

## 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 Tazewell County School Division, or if eligible for admission under Policy JECA Admission of Homeless Children.

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 Tazewell 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 Va. Code § 22.1-5 and pursuant to Tazewell County School Board Regulation JEC-R School Admission.

#### Children of Persons on Active Military Duty

No child of a person on active military duty

- who is 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. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school;
- who is attending a school free of charge in accordance with this policy shall be charged tuition upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and
- who is eligible to attend school free of charge in accordance with this policy shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. The assignment of the school such child will attend shall be determined by the school division.

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 Va. Code § 22.1-5.
- F. Prior to admission to the Tazewell 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.

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 Tazewell 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 therefore, 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 Tazewell County School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend Tazewell 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 Va. Code §§ 22.1-270, 22.1-271.2 and 32.1-46 and policies JHCA Physical Examinations of Students and JHCB Student Immunizations.

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.

Adopted: September 10, 2018

---

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 Children
	JHCA	Physical Examinations of Students
	JHCB	Immunization of Students
	JGD/JGE	Student Suspension/Expulsion

## SCHOOL ADMISSION

No person is charged tuition for admission or enrollment in the Tazewell County Public Schools, whether on a full-time or part-time basis, who is eligible for admission under Policies JEC School Admission or JECA Admission of Homeless Children. School officials do not inquire into the student's citizenship or B, C or D visa status in determining eligibility for tuition-free enrollment in the Tazewell County Public Schools.

However, the school division may admit and charge tuition to a student who:

- A. Is a resident of the school division but not of school age;
- B. Is of school age and not a resident of Virginia but is temporarily living with a non-parent who resides within the school division;
- C. Is of school age and resides beyond the boundaries of Virginia but near thereto in a state or the District of Columbia which grants equal attendance privileges to residents of the Commonwealth;
- D. Is of school age and resides on a military or naval reservation located wholly or partly within the geographical boundaries of the school division, is not a domiciled resident of the Commonwealth of Virginia, and is a student for whom federal funds provided under Public Law 874 of 1950, commonly known as Impact Aid, fund less than 50 percent of the total per capita cost of education in Tazewell County Public Schools exclusive of capital outlay and debt service; such students shall be eligible for interscholastic programs immediately upon enrollment, provided that such persons (i) satisfy all other requirements for eligibility and (ii) are dependents of a military service member required by the military to live on the military installation as evidenced by a statement on command letterhead signed by, or by direction of, the service member's commanding officer;
- E. Is of school age and attending a school in the division pursuant to a foreign student exchange program approved by the School Board;
- F. Is a resident of the Commonwealth but not of the school division, except as provided in Policy JEC School Admission;
- G. Is of school age and was enrolled in a public school within the division as a domiciled resident of the Commonwealth, and has been required as a result of military or federal orders issued to their parents to relocate and reside on federal property in another state or the District of Columbia, where such state or the District of Columbia is contiguous to the school division; or
- H. Is of school age and residing within the school division, and is enrolled in summer programs other than remediation required under Va. Code § 22.1-253:13.1, or is enrolled in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

The following category(ies) of students are eligible for consideration for admission: nonresidents. Eligibility for consideration does not signify acceptance of the admission application of a student. Each application for admission will be considered on an individual basis. The residency of persons in the above categories who reside in housing or temporary shelter, or on property located in multiple jurisdictions, shall be determined in the manner set forth in Policy JEC School Admission.

Foreign students in an F-1 immigration status or who obtain F-1 student visas are not admitted in the division's elementary schools or publicly funded adult education programs. Such students may be admitted, for a period up to twelve months, in the division's secondary schools only if they pre-pay the full, unsubsidized per capita cost of the education.

#### Procedure for Admission

The following procedure is followed for application and review of applications for admission of students who are not eligible for tuition-free enrollment.

A parent or guardian of a student shall apply for admission on behalf of the student by completing the division application. The application form contains information and agreements 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, regulations and guidelines of the school division, including the Code of Student Conduct.

Within 15 calendar days of receipt of the application, the Tazewell County School Board Office of the school division shall provide the applicant with written notification of the approval or denial of the application. 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.

If the application is denied, the Tazewell County School Board Office shall notify the parent or guardian of the right to have the transfer reviewed by sending a written request to the superintendent or superintendent's designee within seven calendar days. Applications denied based upon the student's suspension, expulsion or withdrawal of admission shall be reviewed in as provided in Policy JEC School Admission. For all other denials of admission, the superintendent or superintendent's designee shall respond in writing to the request for review within 10 calendar days.

