

## **Policy ~~5111~~ 410 – Eligibility of Resident/~~Nonresident~~ Students for Enrollment**

Revised policy and repeal of Policy 5215 (Missing and Absent Children), Policy 5113 (Intra-state Enrollment), Policy 5113.01 (Intra-County Open Enrollment), Policy 5120 (School Attendance Areas), Policy 5320 (Immunization), Policy 9270 (Home Instruction), Policy 5114 (Nonimmigrant Students and Foreign-Exchange Programs), and Policy 5130 (Withdrawal from School) effective upon passage

*1<sup>st</sup> reading*      July 11, 2019

*2<sup>nd</sup> reading*

*3<sup>rd</sup> reading*

**Statutory authority**      West Virginia Cod 18-2-5c, 18-8-1a, West Virginia Board of Education Policy 4110

### **Administrative Guidelines**

(none)

~~The Board of Education establishes the following policy for determining eligibility to attend the public schools of this county.~~

~~The Board shall provide a free and appropriate education to all children who have attained the age of five (5) years prior to the first day of September of the school year during which such child is enrolled in kindergarten and has attained the age of six (6) years prior to the first day of September of the school year during which such child is enrolled in Grade one (1) and has not yet attained the age of twenty two (22) years; or who is attending public school in accordance with the provisions of 18-20-1, Code of West Virginia, and West Virginia Board of Education Policy 2419. 18-20-1 and Policy 2419 relate to the education of pre-school, early childhood, middle childhood, adolescent and adult students whose educational programs require special education and related services, including three (3) year olds, as of their third birth date, through five (5) year olds with disabilities and those who are between five (5) and twenty-one (21) years of age prior to September 1st of such school year, unless the student has met graduation requirements as specified by their Individualized Education Program and within the State/local policy pertaining to graduation requirements. enroll in its schools pursuant to the requirements of state law and policy.~~

~~No student shall be admitted for the first time to any public school in the State unless the person enrolling the student presents a copy of the student's original birth record certified by the State registrar of vital statistics confirming the student's identity, age, and State file number of the original birth record. If a certified copy of the student's birth record cannot be obtained, the student shall be enrolled with an affidavit completed by the person so enrolling the student explaining the inability to produce a certified copy of the birth record; however, if any person submitting such affidavit is in U.S. military service and is in transit due to military orders, a three week extension shall be granted to such person for providing the birth records.~~

~~All information submitted as proof of the student's identity and age along with the affidavit shall be forwarded immediately by the principal or principal's designee to the local law enforcement agency. The affidavit should include a date for the receipt of the certified birth certificate from the parent or the guardian. Principals and their designees are immune from civil or criminal liability in connection with any notice to a local law enforcement agency of a student lacking a birth certificate. A student cannot be denied an education due to the compulsory attendance law and policy.~~

~~Unless students are transferred to a County school from outside the County according to pertinent provisions of law and policy or are homeless students as that designation is defined by the State Code or are foreign exchange or other foreign~~

~~students visiting persons residing in the County, they must be residents of the County in order to enroll in the school system unless they are approved to transfer into the County from outside the County, are foreign exchange or visiting students residing with persons in the County, or are "homeless" as designated by federal law.~~

~~A request for the transfer of a certified copy of the student's birth record shall be requested by the principal of the school in which the student has transferred, or his/her designee, within fourteen (14) days after enrolling the transferred student.~~

~~WV State Superintendent Interpretation, August 29, 2000~~

~~W.V. State Board of Education Policy 2419~~

~~W.V. Code 18-2-5c, 18-8-1a, and 18-20-1, et seq.~~

### *Missing and Absent Children*

~~It is the interest of this Board of Education to cooperate with local, State, and National efforts to decrease the number of missing children.~~

~~If a certified copy of the student's birth record cannot be obtained, the person so enrolling the student shall submit an affidavit explaining the inability to produce a certified copy of the birth record; however, if the person submitting such affidavit is in U.S. military service and is in transit due to military orders, a three (3) week extension shall be granted to such person for providing the birth records.~~

~~Upon the failure of any person enrolling a student to furnish a certified copy of the student's birth record, the principal of the school in which the student is being enrolled or his/her designee 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 student's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.~~

~~Principals and their designees shall be immune from any civil or criminal liability in connection with any notice to a local law-enforcement agency of a student lacking a birth certificate or failure to give such notice as required by this section.~~

~~The Superintendent is instructed to establish~~ shall develop ~~administrative guidelines to provide for admittance enrollment~~ of a student lacking records into the school.

