

SCHOOL ATTENDANCE AREAS

School attendance areas for each school are established by the School Board. Students shall attend the school in the attendance area in which they reside and to which they are assigned, unless special permission is granted by the superintendent's designee.

Attendance areas will be established based upon the following factors:

- the capacity of the schools;
- the number of children of school age living in the area;
- the natural boundaries, city limits, and major traffic arteries;
- the safety of the students going to and from school;
- the exceptional educational needs of the student; and
- the need to provide cultural, racial, and economic balance.

Changes in attendance areas will be determined by the School Board upon recommendation of the superintendent based on the need to provide for the orderly administration of the schools, the competent instruction of the students, and the health, safety, best interests, and general welfare of all students. A public hearing will be held prior to changes in school attendance areas.

Under no circumstances may a family maintain two residences for school attendance purposes. It is the obligation of the school to know the complete residence status of each student and to see that all comply with these requirements. Any change in residence must be bona fide and reported to the school. Determination of what constitutes a bona fide change of residence depends upon the facts of each case, but in order for a change of residence to be considered bona fide, at least the following facts must exist: (1) the original residence must be abandoned as a residence—that is, sold, rented or disposed of as a residence—and must not be used as residence by any member of the family, (2) the entire family must make the change and take with them the household goods and furniture appropriate to the circumstances, (3) the change must be made with the intent that it is permanent. A person can have only one domicile at a time, even if he or she has more than one home.

If at any time during the school year a student's address changes, confirmation of the address is needed to ensure it is within the school attendance area. Parents requesting for their student(s) to remain in their original school after moving to another schools' attendance area, should submit a request to the superintendent's designee to remain at their current school.

Request for Transfer

Students may be granted permission to attend schools in another attendance area under one of the following conditions and if space in the school is available:

- A. A student whose parent or guardian changes residence after the end of the first semester from one school attendance area to another school attendance area in the

county may continue in the school in which currently enrolled for the remainder of the current school year. Parents submit a written request to the superintendent's designee. Student must be classified by the school division as a student in good standing

- B. A parent or guardian who is buying/building a home within another school attendance area in the Division and furnishes appropriate documentation (i.e., building permit, contract, completion date, geographic location, letter from builder), may be permitted to enroll a student in the new school serving the new district if they will reside in the new district for the majority of the school year.
- C. A parent or guardian who is a resident of Albemarle County and an employee of Albemarle County Public Schools or local government departments paid by Albemarle County payroll department, excluding temporary employees, may request a transfer to another school. After consultation with both principals (or the department head) involved, the superintendent's designee may approve the transfer. Approval of any request is discretionary based on availability of space in the requested school. Student absences/excuses/dismissals as outlined in Policy JED will also apply to employees. The School Board expects parents/employees to take an active role in accepting the responsibility for good attendance and arriving to school on time.

If a parent or guardian is no longer employed as a regular employee, the student may continue in the school for the remainder of the semester in which the employment ended.

- D. Seniors whose parents or guardian move from one attendance area to another attendance area in the school division after the end of the first semester of their junior year may be permitted to complete their final year in the high school they last attended. Student must be classified by the school division as a student in good standing.
- E. A student may be permitted to attend Albemarle County Public Schools if a parent with joint physical custody (papers required) resides in Albemarle County and the student resides with this parent for the majority of the school year.
- F. School transfers should be considered for the welfare of the student and/or school division and not for athletic and/or activity purposes.

Transferring high school students or rising high school students may impact their eligibility for interscholastic competition through the Virginia High School League (VHSL).

- G. Whenever any student has been the victim of any crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia including crimes by

mobs, crimes by gangs, terrorism offenses, kidnapping and related offenses, assaults and bodily wounding, robbery, extortion or other threats, or sexual assault, and such crime was committed: 1) by another student, or 2) by any employee of the school board, or 3) by any volunteer, contract worker or other person who regularly performs services in the school, or 4) if the crime was committed upon the school property or on any school bus owned or operated by the school division, the student upon whom the crime was committed shall, upon written request from the student's parents, or the student, if such student is an emancipated minor, be permitted to transfer to another comparable school within the school division, if space is available. Any transportation services for such students shall be provided in accordance with School Board policies.

For purposes of this policy, "victim" means any student who has been the victim of crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia, and who has suffered physical, psychological, or economic harm as a direct result of the commission of such crime.

- H. After consultation with both principals involved, the superintendent's designee may approve a transfer request for curriculum requirements, specific medical reasons or extraordinary reasons.
- I. Any student attending a school which has been designated as a persistently dangerous school by the Virginia Department of Education will be offered the opportunity to transfer to another school in the division which is not so designated. If there is not another school in the division to which students may transfer, the division may explore other appropriate options such as an agreement with a neighboring division to accept transfer students.

In the event that a student elects to transfer, the transfer may remain in effect as long as the student's original school is identified as persistently dangerous.

Any student who resides on a military installation or in military housing within the division is permitted to enroll in any school in the division upon request of the student's parent if space in the school is available.

- J. As used in this policy, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located in whole or in part within the Commonwealth. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.
- K. A student, whose parent is a reservist of the United States armed forces or member of the Virginia National Guard ordered to active military service in the time of war or national emergency, may attend school in one of two districts. The

student may attend school in the district of the person with whom the student is residing while his or her parent is away. If the student chooses to do so, he or she may continue in that school until the end of the current school year in which the parent or legal guardian returns from active military duty. Alternatively, the student may remain in school in the district where he or she lived with the parent or legal guardian before the parent or legal guardian was ordered to active service, even if the student is living in another district while his or her parent is away. Transportation will not be provided.

Requests for transfers to schools other than the one serving the student's residential area must be made in writing and approved annually.

Students found to be enrolled in Albemarle County Public Schools who do not reside within the correct school attendance area will be required to attend the school attendance area they reside in.

If a person makes a false statement about a child's residency for the purpose of enrolling the child in a county school or avoiding tuition charges, the person may be guilty of a class 4 misdemeanor. The person may also be required to pay tuition for the time the child was enrolled in the school division.

Partial transportation for a student attending a school other than the one that normally serves the student's attendance area may be provided on a space available basis on an established bus route from an established bus stop. It will be the responsibility of the parent to transport the student to and from the appropriate bus stop. If such transportation cannot be provided, it will be the responsibility of the parent to arrange transportation to and from school.

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20 U.S.C. § 7912

Attachment A (*No Child Left Behind Act of 2001 Unsafe School Choice Option Persistently Dangerous Schools Identification Process and Criteria*) to Superintendent's Memo No. 86 (May 9, 2003)

Cross Ref.: GCA, *Personnel – Definitions*