### Tuition Rate

The tuition rate is set by the superintendent for each academic year.

### Transportation

Transportation is not furnished to nonresident students 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.

Adopted: July 13, 2015

---

---

Legal Refs: 8 CFR 214.2.

Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-5 and 22.1-287.02.

1999 Va. Op. Atty. Gen. 105

Cross Refs.: JEC                      School Admission  
                  JECA                      Admission of Homeless Children



## **NONRESIDENT STUDENTS**

Any student who resides outside the county may apply to attend a school in the division. All applications for nonresident attendance will be considered on an equal basis. The division will accept qualified nonresident students in each school year, unless accepting more nonresident students would constitute a financial hardship for the division.

A parent or guardian will apply for admission on behalf of his or her child by completing the appropriate application. The superintendent, or designee, will develop an application form which contains information including, but not limited to, the current legal residence of the child and the school district in which he or she is currently enrolled, the basis for requesting release from the resident district and the specific building and grade level (elementary) or course offerings (secondary) in which the student desires to be enrolled if accepted by the district.

The superintendent, or designee, will accept or reject an application for nonresident admission based upon the following standards:

- A. Whether space is available in the grade level or classes at the building in which the student desires to be enrolled;
- B. Whether appropriate educational programs or services are available to improve the student's condition as stated in requesting release from his or her district of residence;
- C. Whether the student's attendance in the division is likely to create a risk to the health or safety of other students or staff;
- D. Whether the district has already accepted as many nonresident students for the school year as permitted by this policy;
- E. Whether the student's disciplinary records indicate a history of violent or disruptive behavior or gang membership (a gang means a group of three or more persons with identifiable leadership that on an ongoing basis regularly conspires and acts in concert mainly for criminal purposes); and
- F. Whether the student has been expelled or suspended from a public school for more than five days during the previous twelve months.

The superintendent, or designee, in a timely manner will provide all applicants with written notification of the approval or denial of the application. If the student is to be admitted, the superintendent, or designee, will notify the resident district and make necessary arrangements for the transfer of student records.

### **ADMISSION OF NON-RESIDENT STUDENTS**

These procedures set forth the process and criteria for the acceptance of non-resident students into Tazewell County Public Schools.

#### **I. APPLICATION**

Non-resident students applying for enrollment in the division shall submit a written application to the Superintendent's Designee by May 1.

The application shall be submitted on a form supplied by the division and shall be signed by the custodial parent or guardian of any student. The application shall include, at minimum, the following information: name of student; residence of student; grounds for requesting enrollment; desired building and grade level; desired courses if a secondary student; and any history of placement in special education programs; any past, current, or pending disciplinary action; any history of violent or gang-related behavior; any unpaid fines or fees imposed by other schools; and any health conditions affecting the student's educational needs.

## **II. SPECIAL CONSIDERATION**

Except for children of full-time certificated or classified employees, no student applicant shall be given special consideration. All applications received by the deadlines will be considered equally.

## **III. CRITERIA FOR ACCEPTANCE**

- A. The Division shall determine, in the reasonable exercise of its discretion, that each of the following conditions are satisfied:
1. Space is available to accommodate the student applicant. For the purpose of these procedures "space" means (1) the capacity of the physical plant of the school, grade level, class and/or program to accommodate the student applicant and, (2) the capacity of a school to meet the academic needs of the student applicant by reason of anticipated demand for course offerings. Availability of space shall be determined by the appropriate building principal.
  2. The school which the student applicant wishes to attend offers a program which is suitable to meet the educational and other needs of the student.
  3. The student applicant is not likely to disrupt the educational process or create a risk to the health or safety of students or staff.
  4. The student does not have a disciplinary record indicating a history of violent or disruptive behavior or gang membership (a gang means a group of three or more persons with identifiable leadership that on an ongoing basis regularly conspires and acts in concert mainly for criminal purposes).
  5. The student does not have discipline issues, chronic attendance problems, or lack academic progress.
  6. The student has not been expelled or suspended from a public school for more than five (5) days during the previous twelve months.
  7. The school can adequately meet the needs of the student and/or family based on principal determination.
- B. Lack of academic effort, poor attendance, tardiness, or discipline problems shall provide just cause for the division to return a student to his/her home district at any time.

