

<b>FREDERICK COUNTY PUBLIC SCHOOLS</b>	<b>Reg. No. 400-15</b>
<b>Subject:</b> <b>Out-of-District Enrollment</b>	<b>Issued:</b> <b>9/1/79</b>
<b>Preparing Office:</b> <b>Office of the Superintendent</b>	<b>Amended:</b> <b>9/15/21</b>

I. Policy 430 Attendance at Schools

Policy 200.2 Redistricting

II. Procedure

A. Student Enrollment in the Home School Location

Students shall attend the school designated for the attendance area in which they reside (home school). The residence of the student shall be considered the same as the primary residence of the parent(s) or other legally appointed guardian(s). Purchasing a property, renting, moving into another family's home, etc., while at the same time maintaining another residence in the county, will not constitute a reason for enrollment in a school in the attendance area of the secondary residence.

B. Requests for Enrollment Other Than Home School Location

Students may be considered for enrollment outside their designated attendance area. The Department of Student Services will receive and consider requests for out-of-district placements in consultation with the principal. These written requests from parents or legal guardians may be granted if the school has adequate space and facilities to accommodate the student and/or if an approvable circumstance is deemed to exist. If the out-of-district request is approved, transportation to and from the assigned school will be the responsibility of the parent(s)/legal guardian(s).

C. Restricted and Closed Schools

1. The chief operating officer will annually project enrollment/building capacities and create a list of restricted and closed schools for the next school year. The list will be published prior to the start of the spring semester of the preceding school year.
2. The Superintendent/designee may restrict out-of-district enrollment at any time during the school year as circumstances warrant.
3. With the exception of students subject to Board-approved redistricting, when schools are declared restricted or closed, all students currently at the school will be permitted to complete the current school year in the restricted school. Students must submit a new out-of-district transfer request on or before March 1 each school year as outlined below. The Pupil Personnel Worker, in consultation with the principal, will make a determination regarding the request and inform the parents of the placement decision by April 1.

D. Applying For Out-of-District Enrollment

The Department of Student Services receives requests for student enrollment to schools outside of the student's home attendance district. Requests to enroll/remain enrolled in a

school other than a student's home school district may be made by parents/legal guardians. The following factors will be considered when evaluating such requests:

1. Underpopulated Schools (under 75% of Capacity)
  - a. Open enrollment may be allowed with transportation provided by the parent/guardian. The Department of Student Services will determine the number of seats available in each school on an annual basis based on projected enrollment up to 74% capacity.
2. Restricted Schools (75% - 95% of Capacity)
  - a. 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.
  - b. 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.
  - c. The enrollment is recommended by the Department of Student Services, and the receiving school principal has no objection.
  - d. 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 enrollment 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.
  - e. 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. The applicant must provide a copy of a contract/lease with a proposed settlement/moving date at time of application.
  - f. 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.
  - g. The student is currently enrolled in the school and is requesting to remain in the school where the student currently attends.
3. Closed Schools (>95% Capacity)
  - a. Family provided childcare due to documented financial hardship - Kindergarten through grade 8 - The student must go to school from, or return from school to, a family member's home on a daily basis because both parents are employed and there would be no responsible adult in the child's home.

- b. Daycare provided at facilities on Ft. Detrick's military installation serving the Department of Defense.
  - Except in rare and unusual circumstances, Childcare will not be considered as a reason for out-of-district placement for students in grades 9-12.
  - All childcare supervision shall be verified in writing on the out-of-district form and signed by the childcare provider.
- c. 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. The applicant must provide a copy of a contract/lease with a proposed settlement/moving date at time of application.
- d. 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.
- e. The student is currently enrolled in the school and is requesting to remain in the school where the student currently attends.
- f. Other exceptions may be granted only by the Superintendent or his/her designee.

E. Out-of-District Enrollment Requests May Be Denied Under The Following Conditions:

1. The school is in its first year of operation. These schools will not be eligible for requests for out-of-district enrollment. The Superintendent or designee has discretion to provide exceptions as deemed appropriate.
2. The school being requested is over 100% capacity and the student does not currently attend said school.
3. The request is a result of Board of Education of Frederick County approved redistricting.
4. The enrollment poses an undue burden on the school system. (e.g., Specific grade levels may be restricted at any school if found to be over capacity.)
5. The student being considered has a poor attendance record, failing grades, or disciplinary concerns, despite school interventions.
6. A request is for the purpose of participating in athletics. Note: If fraud or misrepresentation is discovered, the student's out-of-district enrollment 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 ENROLLMENT:

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 may not participate in a regularly scheduled game or athletic contest until at least 20 calendar days have elapsed after and including the first day he or she practices with the new school/team.

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

F. Application/Approval Process

1. Out-of-district applications will be accepted by the Department of Student Services office from February 1 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.
3. A student granted an out-of-district enrollment must reapply between February 1 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 an enrollment 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 enrollment is approved, the parent/student must provide his/her own transportation unless otherwise prescribed by law.

G. Requirements/Revocations

1. A student applying for an out-of-district enrollment 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 enrollment 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.

H. Appeal

1. An individual who wishes to appeal the decision of the pupil personnel worker may do so by filing an appeal form with the Director of Student Services within ten (10) calendar days of the pupil personnel worker's decision using the form linked below:

[Out-of-District Appeal Form/Superintendent Designee Level](#)

2. Thereafter, appeals 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 (or Designee) Level" (pages 8 and 9 of [Board Policy 105](#)) within thirty (30) calendar days of the Director of Student Services' decision. 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](#) *Homeless Students- Enrollment Procedures* and [FCPS Regulation 400-07](#) *Enrollment Residency Requirements*.

Approved:

*original signed by*

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Theresa R. Alban  
Superintendent