



Special Education Advisory Committee

Draft Policy 8155 SCHOOL ASSIGNMENT

Recommendations Summary

October 12, 2022

Prepared For:
SEAC Membership
Special Education Community
Loudoun County School Board

Overview: Policy 8155

SCHOOL ASSIGNMENT

The School Board shall assign students to the school that serves the area of their actual residence. Students will attend the school designated by the School Board in the attendance zone in which the students reside in the pupil assignment plan (also called “regular school of assignment”). Exceptions to school assignment will be made in accordance with School Board Policies 8160, “Exceptions to School Assignment Due to Attendance Zone Change” and 8155.

Summary of Concerns and Recommendations

SEAC has reviewed the draft policy and determined that it does not reflect the needs of students with disabilities.

Concern 1: The Policy appears to be overly complicated by the renewal process for multiple years. A family must renew if a school is over enrolled, thus effectively invoking the same requirements regardless of K-12 status.

Recommendation 1: Lines 94 through 114. Delete Paragraphs 3. a. and b. Modify 3. c. to be applicable to all LCPS students.

Concern 2: Currently, the siblings of special education students who are displaced by LCPS must apply for special permission. Often, these requests are denied and the parents must appeal, placing the burden on the families for a situation created by LCPS. The subcommittee agrees that siblings of displaced special education students should be allowed to attend the same school versus having siblings at different schools if the parent desires all siblings to attend the same school. The revision to Policy 8155 attempts to remedy this situation.

Recommendation 2: Updates to Lines 147 through 149:

Line 147:

- change “may” to “shall”;
- insert “a” before students;
- change “students” to “student”;
- change “siblings” to “sibling”; and
- change “were” to “is”

New line 147: [permission shall be approved for a student whose sibling is](#)

Line 148-149:

- change “for a special education program” to “by the school division”;
- change “sibling” to “student”; and
- “may” to “shall”

New Line 148-149: placed at another school by the school division. Transportation for the student shall be provided if space is

Concern 3: Concerned that draft Policy 8155 takes away parent/guardian appeal rights. Situations that cause families to request special permission are fluid throughout the school year and families should have the ability to apply, be denied and then appeal to the school board through the appeals process.

Recommendation 3:

- Leave Lines 243-247 4. b., Lines 254-259 5. 5a., and Line 296 to 302 5. a.(v) as they appear in the original policy.

Line 243: Special permission requests received after the special permission deadline (June 30) will be automatically denied but may be appealed.

- Remove lines 246 and 247, “After July 31, special permission requests will not be accepted and will not be eligible for appeal.”

SEAC Membership Vote

SEAC Membership Vote on Recommendations

Quorum: 14 of 16 SEAC Members present – Quorum Established

Motion: Melissa Waugh made a motion to vote on the proposed recommendations as a slate. Shehnaz Khan seconded the motion

Vote Summary: Unanimous

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The School Board shall assign students to the school that serves the area of their actual residence. Students will attend the school designated by the School Board in the attendance zone in which the students reside in the pupil assignment plan (also called “regular school of assignment”). Exceptions to school assignment will be made in accordance with School Board Policies 8160, “Exceptions to School Assignment Due to Attendance Zone Change” and 8155, “School Assignment” as provided herein:

A. Instructional Suitability. At the discretion of the school division, students may be reassigned to a school, other than their regular school of assignment, for the purpose of providing students a more appropriate instructional program that better meets their individual educational needs ~~and or for other reasons~~ in accordance with established policies. Special programs, such as special education, have separate procedures for the placement of students. Students reassigned due to instructional suitability are entitled to transportation services provided by the school division according to established transportation policies and procedures, unless specified otherwise or reassignment is considered optional by staff but recommended to better meet the instructional (including social or emotional) needs of the student.

