

## Excerpts from School Board Bylaws

### Section 3-1

#### Section 3-1 Chair and Vice-Chair

- A. The Chair shall preside over all meetings of the Board, sign the records of the School Board and perform such other duties as may be prescribed by law or by action of the School Board. The Chair shall serve as an alternate to all School Board committees, when there is not a quorum and/or the meeting cannot be rescheduled.
- B. The Vice-Chair shall serve in the absence or inability of the Chair and shall perform such other duties as the school board may assign. The Vice-Chair can serve as an alternate to all School Board committees, if the Chair is not available, when there is not a quorum and/or the meeting cannot be rescheduled.

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## OUT-OF-ZONE SCHOOL ATTENDANCE

### **A. Purpose**

The Culpeper County School Board has established school attendance zones for elementary, middle, and high school students whereby students are to attend their zoned school based on the location of their residence. The Culpeper County School Board recognizes that parents may demonstrate a need for their child to attend another Culpeper County Public School outside of their designated school attendance zone. This regulation identifies and explains the valid reasons for requests, student and parent compliance expectations, approval, denial, revocation, and appeal procedures, and Virginia High School League eligibility rules for those students whose parents request out-of-zone attendance other than the established school attendance zone

### **B. Reasons for Requesting an Out of Zone School Attendance**

1. Transfer of Student as the Result of a Crime; or Court Action
  - a. When a student has been the victim of any crime (defined in Virginia Code § 18.2-30 et seq.), 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 parent or guardian, or the student, if he/she is an emancipated minor. Such request shall be made in writing to the superintendent or designee. The parent is required to provide safe and punctual transportation to and from the school.

- b. When a student has a permanent protective order issued by a court specifically intended to keep the student separated from another individual at the school, or in cases where a parent has a permanent protective order issued by a court specifically intended to keep the parent separated from another individual at the school.

**C. Other Reasons for Requesting an Out of Zone School Attendance**

1. The physical, mental, or emotional needs of the student requires a transfer and is specifically documented as a need by a licensed health professional qualified to diagnose and order treatment of a physical, mental, or emotional impairment.
2. Before or after school child care when it is necessary for someone in a different school attendance zone to supervise the child before and/or after school.
3. A student changing residence within Culpeper County may complete the school year in the school in which he/she was in attendance, providing the parents or other designated adult can provide safe and punctual transportation to and from school.
4. Children of Culpeper County Public Schools full-time employees will be allowed to attend the school where their parent is assigned or a selected school when the parent's work location is not a school or when the school does not contain the appropriate grade level for their child. The employee must complete an out of zone school attendance form for record keeping.

**D. Reasons for Initial Denial of a Request for Out of Zone School Attendance**

The request and continuance of an out of zone school attendance is subject to denial or subsequent revocation at any time under certain conditions. These conditions include:

1. Class or Program Enrollment Capacity

An initial request for an out-of-zone school attendance may be denied when classes or educational programs exceeds their targeted maximum enrollment, including Career & Technical or Special Education programs. The enrollment capacity will be determined based on class or program ratio targets by the Superintendent or designee(s).

2. Disciplinary Record of the Requesting Student

An initial request for an out-of-zone school attendance may be denied when the disciplinary record of the requesting student contains more than two code of conduct violations which resulted in a short-term suspension of ten days or less in the preceding calendar year; or when the disciplinary record contains a single code of conduct violation which resulted in a long-term suspension of eleven days or more in the preceding calendar year.

**E. Reasons for Revocation of Out of Zone School Attendance**

Once initially approved, the continued acceptance of the out of zone school request is subject to revocation if these conditions are present:

1. Unsatisfactory Attendance

If the student demonstrates a documented pattern of unsatisfactory school attendance to include an excessive number of late arrivals, early dismissals, or late pick-ups due to unreliable transportation or other unexcused reasons, then the approval to continue with the out of zone school attendance may be revoked. Unsatisfactory attendance is defined as total of 5 or more unexcused student absences, late arrivals, early dismissals, or late pick-ups *combined* in an academic quarter. The unsatisfactory attendance must have a documented communication to the parent and student warning them that if continued, the out of zone approval will be revoked.