## **IV. DURATION**

Acceptance of students who are the children of full-time employees will be for the duration of their schooling or until the parent is no longer an employee. Acceptance of other non-resident students will be only for the designated school year.

**V. TRANSPORTATION**

The division assumes no obligation for the transportation of non-resident students admitted to the division.

**VI. ANNUAL TRANSFER FEE**

The annual transfer fee will be \$250.00 per semester per student. Non-resident students will not be admitted until the fee is paid. Employees of the school system do not need to pay the annual transfer fee.

**VII. EXTRACURRICULAR ACTIVITIES**

The eligibility of non-resident students to participate in extracurricular activities shall be subject to the rules and regulations of the school division.

**VIII. PROCESSING OF APPLICATIONS**

All applications for admission of non-resident students shall be submitted to the Superintendent's designee.

The Superintendent's Designee shall provide written notice of acceptance or denial. Transfer decisions will be made during the month of July through the first two weeks of August.

**Tazewell County Public Schools  
Non-Resident Application Check List**

Please take this form with you to your school division office so they can help you provide the necessary documentation.

In order to consider a student for enrollment who lives outside the county, all of the following documentation must be presented to the superintendent's designee:

- Application**
  
- Attendance:** Verification that your student does not have any attendance or truancy issues. Please provide an attendance report from the school with the number of unexcused absences and tardies for the previous school year.
  
- Discipline:** Discipline records including past, current or pending disciplinary actions and any history of violent behavior.
  
- School transcript or report card**
  
- Special Education: Current IEP (Individual Education Plan) & Evaluation**
  
- Current 504 Plan**
  
- English Language Learner – ELL**      Yes                       No
  
- Gifted**                                      Yes                       No

***NOTE:***

***We may request further documentation. Assignments are made on a space available basis and we do not waitlist non-resident students.***

**DUE: May 1**

**TAZEWELL COUNTY PUBLIC SCHOOLS  
209 W. Fincastle Turnpike, Tazewell, VA 24651  
276-988-5511**

**APPLICATION FOR ADMISSION OF A NON-RESIDENT STUDENT**

FOR THE SCHOOL YEAR: \_\_\_\_\_ DATE OF REQUEST: \_\_\_\_\_

STUDENT NAME: \_\_\_\_\_ BIRTH DATE: \_\_\_\_\_

PARENT/GUARDIAN NAME: \_\_\_\_\_

EMAIL: \_\_\_\_\_

STREET ADDRESS/P.O. BOX: \_\_\_\_\_

CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE #1: \_\_\_\_\_ PHONE #2: \_\_\_\_\_

SCHOOL CURRENTLY ATTENDING: \_\_\_\_\_

GRADE LEVEL FOR YEAR OF TRANSFER: \_\_\_\_\_ SCHOOL REQUESTING: \_\_\_\_\_

REASON FOR REQUEST TO TRANSFER: *(attach documentation as needed)*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPECIAL EDUCATION/RELATED SERVICES:**

Current IEP (Individual Education Plan): \_\_\_ Yes \_\_\_ No Current 504 Plan: \_\_\_ Yes \_\_\_ No

English Language Learner (ELL) \_\_\_ Yes \_\_\_ No Gifted \_\_\_ Yes \_\_\_ No

Out of county students who are requesting admission shall provide the following: **Student attendance history, school transcript or report card and discipline records**

The undersigned agrees to the following:

- I UNDERSTAND THIS APPLICATION IS VALID FOR ONE SCHOOL YEAR AND NEEDS TO BE COMPLETED ANNUALLY.
- PARENT(S)/GUARDIAN(S)/STUDENT ARE RESPONSIBLE FOR TRANSPORTATION BETWEEN THE STUDENT'S HOME AND THE REQUESTED SCHOOL.
- LACK OF ACADEMIC EFFORT, POOR ATTENDANCE, TARDINESS, OR DISCIPLINE PROBLEMS SHALL PROVIDE JUST CAUSE FOR THE DIVISION TO RETURN A STUDENT TO HIS/HER RESIDENT DISTRICT.

Signature below indicates that the parent(s)/guardian(s) have read policy and agree to assume the responsibilities associated with a non-resident student transfer as listed above.

Signature of Parent: \_\_\_\_\_

Signature of Student: \_\_\_\_\_