~~WV Code 18-2-5c~~

### *Intra-State Enrollment of Students Residing Outside of the County*

~~The Board of Education shall~~ may ~~permit the enrollment of students from other WV counties in a school or program of this County, provided each enrollment is in accordance with laws and regulations of the State concerning intra-State student enrollment and transfer, the provisions of this policy, and the administrative guidelines established to implement this policy.~~

~~Transfers of students from one (1) county to another may be made by the county board of the county in which the student desiring to be transferred resides. The transfer shall be subject to the approval of both the board of the county in which the student resides and the board of the county to which the student wishes to transfer.~~

~~For purposes of net enrollment:~~

- ~~A. whenever a student is transferred on a full-time basis from one (1) school district to another district pursuant to this policy, the county to which the student is transferred shall include such student in its net enrollment;~~
- ~~B. whenever a student is transferred on a part-time basis from one (1) school district to another school district, the county in which the student is a bona fide resident shall count the student in its net enrollment.~~

If, after two (2) county boards have agreed to a transfer arrangement for a student, that student chooses to return to a school in his/her county of residence after the second month of any school year, the following shall apply:

- A. ~~The county of residence may issue an invoice to the county from which the student transferred for the amount, determined on pro rata basis, that the county of residence otherwise would have received under the State Basic Foundation Program.~~
- B. ~~The county from which the student transferred shall reimburse the county of residence for the amount of the invoice.~~

A parent or guardian of a student may appeal the refusal of the County Board to enter into an agreement to transfer or accept the transfer of the student by filing a Citizens Appeal. See Policy 9135 — Appeals Procedure for Citizens.

~~If a student is transferred on either a full-time or a part-time basis without the agreement of both boards by official action as reflected in the minutes of their respective meetings and if the student's parent or guardian fails to appeal or loses the appeal, the student shall be counted only in the net enrollment of the county in which the student resides.~~

#### DEFINITIONS:

##### A. ~~Class/School Size~~

~~The restrictions on the number of students in a class/school due to State law, or financial or operating conditions and County policy.~~

##### A. ~~County Student~~

~~— A student who resides in this County.~~

##### B. ~~Intra-State~~

~~— A West Virginia student residing in a county other than Roane County.~~

##### C. ~~Program~~

~~— Any one (1) of the specific course offerings of this County.~~

##### D. ~~Program Size~~

~~The restrictions on a number of students in a program due to WV law and circumstances unique to that specific program, and/or financial or operating conditions of the County.~~

The Superintendent shall ~~prepare~~ develop administrative guidelines for the implementation of this policy in ways that ~~comply with relevant State laws and guidelines and establish procedures that provide for the following:~~ process by which students residing outside of the County, including those residing outside of the State, may apply for enrollment in a County school and the conditions under which such enrollment may be considered or rejected by the Board.

Approval of the enrollment of each student residing outside of the County in a County school shall be subject to action of the Board upon recommendation of the Superintendent, and no student shall be so enrolled or attend classes at a County school unless and until such approval is granted; provided, that no student who is designated as "homeless" under the provisions of the federal McKinney-Vento Act shall be denied enrollment pursuant to the Act.

- A. ~~Compliance with Federal and State discrimination laws.~~
- B. ~~A student's application may be denied if the student is, at the time of application, expelled from any school.~~
- C. ~~Application procedures including the criteria by which applications from intra-state students shall be reviewed and prioritized. County students and any intra-state students previously enrolled under the provisions of this~~

~~policy shall be given priority.~~

- ~~D.—Communications with applicants and their parents concerning this policy and the County's guidelines, including the timelines for application and notification of acceptance or rejection.~~
- ~~E.—Athletic eligibility complies with State regulations and the provisions set forth by the West Virginia Secondary Schools Activities Commission (WVSSAC).~~
- ~~F.—Any transportation provided by the County intra-state student takes place within established bus routes and bus stops within the County.~~
- ~~G.—Set County capacity limits by grade level, school building, and educational program.~~

The Board reserves the right to modify the conditions under which ~~intra-state~~ the enrollment of students residing outside of the County would continue for any particular program, classroom, or school.

