may continue in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending that school division;
  - c. when the parents of such person are deceased and the person is living with a person in loco parentis who actually resides within Poquoson City;
  - d. 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 Poquoson City and is
    - i. the court-appointed guardian or has legal custody of the person,
    - ii. acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Virginia Code § 63.1-219.8, or
    - iii. an adult relative providing temporary kinship care as that term is defined in §63.2-100. One or both parents and the relative providing kinship care shall submit signed, notarized affidavits:
      1. explaining why the parents are unable to care for the person;
      2. detailing the kinship care arrangement, and
      3. agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to making educational decisions regarding the person.
  - e. when the person is living with a parent, guardian or person in loco parentis in a temporary shelter (as defined by Virginia Code § 22.1-3) in Poquoson City not solely for school purposes;
  - f. when the person is living in Poquoson City not solely for school purposes as an emancipated minor;
  - g. when all or any portion of the building in which such person resides (i) with another person as set forth in subdivisions a through d or (ii) as an emancipated minor as set forth in subdivision e is taxable by the locality in which the school division is located;
  - h. when the person living in Poquoson City is a homeless child or youth, as set forth in this policy, who lacks a fixed, regular, and adequate nighttime residence; OR

- i. when the person has been placed in a foster care placement within the school division by a local social services agency upon joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

For purposes of this policy, a person meeting any of the above requirements shall be deemed to reside in the school division if

- a. the person lives in housing or temporary shelter that is wholly or partially situated within the Poquoson City school division; or
  - b. the person lives in housing or temporary shelter located upon property that is partially situated within the Poquoson City school division and the person or sibling of the person residing in the same household has attended Poquoson City Public Schools prior to July 1, 1999.
3. Birth Certificate. No pupil shall be admitted for the first time to any public school in the school division unless the person enrolling the pupil shall present, 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. The principal may retain a copy of the birth certificate in the pupil's permanent school record. If a certified copy of the student's birth certificate cannot be obtained, the person enrolling the student must submit an affidavit giving the student's age and explaining the inability to present a certified copy of the birth record. If a certified copy of the birth record is not provided, the school principal or his/her designee shall immediately notify the local law enforcement agency as required by Virginia Code § 22.1-3.1(B). The notice shall include copies of the submitted proof of the pupil's age and identity and the affidavit explaining the inability to produce a certified copy of the birth record. (Within fourteen 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 initially enrolled in the former school.)
  4. Student Identification Number. The School Board shall assign a unique student identification number to each student enrolled in a public elementary or secondary school. No student identification number shall include or be derived from the student's federal social security number. Each student shall retain his student identification number for as long as he is enrolled in a public elementary or secondary school in the Commonwealth.
  5. Immunizations. Persons who are admitted to Poquoson City Public Schools shall comply with state immunization requirements.
  6. Preschool Physical Examinations. Prior to being admitted to public kindergarten or elementary school for the first time, the student must present proof of a preschool physical examination as required by Virginia Code § 22.1-270.
  7. Exclusions Based on Certain Health Conditions. Students who have communicable diseases or blood borne contagious or infectious diseases shall be excluded as described in Policies 7-5.3 and 7-5.4.
  8. Statements Regarding Discipline and Criminal Adjudication. Prior to a student's admission in the Poquoson City Public Schools, the parent, guardian, or other person having control or charge of the child of school age 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 in 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 § 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 as provided in Virginia Code § 22.1-288.2.

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

A student who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school in Virginia or another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in Poquoson City Public Schools, 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 Poquoson City Public Schools after:

1. written notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion, and
2. review of the case has been conducted by the division superintendent or his/her designee and the decision has been to exclude the student from attendance.

The decision of the division superintendent or his/her designee to exclude the student shall be final unless altered by the School Board, upon timely written petition, as established in this policy, of the student so excluded or his/her parent, for a review of the record by the School Board. The student or his/her parent may file a written petition with the Poquoson City School Board within fifteen (15) days of notice of the decision. If the School Board grants a review of the record, the decision of the division superintendent or his/her designee may be altered.

