

NONRESIDENT STUDENT ATTENDANCE

1. Non-Resident Student Attendance

A non-resident student is a person of school age who is deemed not to reside in the Essex County Public School division. The Superintendent or designee will establish non-resident student enrollment limits based on space available. Once enrollment limits are established, each grade level will be examined and a determination will be made if additional students will be accepted. Strict adherence to classroom and school capacity will be considered in the acceptance of non-resident students who meet enrollment criteria. The approval of enrollment for non-resident students shall be for a one-year term or the remainder of the school year, whichever is the shorter time period, and shall be tuition-free.

The procedures for admission shall be as described in this policy and as set forth in JECCR.

2. Criteria for Non-Resident Attendance

Factors that the Superintendent or designee may consider in reviewing admission applications:

- A. Readily available space in the school;
- B. Student's attendance not occasioning or implicating any additional cost, direct or indirect, to Essex County Public Schools; C. Absence of student discipline incidents in another school division;
- D. Absence of criminal or civil charges or adverse adjudications otherwise against the student; special consideration of attendance and satisfactory academic achievement;
- E. Whether the student requires educational services that can be provided by teachers and staff of the Essex County School Board in its existing facilities and with existing programs, services, resources; and
- F. Satisfaction of all other requirements of any student's admission for the first time to any public school within the division, such as birth record or other information and affiliations;

3. Resident Acting in Loco Parentis

If a resident of (Name of County) who is acting “in Loco Parentis” for the child of a non - resident requests that the child be admitted to the Essex County Public Schools, the request will be approved only if the person who makes the request has legal custody of the child or is a court appointed guardian, or has a temporary kinship care relationship pursuant to Virginia Code § 22.1-3. Conditional approval may be granted prior to final custody agreement at the discretion of the Superintendent or designee. This transfer of custody shall not have been made solely for the purpose of enrolling the child in the Essex County Public Schools.

4. Children of Non-Resident Essex County Public Schools’ Employees

- A. Non-resident students whose parents or guardians are employees of the Essex County Public Schools may enroll their children in Essex County Public Schools tuition free. Such enrollment shall be contingent upon meeting the criteria specified in this policy for non-resident students and is subject to the provisions of paragraph 8 of this policy;
- B. Non-resident students, whose parents or guardians leave the employ of Essex County Public Schools during any semester, shall be permitted to finish that semester;
- C. Employees wishing to enroll their children must annually notify the office of the Superintendent or designee of their intention to do so by May 15th of the year preceding the desired enrollment.

5. Termination

Essex County Public Schools reserves the right to terminate at any time the enrollment of a non-resident student should that student become a disruptive influence, a discipline problem, be charged with a crime reportable to the Superintendent or designee, have an attendance problem, or for any reason that in the discretion of the Superintendent or designee indicates the student’s continued enrollment would be a detriment to Essex County Public Schools.

6. Exchange Students

Students attending Essex County Public Schools under a foreign exchange program approved by the School Board and exempt from the requirement of Federal law 194-205 shall be admitted without the payment of tuition. The students may attend tuition-free and may enroll for no longer than one school year. No foreign exchange student program will be allowed in Essex County Public Schools Elementary or Essex County Public Schools Intermediate without the express permission of the Essex County Public Schools School Board. The student applicants will be accepted at the discretion of the principal after the following:

- A. The principal will approve or disapprove foreign exchange student applications no later than August 1st or at least one month prior to the student beginning school if at second semester;
- B. Foreign students in an F-1 immigration status or who obtain F-1 student visas shall not be admitted in Essex County Public Schools Elementary or Essex County Public Schools Intermediate or publicly funded adult education programs. Such students may be admitted, for one school year, in the division's secondary school and will pay a tuition fee equal to the actual cost of educating a student in the Essex County Public Schools.

Adopted: June 14, 2021

Legal Refs: Federal Law 194-208, Section 625

Code of VA, § 22.1-3. Persons to whom public schools shall be free.