~~WV Code 18-5-16 and 18-5-16a~~

#### *Intra-County Open Enrollment of Students in Particular Schools*

The Board of Education shall permit any eligible, elementary or middle school student in the County to apply for enrollment in any County program or school, ~~provided the student's application meets the requirements of the State and the conditions established in County guidelines.~~

~~The following definitions shall apply:~~

~~Home School~~

~~The school to which the student has been assigned prior to any request for transfer.~~

~~Open Enrollment~~

~~West Virginia State Code, West Virginia State Board of Education policies, and regulations concerning the Board's authority to adopt resolutions regarding intra-county enrollment policies and guidelines. Intra-county open enrollment permits the admission of students to any appropriate school or program in the County.~~

~~Home-School Student~~

~~A County student who resides in the home-school attendance area.~~

~~Nonhome-School Student~~

~~A County student who enrolls (seeks to enroll) in a program or school in another attendance area within the County.~~

~~Program~~

~~Any one of the specific course offerings of this County.~~

~~Program Size~~

~~The restrictions on a number of students in a program due to circumstances unique to that specific program, or financial or operating conditions of the County.~~

~~The Superintendent shall prepare guidelines for the implementation of this policy in ways that comply with relevant State laws and guidelines and establish procedures that provide for the following:~~

- ~~A.—Compliance with Federal and State discrimination laws.~~
- ~~B.—A student's application cannot be denied because of disciplinary action in his/her home school, except for a suspension or expulsion for ten (10) consecutive days or more that occurs in the current semester or the~~

~~semester immediately preceding the application.~~

- ~~C. Application procedures including the criteria by which applications from non home-school students shall be reviewed and prioritized. Home-school students shall be given priority over nonhome-school students. Further, a student shall submit an application only if s/he wishes to attend an alternate school in the County.~~
- ~~D. Communications with applicants and their parents concerning this policy and the County's guidelines, including the timelines for application and notification of acceptance or rejection.~~
- ~~E. Athletic eligibility shall comply with State regulations and the provisions set forth by the West Virginia Secondary Schools Commission (WVSSAC).~~
- ~~F. Any transportation provided by the County for a nonhome-school student takes place within established bus routes and bus stops within the County.~~
- ~~G. Set County capacity limits by grade level, school building and educational program.~~

#### *School Attendance Areas*

The Board of Education has shall divided the County into separate attendance areas and directs so that the assignment of students to schools within this County be consistent with the best interests of students and the best use of the resources of this County.

The Superintendent shall annually review existing attendance areas and recommend to the Board such changes to the boundaries of the school attendance areas as may be justified by:

- A. considerations of safe student transportation and travel;
- B. convenience of access to schools;
- C. financial and administrative efficiency;
- D. the effectiveness of the instructional program;
- E. a wholesome and educationally sound balance of student populations;
- F. teacher-student ratios imposed by State law.

Acting upon the recommendation of the Superintendent, the Board ~~shall determine~~ may periodically redefine the school attendance areas of the County and shall expect the students within each area to attend the school so designated.

~~No assignment to schools or attendance schedules shall discriminate against students on the basis of gender, race, religion, disability, or national origin.~~

The Superintendent may assign a student to a school other than that designated by the attendance area when such exception is justified by circumstances and is in the best interest of the student. ~~The Superintendent may also assign a student to a school other than that designated by the attendance area or when a class exceeds State mandated enrollment requirements, or when a school is overcrowded.~~

~~Every effort shall be made to continue a student in the elementary school to which s/he is initially assigned.~~

Wherever possible and advisable in the interests of the students, siblings shall be assigned to the same building.

The principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the student as well as the administration of the school.