## 2. Code of Student Conduct Violations

If a student demonstrates documented code of conduct violations which resulted in more than two short-term suspension of ten days or less, or when the disciplinary record contains a single code of conduct violation which resulted in a long-term suspension of eleven days or more in the preceding calendar year, then the approval to continue with out of zone school attendance may be revoked. For purposes of this regulation, a bus suspension for an out of zone student will be considered the same as an out of school suspension if the student fails to attend school due to lack of transportation. The unsatisfactory student behavior must have a documented communication to the parent and student warning them that if continued, the out of zone approval will be revoked except in cases where a long-term suspension was imposed.

## 3. Inadequate Academic Effort

If a student demonstrates inadequate academic effort as evidenced by failure to participate in remedial programs or tutoring as requested by school staff, the approval to continue with out of zone school attendance may be revoked. The unsatisfactory student effort must have a documented communication to the parent and student warning them that if continued, the out of zone approval will be revoked.

## 4. Parental Cooperation

If a parent demonstrates unsatisfactory cooperation with school personnel to rectify issues of concern as evidenced by more than two refusals to meet or speak with school staff as requested then the approval to continue with out of zone school attendance may be revoked. The unsatisfactory cooperation of the parent must have a documented communication to the parent warning them that if continued, the out of zone approval will be revoked. No warning is necessary if the parent demonstrates verbally abusive behavior or acts in a threatening manner resulting in a school stay-away order.

## 5. Change in Class or Program Enrollment

An out-of-zone school attendance approval may be revoked at the end of the school year when class or educational programs are anticipated to exceed their targeted maximum enrollment in the requested school for the next school year as determined by the Superintendent or designee(s).

## **F. Out of Zone Process: Pre-Kindergarten through Twelfth Grade**

### 1. Student Placement Request Form (File: JC-E1)

The parent/legal guardian must complete an Out of Zone School Attendance request form which is available at each school office or at the school board office.

### 2. Documentation

The parent/legal guardian must provide the following applicable documentation with Out of Zone School Attendance request form:

- a. Verification of current address (ex. current water, electric or telephone bill).
- b. Letter of verification from a licensed health professional qualified to diagnose and order treatment detailing the physical, mental, or emotional needs of the student, if applicable.
- c. Verification from child-care provider and information from parent/legal guardian, if applicable.
- d. Verification from parent of change of residence (ex. housing contract or lease agreement), if applicable.
- e. Documentation of school division employment status and verification of parent's primary work place assignment, if applicable.
- f. The completed out of zone request form and supporting documentation can be returned to either the requested school, designated zoned school or the school board office. Office staff

will time and date the request and then send the forms and documentation to the requested school's principal for processing.

3. Principal Review of Initial Request

The principal of the requested school shall review the initial out of zone request and the necessary documentation to determine if it meets this regulation. The principal of the receiving school will approve the out-of-zone request unless it lacks the necessary documentation or meets the criteria for initial denial as specified in Part D. The principal shall forward the approved request to the principal of the zoned school for signature. If the request is denied, the reasons for denial will be stated on the form, which will be forwarded to the Superintendent or designee(s) for review to ensure the denial meets school board policies and regulations. Parents will be notified in writing of the decision by the principal granting or denying the request no later than 10 business days prior to the requested start date. The Superintendent or designee will receive a copy of all forms, approved and denied, once the process is completed.

4. The out of zone school attendance requests will be reviewed and acted upon in the order in which it was received. Completed request forms will be date stamped by the office staff of the school or school board office when it is received. No request for out of zone will be acted upon for a student not currently enrolled at the school zoned for their residence.

