

## STUDENTS

### Criteria for Out-of-Zone/School Attendance Areas

#### A. Purpose

The School Board has established attendance and eligibility criteria, building utilization levels, attendance exceptions, and approval and appeal procedures and waivers for those students who request out-of-zone transfers or have been transferred to a school other than the students' established attendance area. The following Regulation identifies and explains these requirements. Unless otherwise specified in policy or regulation, a request for an out-of-zone attendance shall not be approved by the appropriate school official where a school exceeds its optimum building utilization level by ten (10%) percent or more.

#### B. False Statement Penalty

It is a Class 4 Misdemeanor to knowingly make a false statement concerning the residence of a child in a particular school division or school attendance zone. False statements concerning residency may result in finding the student ineligible to enroll in or attend school in the school division or a particular school attendance zone or program. The person making such false statement may be liable for costs incurred by the school division in educating the student. Failure to inform the School Division of a change in residency that effects an approved out of zone placement will also constitute a false statement. Approved out of zone placements may be revoked if it is determined that the approval was based on a false statement.

#### C. Transfer of Student as the Result of Crime

When a student has been the victim of any crime against the person (defined in Virginia Code §18.2-30 *et seq.* and Virginia Code § 21.1-3.3), and the crime was committed by a student in the school, a School Board employee, a volunteer, a contract worker or another person regularly performing services in the school, or the crime was committed on school property or a school bus owned or operated by the School Division, such student shall be granted a transfer to a comparable school within the School Division if available, upon the request of the adult student or the parent or legal guardian if, or the student, is a if he/she is an emancipated minor. Such request shall be made in writing to the Superintendent or designee. The student is required to provide safe and punctual transportation to and from the new school.

#### D. Last Year Options

##### 1. Student Moving Out of Attendance Zone Within the School Division

With the permission of the principal, seniors will be permitted to continue in their previously assigned school if they provide safe and punctual transportation to and from that school.

2. Realignment of Attendance Zones

Upon the realignment of attendance zones by the School Board, rising fifth, eighth, and twelfth graders affected by the attendance area changes shall have the option of continuing in their previously assigned school if the student provides safe and punctual transportation to and from that school.

**E. Other Exceptions: Kindergarten through Grade 12**

1. Space Available

A request for out-of-zone attendance approval shall not be approved by a principal where a school exceeds its optimum building utilization level by ten or more percent. A principal may deny an out-of-zone request because the school exceeds the optimum grade level capacity, regardless of whether the school is at optimum building utilization level (optimum building utilization level plus up to ten percent) or below.

2. Exceptional Circumstances

A request for out-of-zone attendance for reasons other than those listed in School Board Policy 5-14 or set forth in subsections A or B above may be approved in the limited circumstances set forth below:

- a. Certain physical, emotional or social adjustment difficulties as documented by a licensed professional currently treating the student. School Division licensed professionals may be consulted for additional review and recommendation;
- b. Course offerings required for graduation that are not available at the designated home school. Any change of special education services must be made through the Individualized Education Program (IEP) process in conjunction with the Office of Programs for Exceptional Children;
- c. When the NJROTC program of study is not available at the student's home school, an out-of-zone request for students accepted into the NJROTC program at the designated partner school of the home school will receive consideration.
- d. Elementary or middle school student child care issues. The parent/legal guardian must demonstrate hardship in providing appropriate supervision for the child in the designated school area where the parent/legal guardian resides. Factors the School Division will consider include, but are not limited to, the age of the child, lack of child care providers in the designated school area, personal circumstances within the parent/guardian's household (i.e. the parent/guardian work schedule, ability to pay for child care, among others), length of time child has been with child care provider, type of care situation (private home vs. day care center), any family relation to child care provider, advantages of the care to be provided in the requested area, and whether the provider will provide safe and punctual transportation to/from the requested school;
- e. With the permission of the principal, a student changing residence within the city may complete only the current school year in the school in which he/she was in attendance, providing the parents provide transportation to and from school;
- f. Educational reasons, exceptional hardship or other extenuating circumstances other than those set forth in School Board Policy 5-14 or above;

- g. Children of School Board employees will be allowed to attend the school to which such parent or guardian reports or is their primary assignment upon approval of the school principal.
- ~~g.~~ Military dependents who reside in the City of Virginia Beach on a military base/installation or in military housing may request not to attend their zoned school due to exceptional circumstances as listed above.