In the case of a suspension for more than thirty (30) days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any expelled student from school attendance, the School Board may accept or waive any or all of any conditions for re-admission imposed upon such student by the expelling school board, but may not impose additional conditions for readmission to school.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or division superintendent or his/her designee, as the case may be, at the relevant hearing the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this policy to attend an alternative education program provided by the School Board for the term of such exclusion.

### **Admission of Homeless Children**

The Poquoson City School Board is committed to educating homeless children and unaccompanied homeless youth. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless. The school division will coordinate the identification and provision of services to homeless students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve inter-divisional issues. Attendance in the Poquoson City school division is free to school-age persons living with a parent,

guardian, or person *in loco parentis* in a temporary shelter in the school division, not solely for school purposes. Title IX, Part A of the *Every Student Succeeds Act* defines homelessness as living in the following places due to a lack of a fixed, regular, and adequate nighttime residence. Children and youth living in these settings meet criteria for the McKinney-Vento definition of homelessness and have special educational rights. Any parent or guardian who believes that his or her child meets the definition of homeless should contact the division's homeless liaison. Any school registrar who is notified that a student is or could be considered homeless by a parent or guardian, should immediately contact the division's homeless liaison.

## Definitions

The term "homeless student" means an individual who lacks a fixed, regular, and adequate nighttime residence and includes:

1. children and youths, including unaccompanied youths, who are not in the physical custody of their parents, who
  - a. are sharing the housing of other persons due to loss of housing, economic hardship, or other causes;
  - b. are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations or
  - c. are living in emergency, congregate, temporary, or transitional shelters;
  - d. are abandoned in hospitals;
  - e. are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized;
  - f. 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; or
  - g. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
2. migratory children who qualify as homeless for the purposes of this policy because the children are living in circumstances described above.

The term "migratory child" means a child who has moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

Poquoson City Public Schools will serve each homeless student according to the student's best interest and will continue the student's education in the school of origin for the duration of homelessness if the student becomes homeless between academic years or during an academic year; or for the remainder of the academic year, if the student becomes permanently housed during an academic year; or enroll the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.

In determining the best interest of a homeless student, the Poquoson City School board shall:

- to the extent feasible, keep the student in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian;

- provide a written explanation, including a statement regarding the right to appeal as described below, to the homeless student's parent or guardian, if the division sends the student to a school other than the school of origin or a school requested by the parent or guardian; and
- in the case of an unaccompanied youth, ensure that the district's Homeless Liaison assists in placement or enrollment decisions regarding the student, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described below.

### **Enrollment**

The school selected in accordance with this policy shall immediately enroll the homeless student, even if the student

- is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency or other documentation; or
- has missed application or enrollment deadlines during any period of homelessness.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations or other required health records, the enrolling school shall immediately assist the parent or guardian of the student or, (in the case of an unaccompanied youth) the youth, in obtaining necessary immunizations or screenings, or other required health records.

If the documentation regarding the comprehensive physical examination cannot be furnished for a homeless child or youth, and the person seeking to enroll the student furnishes to the school division an affidavit stating that the documentation cannot be provided because of the homelessness of the child or youth and also indicating that, to the best of his/her knowledge, such student is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the local school division Homeless Liaison who shall, as soon as practicable, assist in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and shall immediately admit the student to school.

### **Comparable Services**

Each homeless student shall be provided services comparable to services offered to other students in the school attended by the homeless student including the following:

1. transportation services;
2. educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
3. programs in career and technical education;
4. programs for gifted and talented students; and
5. school nutrition programs.

### **Transportation**

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation will be provided for a homeless student to and from the school of origin as follows:

1. if the homeless child or youth continues to live in the area served by the division in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the division in which the school of origin is located.
2. if the homeless child's or youth's living arrangements in the area served by the division in which the school of origin is located terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another division, the division of origin and the division in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the divisions are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

### **Enrollment Disputes**

If a dispute arises over eligibility or enrollment in a school

- the homeless student shall be immediately admitted to the school in which enrollment is sought and provided all services for which he or she is eligible, pending final resolution of the dispute, including all available appeals;
- the parent or guardian of the student or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decisions to school selection or enrollment made by the school division or the Virginia Department of Education, including the rights of the parent, guardian, or student to appeal the decision;
- in the case of an unaccompanied youth, the Homeless Liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.