5. Length of Approval and Renewal

Out-of-zone requests that were approved shall be renewable each year until the student has progressed through the grades of that school, unless the reasons for revocation as stated in section E are applicable. Parents are to notify the school principal in writing by May 1<sup>st</sup> if they intend to renew their application for the following school year. Applications and documentation do *not* have to be re-submitted.

## **G. Process of Revocation of Out of Zone School Attendance**

1. When it has been determined that the out of zone school attendance meets the criteria for revocation as detailed in section E, the principal shall notify the Superintendent or designee to ensure the revocation meets the criteria established by this regulation. Once the revocation criteria has been reviewed and approved by the Superintendent or designee, the principal will notify the parent in writing, clearly stating the reason for the revocation and its effective date. The revocation will be in effect at the end of the next grading period for reasons numbered 1-4 as listed in section D, or no later than 10 business days prior to the start of school for reason number 5 in section D. A copy of the revocation letter to the parent will be sent to the principal of the designated zoned school.
2. Students with disabilities under an Individualized Education Plan (I.E.P.) or 504 plan, or a student in the Child Study process may not be denied an initial out of zone approval or have their approval revoked for attendance, code of conduct violations, or academic effort until a review of the student's current I.E.P., 504 plan, or educational and behavioral supports by the Superintendent or designee has occurred to ensure compliance with the I.E.P., 504 plan, or division policies as they may apply. If the student with a disability's code of conduct violations are an issue and a manifestation determination review by the I.E. P. or 504 team found a causation between the disability and the behavior, the out of zone approval cannot be denied or revoked for the code of conduct violations caused by the disability.

## **H. Appeal of Initial Denial or Revocation: Pre-kindergarten through Grade 12**

A parent or legal guardian who disagrees with the denial or revocation of an out-of-zone approval may request an appeal meeting with the Superintendent or designee and/or the school principal to examine any extenuating circumstances that may apply. *Initial denials or revocations due to maximum class*



*size or program capacity are not subject to appeal.* The decision of the Superintendent or designee, is final.

## **I. Transportation**

Parents must provide a safe and punctual method of transportation for their child to and from the school. Any school absence, late arrival, or late pick-up to school due to traffic, mechanical failure, or other reason related to transportation is unexcused and will be grounds for revocation if excessive.

### **Special Notice to Parents Requesting an Out of Zone High School**

## **J. Transfers of High School Students and the Virginia High School League Eligibility Rules**

1. A student entering the ninth grade for the first time becomes immediately eligible in the high school in which he/she enrolls regardless of his/her residence status as per Section 28-6-2:5 of the VHSL Handbook. *High school students who are granted approval to transfer to a school outside their established attendance zone shall be ineligible to participate in VHSL sponsored activities for 365 consecutive days from the date of enrollment as per Section 28-6-2:1 of the VHSL Handbook.* As a general rule, Culpeper County Public School high school students using the out-of zone school attendance will lose their eligibility to participate in Virginia High School League sports or VHSL extra-curricular activities for 365 days in accordance with the VHSL rule stated above.
2. Exceptions to the general rule will be considered for extenuating circumstances by an eligibility committee consisting of the Activities Directors and Principals of the county's high schools.
3. If a request for transfer of eligibility is denied by the eligibility committee, the parent (s) or guardian (s) or the student shall have the opportunity to appeal the decision. The appeal request

shall be in writing to the Superintendent within five (5) calendar days of notification of ineligibility.

4. The Superintendent or designee shall review the case, and approve or deny the transfer of eligibility request. The parents/guardians will be notified of the decision within 15 business days.
5. The Superintendent or designee has discretion to approve transfers of eligibility within a school division when the transfers are due to re-zoning of schools, program needs, or other local matters.

Approved: July 1, 2002  
Amended: January 22, 2008  
Amended: March 23, 2010  
Amended: April 13, 2015

Legal Reference: Code of Virginia § 22.1-3.3. Transfer of students under certain circumstances.