#### *Request for Out of Attendance Area Assignment*

A student may be permitted to attend a school other than the school serving the parents' residential area by ~~completing~~

~~a Student Transfer Form and submitting the form for the approval or disapproval of requesting such on the form provided by the Superintendent, who shall take into consideration, among other factors, in making the decision criteria, including but not limited to, the following:~~

- ~~A. severe health problems~~
- ~~B. class/school size~~
- ~~C. acceptance of responsibility for transportation, good attendance, and acceptable behavior~~
- ~~D. programs availability~~
- ~~E. other hardships~~

#### **Nonresident Students**

~~Students who are not residents of West Virginia may attend Roane County Schools upon compliance with West Virginia laws and Board policies governing admission of students to the schools of the State. Such students may be assigned to schools by the Superintendent.~~

~~The Superintendent shall develop administrative guidelines that establish procedures that provide for the process by which students residing inside the County may apply for enrollment in a particular County school outside of the attendance area in which they reside and the conditions under which such enrollment may be considered or rejected.~~

~~The enrollment of each student residing inside the County may apply for enrollment in a particular County school outside of the attendance area in which they reside shall be subject to the approval of the Superintendent, and no student shall be so enrolled or attend classes at a particular County school outside of the attendance area in which they reside unless and until such approval is granted; provided, that no student who is designated as "homeless" under the provisions of the federal McKinney-Vento Act shall be denied enrollment pursuant to the Act.~~

#### **Immunization**

~~All students enrolled in the County schools shall show proof of proper immunizations as required by state law and policy. The Superintendent, upon recommendation of the Director of Student Support Services, may cause a student to be disallowed from attending classes in a County school until such proof is provided.~~

~~In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires all children entering school in this District to show proof of immunization against chickenpox, Hepatitis B, measles, mumps, diphtheria, polio, rubella, tetanus, and whooping cough or produces a certificate from the Commissioner of the Bureau for Public Health granting the child or person an exemption from the compulsory immunization requirements of WV Code 16-3-4. A medical exemption request must be made by a licensed physician and state that the physical condition of the child is such that immunization is contraindicated or there exists a specific precaution to a particular vaccine. For preschool children entering a school housing other children in grades kindergarten through 12, Hepatitis A, Hib, and PCV immunizations are required along with the above immunization requirements hold to the extent that they are age appropriate in accordance with the immunization schedules found at [www.cdc.gov](http://www.cdc.gov) by searching under "Immunization Schedules".~~

~~A student who does not have a completed certificate of immunization or other similar medical record of immunizations shall show proof that s/he has received at least one (1) dose of each of the required vaccines in order to be provisionally enrolled in school.~~

~~Provisional enrollment may continue from school entry to a time period established by the WVDHHR, W.V. 64CRS95. All provisionally enrolled students shall show proof to the school that they have completed all of the required immunizations.~~

~~Proof of prior measles, mumps, rubella, pertussis or Hepatitis B disease being used in lieu of vaccination requires a~~

document signed by a physician indicating, at a minimum, the name of the patient, the date of the illness and any obtained laboratory evidence of the diagnosis. If the historical disease diagnosis is in question, current laboratory evidence of immunity may be required.

The verbal or written statement of the parent or legal guardian of a child shall suffice to prove that a child has had chickenpox and is considered to be proof of immunity.

Children who are delinquent for any required vaccinations or who have exceeded the provisional enrollment period, will be considered to be out of compliance with the law and may be required to stop receiving educational services at the school until the appropriate vaccine(s) are received and the records are amended.

All children entering grades 7 and 12 must show proof of the immunization booster against diphtheria, pertussis, tetanus, and immunization against meningococcal disease upon entry or produce a certificate from the Commissioner of the Bureau for Public Health granting the child or person an exemption from the compulsory immunization requirements of WV Code 16-3-4. There shall be no provisional enrollment permitted.

A student who is newly entering the school system at age thirteen (13), fourteen (14) or fifteen (15), and who has not been previously vaccinated with MCV4 must receive the MCV4 vaccination and must also show proof of a booster shot on or after age sixteen (16) and prior to entry into the 12th grade.