### **Appeal Process**

#### **Oral Complaint**

In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with a decision regarding the student's eligibility to attend school, the Complainant shall orally present his position to the division's Homeless Liaison.

#### **Written Complaint**

If the disagreement is not resolved within five (5) school days, the complainant may present a written complaint to the Director of Student Services. The written complaint must include the following information: the date the complaint is given to the Director of Student Services; a summary of the events surrounding the dispute; and the result of the presentation of the oral complaint to the Homeless Liaison.

Within five (5) school days after receiving the written complaint, the Director of Student Services will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the complainant. The Director of Student Services will inform the Assistant Superintendent for Instruction and Support Services of the formal complaint and its resolution.

### **Admission of Nonpublic Students for Part-Time Enrollment: Prohibition**

Private and home-schooled students shall not be permitted to enroll part-time or to participate in academic or extracurricular activities in Poquoson City Public Schools.

## **Non-Residents**

### Generally

Generally, the Poquoson City School Board does not accept children from outside Poquoson City on a tuition basis. However, the School Board will accept the following students from outside Poquoson under the identified conditions:

1. The children of and stepchildren residing with full-time Poquoson City School Board employees may be admitted tuition-free if space is available. Transportation to and from school shall be the responsibility of the student, parent or guardian except that students may ride regularly scheduled school buses operating within the City of Poquoson.
2. A student who begins the school year as a bona-fide resident of Poquoson and who is enrolled in Poquoson City Public Schools as of November 1, but who subsequently moves from the City may, upon approval of the division superintendent, complete the school year in Poquoson City Public Schools in accordance with the following conditions:
  - a. The student shall have been enrolled in Poquoson City Public Schools the previous year.
  - b. The student shall not be enrolled in programs outside of Poquoson for which the school division is paying tuition.
  - c. The School Board shall charge tuition for the second semester for those students who move from Poquoson during the first semester and elect to remain in Poquoson City Public Schools. The amount of tuition shall be the local per-pupil cost established by the School Board pro-rated for the number of days in the second semester. Tuition will be waived for those students who meet the federal free-lunch eligibility criteria and upon application to the division superintendent.
  - d. Transportation to and from school shall be the responsibility of the student, parent, or guardian except that students may ride regularly scheduled school buses operating within the City of Poquoson.
3. Students who have begun the school year in grades eleven or twelve as bona-fide residents of the City of Poquoson and who subsequently move from the City may complete their education in Poquoson City Public Schools in accordance with the conditions listed in (2)(a)-(d), above, and upon payment of the established tuition for all complete semesters during which the student is not a bona-fide resident of the City of Poquoson.

### Tuition

Tuition for eligible students will be based on local cost and shall be set by the division superintendent or his/her designee for each academic year. Students will be enrolled once tuition is paid by the due date of each semester or when other payment arrangements have been made through the executive director of finance. Tuition paid with the application will not be refunded if the application is approved and the student does not enroll. If the division superintendent or his/her designee does not approve an application to attend Poquoson City Public Schools, the tuition will be refunded. Students who are enrolled, but whose parents move out of the City of Poquoson and thus become non-residents during the second semester will be allowed to complete the current school year without paying tuition. Homeless children and unaccompanied youth who are non-residents shall not be charged tuition.

No person of school age shall be denied admission or charged tuition when:

1. such 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;

2. such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code § 1044b providing for the care of the person of school age by an individual who is defined as a parent in Virginia Code § 22.1-1 during the time of his deployment outside the United States; and
3. such person has been attending a public school in this Commonwealth while residing with his custodial parent.

The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code § 1044b, resides or, when practicable, to continue to attend the school in which he was enrolled while residing with his custodial parent.