## **F. Approval Process and Appeal of Decision: Kindergarten through Grade 8**

### **1. Out of Zone Attendance Student Placement Request Form**

The adult student or the parent/legal guardian of a minor student must complete an Out of Zone attendance Student Placement Request Form, available in each school, on the School Division's website at [www.vbschools.com](http://www.vbschools.com), and from the Office of Student Leadership, and submit the request form and any required documentation to the principal of the zoned school.

### **2. Documentation**

The parent/legal guardian must provide the following documentation with the Student Placement Request Form in order to have an out-of-zone request considered:

- a. Verification of current address (ex. current water, electric or landline telephone bill); and
- b. Letter of verification from licensed professional currently treating the student detailing physical, emotional or social adjustment difficulties; or
- c. Verification from child care provider and information from parent/legal guardian addressing factors set forth in subsection E.2.c; or
- d. Verification from parent/legal guardian of change of residence (ex. housing contract or lease agreement); or
- e. Documentation showing educational reasons, exceptional hardship or other extenuating circumstances; or
- f. Documentation of School Division employment status and verification of parent's/legal guardian's reporting school or primary assignment.

### **3. Principal Review**

The principal of the zoned school shall review the Student Placement Request Form and necessary documentation to determine compliance with this Regulation. In the event that the request pertains to a student with a disability, the principal shall consult with the Office of Programs for Exceptional Children before approving or denying such request. The principal of the zoned school may approve the out-of-zone request based upon space available or as defined in School Board Policy [5-14](#), Sections F-1 and F-2 and shall forward any approved request to the principal of the current or zoned. Parents/legal guardians will be notified in writing of the decision by the principal. The Office of Student Leadership will receive notification from the principal of any denied out-of-zone request.

4. Annual Review

A Student Placement Request Application will be annually accepted, reviewed and acted upon in the order in which it is received. Applications will be time and date stamped by the office of the principal upon receipt.

5. Length of Approval

Out-of-zone requests shall be approved for the current school year only. Parents/legal guardians must reapply to the principal of the receiving school each year for approval. In the event that there is no space available in a school, as defined in Subsection A. above or [Policy 5-14](#), no out-of-zone requests shall be approved unless otherwise specified in this Regulation. A submitted application is not to be interpreted as "approved" until official notification has been issued in writing by the appropriate school administration representative as explained in [Policy 5-14](#) and in this Regulation.

6. Athletic Eligibility

Out-of-zone students must comply with all requirements for eligibility as prescribed by the Virginia Beach Middle School League.

7. Appeal of Decision

A parent/legal guardian who disagrees with the denial of an out-of-zone request may file a written appeal with the Office of Student Leadership within five calendar days of receipt of the decision, or the right to appeal the decision is waived.

A review of the decision will be conducted by the Coordinator of Student Conduct who will either uphold or deny the decision. The parent/legal guardian and the principal will be notified of the decision in writing.

The decision of the Coordinator of Student Conduct may be appealed in writing to the Director of Student Leadership within five school days of the issuance of the decision of the Coordinator of Student Conduct, or the right to appeal is waived. The parent/guardian and principal will be notified of the decision in writing. **The decision of the Director of Student Leadership, as the Superintendent's designee, is final.**

**G. Approval Process and Appeal of Decision: High School**

1. Out of Zone Attendance -Student Placement Request Form

The parent/legal guardian or adult student must complete an Out of Zone Attendance-Student Placement Request Form, available in each school, on the school division's website at [www.vbschools.com](http://www.vbschools.com), and from the Office of Student Leadership, and submit the request form and any required documentation to the Coordinator of Student Conduct.