A student who is newly entering the school system at age sixteen (16) or older and who has not been previously vaccinated with MCV4 must receive a MCV4 vaccination and will not be required to show proof of a booster prior to entry into the 12th grade.

Any school personnel having information concerning any person who attempts to enter school for the first time without having been immunized shall report the names of all such persons to the Commissioner of the Bureau for Public Health.

The attendance director shall assist in obtaining immunizations or records of immunizations for those students that do not have them and assure that students are enrolled while the records are being obtained. Immunization records are accessible through the West Virginia Statewide Immunization Information System (WVSIS).

The following vaccines are recommended for children attending public schools, at the appropriate age: influenza, meningococcal, Tdap, human papillomavirus, other vaccines recommended for various high risk populations in the school setting may be found on the immunization schedule at [www.cdc.gov](http://www.cdc.gov) by searching under "Immunization Schedules".

West Virginia State Board of Education policy 2423

West Virginia State Board of Education policy 2525

WV Code 16-3-4 and 5

64 CSR 95

### *Home Instruction*

The Board of Education encourages the enrollment of all school-age children resident in this County in public schools; however, the Board recognizes that school-age children may be exempted from compulsory school attendance under certain circumstances, including attendance at a parochial, private or other approved school or if the child is receiving home instruction.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in a public, private, parochial or other approved school or is offered an equivalent education elsewhere and designates the Superintendent

to act in its behalf.

All requests to educate a child with a home instruction program are to be submitted to the Superintendent.

The Superintendent shall develop ~~and implement~~ administrative guidelines which ensure that, prior to approval of a home instruction request, all statutory and regulatory requirements have been met.

~~The Board shall observe participation in activities according to those rules and regulations promulgated by the West Virginia State Department of Education and the West Virginia Secondary Schools Activities Commission.~~

Upon approval of the ~~Roane County~~ Board, the student may attend any class offered by the ~~County~~ Board of Education, subject to normal registration and attendance requirements.

~~W. Va. Code 18-8-1~~

~~State Board Policy 4110~~

### *Nonimmigrant Students and Foreign-Exchange Programs*

~~The Board of Education recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having foreign students as members of the student body of this County's high school(s).~~

~~An exchange visitor student is a foreign national who has been selected by a sponsor that has been approved by the United States Department of State (USDOS) to participate in an exchange visitor program and who is seeking to enter or has entered the United States temporarily on a J-1 visa.~~

### ~~Exchange Visitor Program for Nonimmigrant Students with J-1 Visas~~

The Board authorizes the Superintendent to consider a request to admit an exchange visitor student who meets the USDOS United States Department of State requirements and applies for admission enrollment through a sponsoring organization and to determine whether or not that student should be accepted enrolled.

~~In accordance with Federal law, an exchange visitor student will be selected and sponsored by an organization that has been approved by the USDOS. The Board, pursuant to Federal law, requires the sponsoring agency to secure prior written acceptance of the Superintendent for the placement of an exchange visitor student in any County high school.~~

~~After written acceptance of school placement is secured, the sponsoring agency should issue the certificate of eligibility for J-1 Visas to the exchange visitor student who meets the criteria established in Federal law for participation in an Exchange Visitor Program (EVP).~~

~~Pursuant to Federal law the sponsoring agency is also responsible for selecting a host family who resides in the County for each exchange visitor student.~~

~~Lastly, pursuant to Federal law, a sponsoring agency can place no more than five (5) exchange visitor students per County high school.~~

### *Other Nonimmigrant Students*

This policy does not apply to nonimmigrant students with citizenship in countries other than the United States who are not participating in an approved exchange visitor program at a County school.

All other nonimmigrant students with citizenship in countries other than the United States who seek to enroll in the County's schools are subject to Federal law, State law, and the County's policies regarding enrollment and, if applicable, tuition.