In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty:

1. Who is attending a public school free of charge in accordance with applicable law shall be charged tuition by the School Board upon the 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. If the child was attending Poquoson City Public Schools immediately prior to the relocation, the student shall be allowed to attend the Poquoson City school and shall not be charged tuition for attending such school.
2. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division 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.
3. Who is eligible to attend school free of charge in accordance with this section 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 member's 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, may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the school division. The assignment of the school such child will attend shall be determined by the local school division.

Such children as listed in subdivisions 1, 2, and 3 shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

### **Proof of Residence**

A resident is defined as one who resides permanently in the City of Poquoson. Proof of residence shall include, but not be limited to, two or more of the following, which reflect the physical address of the resident: a U.S. or Virginia income tax return from the previous year, a U.S. Internal Revenue Service tax reporting W-2 form from the current year, a deed or lease agreement to the residence, a voter registration card, a receipt for personal property taxes paid within the last year, a payroll check or payroll check stub issued by an employer within the last three months, or a telephone bill issued within the last three months. Final decisions regarding residence for school attendance purposes shall be made by the division superintendent or his/her designee.



Any person who knowingly makes a false statement concerning the residency of a child in a particular school district or school attendance zone, for the purpose of (1) avoiding the tuition charges authorized by applicable law or (2) enrollment in a school outside the attendance zone in which the student resides, may be guilty of a Class 4 misdemeanor and shall be liable to the School Board for tuition charges authorized by applicable law for the time the student was enrolled in Poquoson City Public Schools, pursuant to Virginia Code § 22.1-264.1.

#### State Welfare or Institutionalized Students and Students Placed in Foster Care

Welfare or institutionalized students assigned to the City of Poquoson by a state agency serving as custodian of these children shall be permitted to enroll and attend Poquoson City Public Schools without being charged tuition.

Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his or her knowledge, sets forth:

1. the student's age,
2. compliance with requirements of Virginia Code § 22.1-3.2 (related to the notice of the student's school status as a condition of admission), and
3. that the student is in good health and is free from communicable or contagious disease.

The sending school division and the Poquoson City Public Schools shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The sending school division and the Poquoson City Public Schools may agree to allow the child to continue to attend the school in which the student was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child. While a receiving school division and a sending school division, as those terms are defined in Virginia Code § 22.1-3.4, may enter into financial arrangements contemplated by that statute, under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the Poquoson City school division.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the Poquoson City school division, shall expedite the transfer of the scholastic record of the student. Within seventy-two (72) hours of placing a child of school age in a foster care placement, the local social services agency making such placement is required by applicable law, in writing to:

1. notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his or her designee of such placement, and
2. inform the principal of the status of parental rights.

If the documents required for enrollment of the foster care child pursuant to applicable law are not immediately available upon taking the child into custody, the placing social services agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster care child within thirty (30) days after the child's enrollment.

#### Exchange Students

Tuition charges shall be waived for exchange students whose school admission has been recommended by the school principal of the school in which the exchange student will be enrolled and the division superintendent or his/her designee.

#### Transportation Services

Transportation services shall not be furnished to nonresident students except in those cases where:

1. the School Board has entered an agreement regarding such services with another Virginia school division;

2. federal or state legislation mandates the provision of transportation services; or
3. transportation services can be provided at no cost to the Poquoson City Public Schools, and a request for such services is approved by the division superintendent or his designee.

See Superintendent's Regulation 7-2.2 A and B.

**LEGAL REFERENCE:** *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, 22.1-70, 22.1-78, 22.1-79, 22.1-199, 22.1-253.13:1, 22.1-254, 22.1-255, 22.1-260, 22.1-270, 22.1-271.1, 22.1-271.2, 22.1-271.4, 22.1-272, 22.1-276.01, 22.1-277, 22.1-277.2, 32.1-43, 32.1-46, 32.1-48, 63.2-900 and 63.2-1200; Public Law 104-208, Illegal Immigrations Reform and Immigrant Responsibility Act of 1996, § 625; Steward B. McKinney Homeless Assistance Act, Subtitle VII-B (P.L. 101-645); Superintendent's Memo No. 64 (Dec. 5, 2003).*

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