Code of VA, § 22.1-5. Regulations concerning admission of certain persons to schools; tuition charges.

Code of VA, § 22.1-255. Non-resident children.

Legal reference: VA Const. art VII § 7; VA Code §§ 22.1 -3-22.1-3.2, 22.1-5

PROCEDURES FOR ADMISSION FOR NON-RESIDENT ATTENDANCE

1. Parents of any non-resident student wishing for their child to attend Essex County Public Schools must apply annually, in writing, to the Superintendent or Designee or designee. Applications will be received between June 1st and June 30th preceding the school year for which enrollment is desired, *except for the 21-22 school year due to the policy update*. The application form requests information including but not limited to:
 - The current legal residence of the child and the school division in which the child is currently enrolled, if any;
 - The child's unique student identification number, if any;
 - The basis for requesting admission;
 - The specific building and grade level (elementary) or course offerings (secondary) in which the student desires to be enrolled if accepted by the division; and
 - The agreement that the student is subject to all policies and regulations of the school division, including Policy JFC Student Conduct and JFC-R Standards of Student Conduct.

Applications will not be accepted prior to June 1st, and applications received after June 30th will not be considered until all applications received in the specified time frame have been acted upon, *except for the 21-22 school year due to the policy update*. Applications will be acted upon by July 15th. Applications will be reviewed in the order received by date and time. Priority will be given to non-resident students already enrolled in Essex County Public Schools. It is the policy and practice of Essex County Public Schools that each request for non-resident student admission be considered on its merits and a determination for admission made without regard to race, creed, gender, or disability. However, factors for admission that will be considered include, but are not limited to, space available in schools, a student's attendance record, discipline record, and academic progress.

2. Essex County Public Schools reserves the right to assign schools and classes to selected non-resident students. Non-resident students accepted will be assigned to classes in those schools pending space availability. No school will be assigned additional personnel as a result of enrolling non-resident students.
3. Essex County Public Schools reserves the right to deny entrance to any non - resident student: should space not be available in the school desired; the student has experienced discipline problems in another school division; criminal or civil charges against the student are pending; or for any other good reason which in the discretion of the Superintendent or his designee indicates that such student's enrollment does not meet the criteria specified in Policy JECC.
4. Non-resident students accepted into Essex County Public Schools will be assured of completing the current school year unless excluded for other reasons. Essex County Public Schools reserves the right to terminate at any time the enrollment of a non-resident student should that student become a disruptive influence, a discipline problem,

be charged with a crime reportable to the Superintendent or Designee, or have an attendance problem.

5. Transportation of a non-resident student to and from school remains the sole responsibility of the parent except in those cases where: agreements between divisions specify transportation services; federal or state legislation mandates the provision of transportation services; or transportation services can be provided at no cost to the division.
6. The Superintendent or designee for Essex County Public Schools shall make the decision for enrollment of all non-resident students. This decision will be made by July 15th of each school year. If the student is to be admitted, the Superintendent or Superintendent's designee shall notify the division which the student previously attended, if any, and make necessary arrangements for the transfer of student records. The notification of admission shall state the period for which the student is accepted and the subsequent conditions which could cause the acceptance to be terminated.
7. All enrollments for non-resident students will be provisional pending the reception and verification of all school records and requested information. During this provisional period, enrollment can be revoked upon written notice to the parent(s).
8. If the application is denied, the Essex County School Board Office shall notify the parent or guardian of the right to have the decision reviewed by sending a written request to the Superintendent or designee within seven calendar days. Applications denied based upon the student's suspension, expulsion, or withdrawal of admission shall be reviewed as provided in Policy JEC School Admission. For all other denials of admission, the Superintendent or designee shall respond in writing to the request for review within 10 calendar days.
9. Tuition Rates are established each year, per Policy JEC, letter (E),

I have read and understand these conditions:

SIGNATURES:

_____ DATE _____

Parent/Guardian

_____ DATE _____

School Official

Legal Reference: Virginia Code Sections 22.1-3; 22.1-5; and 22.1-255