~~8 C.F.R. 214, et seq.~~

~~8 U.S.C. § 1101, et seq. (Immigration Reform and Control Act)~~

~~Mutual Education and Cultural Exchange Act of 1961, as amended~~

~~Immigration and Nationality Act~~

~~22 C.F.R. 62, Exchange Visitor Program~~

### *Withdrawal from School*

The Board of Education affirms that, while statute requires attendance of each student from six (6) years of age by ~~September~~ July 1st or five (5) years of age by ~~September~~ July 1st if enrolled in kindergarten, and not formally withdrawn, it is in the best interest of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. ~~A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.~~

A student is officially enrolled when one ~~(1)~~ of the following conditions occur:

- A. student was enrolled the previous year;
- B. student appears at school to enroll with or without a parent/guardian; or
- C. student and/or parent/guardian appears at school to enroll with or without records.

A dropout is an individual who:

- A. was enrolled in school at some time during the previous school year and was not enrolled on October 1st of the current school year; or
- B. was not enrolled on October 1st of the previous school year although expected to be in membership (i.e., was not reported as a dropout the year before); and
- C. has not graduated from high school, obtained a GED diploma, or completed a State or district-approved education program; and
- D. does not meet any of the following exclusionary conditions:
  - 1. transfer to another public school district, private school, registered home school, or State - or district-approved education program;
  - 2. temporary school-recognized absence due to suspension or illness; or
  - 3. death.

For students of ages seventeen ~~(17)~~ or older, the dropout date is defined as the school day after the student's last day of attendance.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the School System should be used to assist the student in reaching his/her career goals. No student under the age of eighteen ~~(18)~~ will be permitted to withdraw without the written consent of a parent.

~~The West Virginia Division of Motor Vehicles shall deny a license or instruction permit for the operation of a motor vehicle to any person under the age of eighteen (18) who does not at the time of application present a diploma or other certificate of graduation issued to the person from a secondary high school of this State or any other state, or documentation that the person:~~

- ~~A. is enrolled and making satisfactory progress in a course leading to a general educational development certificate~~

- ~~(GED) from a State approved institution or organization, or has obtained such certificate;~~
- ~~B. is enrolled in a secondary school of this State;~~
- ~~C. is a West Virginia resident enrolled in an out-of-state school;~~
- ~~D. is excused from such requirement due to circumstances beyond his/her control; or~~
- ~~E. is enrolled in an institution of higher education as a full time student in this State or any other state.~~

No later than five (5) days from the date of withdrawal, the ~~attendance director or chief administrator of the school system~~ Director of Student Support Services shall notify the West Virginia Division of Motor Vehicles of the withdrawal from school of any student fifteen (15) years of age, but less than eighteen (18) years of age. If a student's withdrawal from school is beyond the control of the student and such student is applying for a license, ~~attendance director or chief administrator of the school system~~ Director of Student Support Services shall provide the student with documentation to present to the West Virginia Division of Motor Vehicles to secure his/her license or instructional permit. The ~~school district Superintendent (or the appropriate school official of any private secondary school),~~ with the assistance of the ~~county attendance director~~ Director of Student Support Services or any other staff or school personnel, shall be the sole judge of whether such withdrawal is due to circumstances beyond the control of such person.

~~For the purposes of obtaining or retaining a license or permit, withdrawal is defined as more than ten (10) consecutive, or fifteen (15) total days, unexcused absences during a school year. Suspension or expulsion from school or imprisonment in a jail or a West Virginia correctional facility is not a circumstance beyond the control of the person. A student must maintain satisfactory attendance during one (1) complete semester following the revocation of his/her driver's license in order to be eligible for the privilege of operating a motor vehicle.~~

The Superintendent shall ~~ensure, through~~ develop administrative guidelines, ~~that proper detailing procedures to be followed are established so that such notification complies with State law. The Superintendent shall develop administrative guidelines for withdrawal from school and~~ which:

- A. make counseling services available to any student who wishes to withdraw;
- B. help the student define his/her own educational life goals and help plan the realization of those goals;
- C. inform the student of alternative programs;
- D. assure the timely return of all School System-owned supplies and equipment in the possession of the student.

The Superintendent may initiate and maintain expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be noted in the student's record and shall be imposed for the same duration it would have been had the student remained enrolled.

~~West Virginia State Board of Education policy 4110~~

~~WV Code 18-5-17, 18-5-18, and 18-8-1a~~