B. Relieving Overcrowding. At the discretion of the school division, students may be reassigned to a school other than their regular school of assignment, for the purpose of relieving overcrowding (also called “regional assignment”), if the regular school of assignment or a particular grade level at an elementary school of assignment is overcrowded. In such situations, the student may be reassigned to another school in which suitable capacity exists, with transportation provided by the school division. Effort will be made to reassign a regionally assigned student to the closest possible school with suitable capacity, and to return the student to their regular school of assignment at the start of the next school year in which the overcrowding situation no longer exists.

The following order of priority will be used to determine student school assignments during or immediately following regional assignments:

1. Students remaining within their regular school of assignment;
2. Students returning from a regionally assigned school to their regular school of assignment;
3. Students remaining at the regionally assigned school who would be doing so by special permission (without transportation provided by the school division);

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4. Incoming/new students with siblings already attending the school. This sub-section is intended to ensure that, to the greatest extent possible based on space availability, incoming kindergarten students and/or first graders will be able to attend the same regular school of assignment in which their older siblings are already enrolled. Only those schools projected to exceed the established grade level maximums at kindergarten and/or first grade will implement Regulation 8155 concerning sibling school assignments;

5. Incoming/new students enrolling in their regular school of assignment prior to July 1;

6. Students enrolled by special permission (see section C below); and

7. Incoming/new students enrolling after July 1.

Each situation that falls under one of the above sub-sections is subsequently prioritized against others within that situation based on the date of enrollment at that particular school.

C. Special Permission. A parent, adult student, or legal guardian may request for their student to attend a school of their choice by special permission of the school division under the following conditions:

1. Application Requirements for Special Permission.

- a. An appropriate request must be submitted annually by the parent, adult student, or legal guardian of the student (via a special permission request) and subsequently approved by the school division prior to taking effect.
- b. There is a commitment of the student's parent, adult student, or legal guardian to provide a means of reliable transportation for the student to and from the school, as transportation of the student will not be provided by the school division.

2. Approval Requirements for Special Permission. Approval may be granted under the following conditions:

- a. Sufficient capacity must exist at the requested school for the student to attend on special permission without causing or exacerbating overcrowding, a regional assignment, or without requiring additional staff or incurring additional cost to the school system.

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- b. An appropriate instructional program is available, at the requested school, to adequately meet the student's educational needs

3. Other Factors for Special Permission:

- a. Special permission shall only be approved on an annual basis at the elementary level **in kindergarten - grade 4** and must be renewed each year. Students who are approved for special permission, under a renewal request, are subject to the same conditions set forth in this policy for all students on special permission.

- a.b.** Special permission may be approved for rising grader 5 students who have previously been granted special permission for a school with the following conditions:

- (i) The student's approval to the school that special permission was granted has not been rescinded, during the school year, by the parent, or legal guardian, or the school division.
- (ii) A special permission renewal request must be submitted by April 30 of a given year, for the following school year. Students who are approved for special permission, under a renewal request, are subject to the same conditions set forth in this policy for all students on special permission.

- b.c.** Special permission may be approved for multiple years at the middle and high school level, until the student completes the highest-grade level at the school where special permission was granted, with the following conditions:

- (i) The student's approval to the school that special permission was granted has not been rescinded, during the school year, by the parent, adult student, or legal guardian, or **LCPSthe school division**.
- (ii) For over-enrolled schools, a special permission renewal request must be submitted by April 30 **of a given year, for the following school year**. Renewal applications, for over-enrolled schools, received after April 30 will go through the regular special permission process. Students who are approved for special permission, under a renewal request, are subject to the same conditions set

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forth in this policy for all students on special permission.