2. Documentation

The parent/legal guardian or adult student must provide the following documentation with the Student Placement Request Form in order to have an out-of-zone request considered:

- a. Verification of current address must be from one or more of the following (ex. current water, electric, landline telephone bill or real estate closing documents); and
- b. Letter of verification from licensed professional currently treating the student that details physical, emotional or social adjustment difficulties; or
- c. Verification from parent/legal guardian or adult student of change of residence (ex. housing contract or lease agreement); or
- d. Documentation showing educational reasons, exceptional hardship or other extenuating circumstances.

3. Coordinator of Student Conduct Review

The Coordinator of Student Conduct, as the Superintendent's designee, shall review the Student Placement Request Form and necessary documentation to determine compliance with this Regulation. In the event that the request pertains to a student with a disability, the Coordinator of Student Conduct, as the Superintendent's designee, shall consult with the Office of Programs for Exceptional Children before approving or denying such request. The parent/legal guardian or adult student will be notified in writing of the decision by the Coordinator of Student Conduct.

4. Length of Approval

Out-of-zone requests shall be approved for the current school year only. Parents/legal guardians or adult students must reapply to the Coordinator of Student Conduct each year for approval. A submitted application is not to be interpreted as "approved" until official notification has been issued in writing by the appropriate school administration representative as explained in [Policy 5-14](#) and in this Regulation.

5. Athletic Eligibility

Out-of-zone students must comply with all requirements for eligibility as prescribed by the Virginia High School League.

6. Appeal of Decision

A parent/legal guardian or adult student who disagrees with the denial of an out-of-zone request may file a written appeal with the Senior Executive Director of High Schools within five (5) calendar days of receipt of the decision, or the right to appeal the decision is waived. A review of the decision will be conducted by the Senior ~~Senior~~-Executive Director of High Schools, who will either uphold or deny the decision. The parent/legal guardian, adult student and the principal will be notified of the decision in writing. **The decision of the Senior Executive Director of High Schools, as the Superintendent's designee, is final.**

#### **H. Transportation – responsibility of student or parent/legal guardian**

Students or pParents/legal guardians must provide a safe and punctual method of transportation to and from the school. Failure to provide transportation will constitute reason to revoke any approval for student placement.

#### **I. Existing Out-of-Zone Students – must reapply each year**

Students currently approved for an out-of-zone school will be required to fill out a Student Placement Request Form, provide necessary documentation, and continue to meet one of the exceptions outlined herein when their current school year has ended. All new requests for out-of-zone attendance shall be made in accordance with the procedures set forth in this Regulation.

#### **J. Revocation of Approval**

Approval of out-of-zone attendance can be revoked by the principal at any time with written notification to the parent/legal guardian or adult student. Reasons for revocation include, but are not limited to: overcrowding; poor attendance; habitual tardiness; failure to provide safe and punctual transportation; Code of Student Conduct violations or other discipline issues; failure to maintain passing grades; and any action or behavior by the student or parent/legal guardian that is uncooperative, disruption of or interference with the educational process. Revocation of an approved out-of-zone attendance may be appealed to the Coordinator of Student Conduct.

#### **K. Notification to Commercial Child Care Providers**

Once a school exceeds its optimum building utilization level by ten or more percent, the principal should notify any commercial child care center that has requested such notification in writing that the school can no longer approve out-of-zone requests for the duration of the school year.

#### **J. Ability to place any student for good cause**

The School Division reserves the right to place any student in an out of zone placement for good cause. Additionally, a student may be placed in an out of zone placement when the student's presence poses a significant disruption or potential for disruption to the educational environment or to the safety of students or staff. The adult student or parent/legal guardian of a minor student may appeal the decision to the Coordinator of Student Conduct within five (5) calendar days of such decision. The Coordinator of Student Conduct's decision may be appealed to the Department of School Leadership within five (5) calendar days of the decision. The Department of School Leadership, acting as the Superintendent's designee, will render a final, written, unappealable decision. Any such placement will be for the current school year (or the following school year if the decision is rendered between April and the first day of the new school year. Such placement decisions are exempt from the optimum building utilization level.

#### **Legal Reference:**

Code of Virginia §22.1-3.3, as amended. Transfer of students under certain circumstances.

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