

<b>FREDERICK COUNTY PUBLIC SCHOOLS</b>	<b>Reg. No. 400-15</b>
<b>Subject:</b> <b>ASSIGNMENT AND TRANSFER OF STUDENTS</b>	<b>Issued:</b> <b>9/1/79</b>
<b>Preparing Office:</b> <b>Office of the Superintendent</b>	<b>Amended:</b> <b>11/21/18</b>

I. Policy 430 *Attendance at Schools*

Policy 200.2 *Redistricting*

II. Procedure

A. Applying For An Out-of-District Transfer

The Department of Student Services receives requests for student transfers to schools outside of the student's home attendance district. Requests to transfer from a student's home school district may be made by parents/legal guardians. The following will be considered when evaluating such requests:

1. The student is applying for a program which is not available in the home school's district, and the receiving school principal has no objection.
2. With regard to a K-8 student, the student goes to school from, or returns after school, to a home other than the student's own because no parent can be at home and there would be no responsible adult in the child's home to either send or receive the student from school. Note: The name and address of the adult providing this care must be recorded on the application. The daycare provider must reside or be located in the requested district. With the exception of those daycare facilities on Ft. Detrick's military base serving the Department of Defense, out-of-district transfers are not allowed in any school which has been designated as restricted due to overcapacity conditions. Other exceptions may be granted only by the Superintendent or his/her designee.
3. The transfer is recommended by the Department of Student Services, and the receiving school principal has no objection.
4. A mental health or medical professional who has an established therapeutic relationship with the student and who is treating the student has provided a psychiatric or psychological written recommendation to support the transfer of the student which may include specific and detailed reasons for such request. Note: In such cases, the pupil personnel worker may ask the parent to grant permission for him/her to contact and confer with the treating mental health or medical professional to exchange information about the student. The pupil personnel worker will review the request and make a recommendation to the Director of Student Services.
5. The student's family has presented verification of bona fide plans to move into the requested school district and occupy the new residence during the current school year.
6. The student is the child of a benefited Frederick County Public Schools (FCPS) employee and is seeking to attend school either where the parent is employed, or a different FCPS school based on the student's grade level.
7. The student has completed the first two quarters of the school year, has moved, but desires to complete the school year in his/her current school.

B. Out-of-District Transfer Requests May Be Denied Under The Following Conditions:

1. The school being requested is over capacity and considered restricted to out-of-district transfers.
2. The request is a result of Board of Education approved redistricting. <sup>1</sup>
3. The transfer poses an undue burden on the school system. (e.g., Specific grade levels may be restricted at a non-restricted school if found to be over capacity.)
4. The student being considered has a poor attendance record, failing grades, or disciplinary concerns.
5. A request is for the purpose of participating in athletics. Note: If fraud or misrepresentation is discovered, the student's out-of-district transfer may be immediately rescinded and athletic consequences may be imposed based on Maryland law and Maryland Public Secondary Schools Athletic Association (MPSSAA) rules. Penalties may be imposed against the school, the coach and/or the student as identified in Maryland law under the following link to COMAR13A.06.03.05

[http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=13A.06.03.\\*](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=13A.06.03.*)

Athletic related fees and expenses will not be refunded.

NOTE REGARDING FCPS IN-SEASON ATHLETIC TRANSFER:

Students who legally and voluntarily transfer from one FCPS high school into another FCPS high school and request to participate on an interscholastic athletic team after the season \* has begun may be considered, at the discretion of the coach, to be part of the team. If selected for the team, the student-athlete must practice with the new team for a total of twenty (20) calendar days before the student-athlete will be eligible to participate in a contest.

\* The beginning of each season (fall, winter and spring) is defined as the first allowable practice date set forth by the MPSSAA.

C. Application/Approval Process

1. Out-of-district applications will be accepted by the Department of Student Services office from January 2 to March 1 of the school year preceding the request by using the form located on the FCPS Web site: <http://www.fcps.org/student-services/Forms>
2. If an out-of-district application has been approved for a student, the application will need to be submitted for annual review. Approval is granted on a year-to-year basis.

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<sup>1</sup> Exceptions may be made if an out-of-district decision has been previously rendered based on daycare.

3. A student granted an out-of-district transfer must reapply between January 2 and March 1 prior to each new school year. The pupil personnel worker, in consultation with the school principal, will make a determination regarding the request and inform the parent of the decision by April 1.
4. After the receipt of the application to request a transfer outside of the home school district attendance area, the pupil personnel worker assigned to the requested school of the student will process the request and notify, in writing, the parents and the schools involved of the decision.
5. If the transfer is approved, the parent/student must provide his/her own transportation unless otherwise prescribed by law.

#### D. Requirements/Revocations

1. A student applying for an out-of-district transfer must have demonstrated compliance with school rules and regulations in his/her current placement (i.e., attendance, grades, tardiness, and behavior). Students not meeting these standards may have their request for out-of-district transfer denied.
2. Students granted conditional out-of-district approval and who do not comply with the terms and conditions stated in the acceptance letter from the Department of Student Services may have the out-of-district approval revoked for the following instructional term. The pupil personnel worker, in consultation with the school principal, will make the determination.

#### E. Appeal

Appeals of out-of-district decisions may be filed in accordance with Board Policy 105 *Appeal and Hearing Procedures* as a 4-205(c) appeal using the "Appeal Information Form/ Superintendent Level" (pages 7 and 8 of Board Policy 105). The standard of review in appeals is whether the decision is arbitrary, unreasonable or illegal. The appellant has the burden of persuasion to provide evidence submitted on the appeal form that supports the position that the decision was arbitrary, unreasonable or illegal.

NOTE: Cross-reference FCPS Regulation 400-55 and FCPS Regulation 400-07

Approved:

*original signed by*

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Theresa R. Alban  
Superintendent