

SCHOOL ADMISSION

A person of school age (i.e., a person who will have reached his or her fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1st of the school year) is eligible for admission on a non-tuition basis if residing in the Madison County School Division, or if eligible for admission under Policy JECA.

A person of school age is deemed to reside in the school division

- when the person is living with a natural parent, or a parent by legal adoption, in the Madison County School Division;
- when in accordance with the provisions of Va. Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10, United States Code, § 1044b by the custodial parent;
- when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
- when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
 - (i) the court-appointed guardian, or has legal custody of the person
 - (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200; or
 - (iii) an adult relative providing temporary kinship care as that term is defined in Va. Code § 63.2-100. Both parents and the relative providing kinship care must submit signed, notarized affidavits
 - (a) explaining why the parents are unable to care for the person,
 - (b) detailing the kinship care arrangement, and
 - (c) agreeing that the kinship care provider or a parent will notify the school within 30 days of when the kinship care arrangement ends.

The parent must also provide a power of attorney authorizing the adult relative to make educational decisions regarding the person. A parent or the kinship care provider must also obtain written verification from the department of social services where the parent or parents live, and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. If the kinship care arrangement lasts more than one year, the school division must receive continued verification directly from both departments of social services that the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment.

- when the person is living in the school division not solely for school purposes, as an emancipated minor; or
- when the person has been placed in a foster care placement within the school division by a local social services agency.

The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child.

No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with section 22.1-5 of the Code of Virginia and pursuant to Madison School Board Regulation JEC-R School Admission.

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No child of a person on active military duty attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

ADDITIONAL ADMISSION REQUIREMENTS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.
- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.
- E. Tuition rates are established each year in accordance with the provisions of section 22.1-5 of the Code of Virginia.
- F. Prior to admission to the Madison County School Division, the parent, guardian, or other person having control or charge of the child shall provide, upon registration,
 - a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
 - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

However, if the school administrators or the school board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260, the notice shall become a part of the student's disciplinary record.

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When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

- G. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in Virginia or in another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the Madison County School Division regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his/her parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the superintendent or his/her designee; and the decision has been to exclude the student from attendance. The student or his parent may file a written petition for review with the School Board within 15 days of notice of the decision of the superintendent or his/her designee. If the School Board grants a review of the record, the decision of the superintendent or his/her designee may be altered.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or superintendent or his designee, as the case may be, at the relevant hearing, the student may petition the School Board for readmission. If the petition for readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission.

For the purposes of this section, the superintendent's designee shall be a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The excluding School Board shall not impose additional conditions for readmission to school.

- H. This policy does not preclude contractual arrangements between the Madison County School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend Madison County Public Schools.
- I. Prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in sections 22.1-270, 22.1-271.2 and 32.1-46 of the Code of Virginia and policies JHCA and JHCB.

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

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Adopted: September 9, 1996

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200.

2007 Va. Opin. AG 07-015.

1987-88 Va. Opin. AG 374.

Cross Refs.: JEC-R School Admission
JECA Admission of Homeless Students
JHCA Physical Examinations
JHCB Immunization of Students
JGD/JGE Student Suspension/Expulsion