- e.d. Notwithstanding all other special permission ~~determinations~~ requirements, special permission may be approved for siblings when at least one sibling is already approved for special permission at the requested school and (i) separating the students would create a potential hardship for the family, (ii) approval would not require additional staff or incurring additional costs, and (iii) the principal is in agreement with approving the request.
- d.e. Notwithstanding all other special permission requirements, special permission may be approved for students whose siblings were placed at another school for a specialized special education program. Transportation for the sibling may be provided if space is available as determined by the Department for Support Services, Transportation Division.
- e.f. Special permission is contingent upon the student being in compliance with school rules and regulations and may be rescinded.
- f.g. Identifying and evaluating all other ramifications of attending a school by special permission is the responsibility of the parent, adult student, or legal guardian, prior to submitting a request. Ramifications may include, but are not limited to, changes in future-year capacity that precludes renewal of the request for special permission and certain athletic or Virginia High School League (VHSL) participation restrictions. Below are specific guidelines regarding VHSL eligibility:
 - (i) Under VHSL rules, subsequent student-requested transfers (or returning to a regular school of assignment) will generally result in 365 days of ineligibility unless there is an actual corresponding change of residence of the parent, adult student, or legal guardian. For transfers required by the school division, waivers from these restrictions may be considered by the Division Superintendent, or designee, in accordance with VHSL rules; and

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- (ii) Parents, adult students, or legal guardians are responsible for understanding all potential VHSL repercussions of changing schools by special permission.

4. Special Permission Application ~~and Appeals~~ Timeline:

- a. Special permission is a privilege for LCPS students. Special permission is not automatically approved, granted, or guaranteed year after year. Applications for special permission will be processed in the following manner:
- (i) Applications for special permission for LCPS students may be submitted beginning on April 1 through June 30 ~~of a given year, for the following school year.~~
 - (ii) LCPS school-based employees who reside in Loudoun County and who are parents or legal guardians of school-age students may apply for special permission beginning on March 1 through June 30, for their children to attend their base school, or within 30 calendar days of being hired, provided that the request is for transfer to the school where the parent, or legal guardian, is employed or drives a bus route for the requested school. LCPS school-based employees may also annually request special permission, beginning on March 1 through June 30, for their elementary-aged student(s) to attend an elementary school in the same cluster in which they are employed or within 30 calendar days of being hired or transferred.
 - (iii) Co-curricular employees, ~~substitutes, and other staff~~ that are not full-time LCPS employees, are not eligible to apply early for special permission for their child.
 - (iv) Notwithstanding the school capacity determinations set forth within this policy, nothing in this section shall be interpreted to limit the discretion of secondary school principals to allow the children of ~~LCPS employees who reside in Loudoun County to enroll and attend said school, based at-~~ with consent

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of the ~~principals'~~ respective schools ~~principal. to enroll in~~
~~and attend said schools.~~

(v) Special permission requests will be processed in the order in which they are received.

(vi) Official determinations on special permission requests will be provided to the parent, adult student, or legal guardian, within 30 days of the date the request was received, except for special permission requests for students to attend kindergarten at a school other than their regular school of assignment.

(vii) Official determinations for kindergarten students ~~that~~ ~~apply for special permission by June 30~~ will be provided to the parent, or legal guardian, by August 1.

~~(viii)b.~~ Special permission requests received ~~after the special~~
~~permission deadline (June 30) will be automatically between July~~
~~1 and July 31 will be denied but may be appealed per policy.~~
~~After July 31, special permission requests will not be accepted~~
~~and will not be eligible for appeal.~~

c. Students new to LCPS must enroll in their home school per Policy 8115 "Individuals Who May Be Admitted Free" and Policy 8125 "Student Admission". Students not enrolled in LCPS are not eligible to apply for special permission.

5. Special Permission Appeals Timeline: When special permission is denied between March 1 and July 31, parents, adult students, or legal guardians may appeal per the following guidelines:

a. If a special permission request, ~~received between March 1 and July~~ ~~31~~, is denied, parents, adult students, or legal guardians may appeal the decision to the Director of Student Services in the following manner:

(i) Under-Enrolled Schools: If capacity becomes available, per section C.2, appeals may be made directly to the Director of Student Services for review.

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- (ii) Over-Enrolled Schools: Appeals may be made directly to the Director of Student Services for the following reasons:
- (a) the renewal request for a rising senior is submitted after April 30, or
 - (b) the renewal request for a rising sophomore or junior is submitted after April 30 with a letter of approval from the principal, or designee-, or
 - (c) there is an unreported change of address.
- (iii) The overall capacity of both the home school and the requested school will be considered for appeals to middle and high schools that are projected to be at or above 100% capacity.
- (iv) Special permission requests for all students; If sufficient capacity becomes available, without requiring additional staff or incurring additional costs, the appeal may be approved by the Director of Student Services up to one day prior to the School Board Committee hearing.
- (v) If the ~~request~~ appeal for special permission requests received between March 1 and July 31 is denied or does not meet the criteria for review by the Director of Student Services, the parent, adult student, or legal guardian, may appeal to the School Board Committee per ~~School Board~~ Policy 2350, "Appeal of Administrative Decisions."
- ~~b. Appeals that do not meet the criteria for review by the Director of Students Services may be appealed directly to the School Board Committee per LCPS Policy 2350, Appeal of Administrative Decisions.~~
- e.b. Should the School Board Committee approve a request to an elementary school that is over-capacity within the grade level, the student will be placed in a regional school and their name will be

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placed on the waiting list to attend the approved school if space becomes available.

ec. The School Board Committee's decision is final.

D. In-County Residence Changes. Requests citing these provisions are accepted through the end of the current school year.

1. "Move Out" - A student who changes residence within Loudoun County ~~during the school year~~ after the first day of school may, upon request of the parent, adult student, or legal guardian, complete that school year in the school in which the student was originally enrolled, provided that the parent, adult student, or legal guardian, provides transportation to and from school. A student who is a junior at the time of changing residence may, upon request of the parent, adult student, or legal guardian, continue to attend the school to which ~~he or she was~~ they were enrolled prior to the change of residence, regardless of capacity, until graduation, provided that the parent, adult student, or legal guardian, provides any necessary transportation to and from school. A special permission renewal request will be required for the student to attend the school their senior year.

2. "Move In" - A parent, adult student, or legal guardian, who is in the process of buying, building, renting, or leasing a home in an attendance ~~area~~-zone other than the one in which they presently reside in Loudoun County may be assigned to the school that the student will attend when they move into their new home, provided that the school or elementary grade level is not over-capacity, and only if the lease start date or settlement date of such home will be completed within the school year. Any parent, adult student, or legal guardian that has moved into a new attendance ~~area~~-zone may have their primary residency verified by school staff to ensure VHSL eligibility for their student. The parent, adult student, or legal guardian must provide transportation to and from school.

E. Other Considerations

1. Renewal. Special Permission requests previously granted under paragraph C must be renewed annually beginning April 1 through June 30 for the next school year. Approvals ~~for requests~~ to continue to attend the requested school will be made in consultation with the principal and the director at the appropriate ~~school~~ level (elementary, middle, or high).

2. All reassignments and transfers under this policy shall be done in a non- discriminatory manner.

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F. Charter Schools. This policy does not apply to students enrolled in Charter Schools. These students are enrolled directly by law and through the agreements with the Charter School.

[Former Policy 8-20]

Adopted: 8/11/70

Revised: 1/11/89, 6/22/93, 7/1/97, 10/9/01, 8/9/05, 9/23/08, 9/14/10, 5/22/12, 1/22/13, 2/12/13, 6/11/13, 3/11/14, 6/24/14, 4/28/15, 1/28/16, 1/28/20

Current Revision: 6/8/21

Leg Ref: Code of Virginia, 1950 as amended, § [22.1-7.1](#)

Cross Refs: Policy [2350](#), Appeal of Administrative Decisions

Policy [5065](#), Kindergarten

Policy [5080](#), Class Sizes

Policy [5410](#), Charter Schools

Policy [6530](#), Changing School Attendance Zones

Policy [8160](#), Exceptions to School Assignment Due to Attendance Zone Change