SCHOOL ADMISSION

Generally

A person of school age (i.e., a person who will have reached the person's 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 Portsmouth 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 Portsmouth School Division;
- when, in accordance with the provisions of the Virginia legal 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 the Virginia legal code § 63.2-1200; or
  (iii) an adult relative providing temporary kinship care as that term is defined in
  If a person in a kinship care arrangement moves into a different school division during the school year as a result of (1) safely returning home, (2) being emancipated pursuant to the Virginia legal code § 16.1-333, or (3) transitioning to a new kinship care arrangement, the provisions of this subsection continue to apply through the end of such school year.
- when the person is living in the school division not solely for school purposes, as an emancipated minor;
- when all or any portion of the building in which the person resides (i) with another person as set forth in the first through fourth bullets above or (ii) as an emancipated minor as set forth in the fifth bullet above is taxable by the locality in which the school division is located; 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 the child 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 the child was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division. These provisions apply to any student who was in in foster care upon reaching 18 years of age and has not reached 22 years of age. The provisions of this subsection apply to a student who has transitioned out of foster care and (i) whose custody has been transferred to the student's parent or prior legal guardian or (ii) who has been emancipated pursuant to the Virginia legal code § 16.1-333.

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with the Virginia legal code § 22.1-5 and pursuant to Portsmouth 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 will 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 are allowed to continue attending school in the school division and are not charged tuition for attending such school;
- who is attending a school free of charge in accordance with this policy will 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 are allowed to remain enrolled in the 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 will be charged tuition by a school division that will be the child's school division of residence once the child's service member parent is relocated pursuant to orders received. Such a child will 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 must 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 will not charge tuition. Students eligible to enroll in the school division in accordance with this policy because they are the children of military personnel on active military duty who will reside in the division may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership

laboratory schools in the school division at the same time and in the same manner as students who reside in the division. The assignment of the school such child will attend will be determined by the school division.

Such children are 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 is not responsible for providing for their transportation to and from school.

Children of Certain Federal Employees

Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code are eligible for enrollment in Portsmouth Public School Division provided that the documents required by the Virginia legal code §§ 22.1-3.1 and 22.1-3.2 are provided and subject to the authority of the school division to exclude such children from attendance pursuant to the Virginia legal code § 22.1-277.2 or if such children have been found guilty or adjudicated delinquent for any offense listed in subsection G of the Virginia legal code § 16.1-260 or any substantially similar offense under the laws of any state.

Students may enroll in the Portsmouth Public School Division if the division is the student’s intended residence if documentation is provided at the time of enrollment of Title 22 or 50 orders of the federal employee parent. Documentation indicating a permanent address within the school division must be provided to the school division within 120 days of a student's enrollment or tuition may be charged, including tuition for the days since the student's enrollment. In the event that the federal employee parent is ordered to relocate under Title 22 or Title 50 orders before the one hundred twentieth day following the student's enrollment, the school division will not charge tuition. Students eligible to enroll in the school division pursuant to this section may register, remotely or in person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division at the same time and in the same manner as students who reside in the division. The assignment of the school that such student will attend will be determined by the school division.

"Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code" means school-age children, enrolled in kindergarten through grade 12, in the household of a federal employee serving under orders pursuant to Title 22 or 50 of the United States Code.

ADDITIONAL ADMISSION REQUIREMENTS

A. Except as otherwise provided below, no pupil is 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 principal’s designee records 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 must 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 will nonetheless be admitted into the public schools if the 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 immediately notifies the local law enforcement agency. The notice to the local law-enforcement agency includes 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 requests 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 the Virginia legal code § 22.1-5.

F. Prior to admission to the Portsmouth Public School Division, the parent, guardian, or other person having control or charge of the child must 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 is 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 the Virginia legal 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 is maintained by the superintendent and by any others to whom the superintendent 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 will 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 Portsmouth Public 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 the student's parent that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or superintendent's designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the superintendent or superintendent's designee; and the decision has been to exclude the student from attendance. The decision of the superintendent or superintendent's designee to exclude the student is final unless altered by the School Board upon written petition filed within two days of the decision to exclude the student by the student or the student's parent, for a review of the record by the School Board.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period is established by the School Board, committee thereof, or superintendent or superintendent's 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 identifies 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 must 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 the Virginia legal code § 22.1-277.06. The excluding School Board may not impose additional conditions for readmission to school.

H. This policy does not preclude contractual arrangements between the Portsmouth City School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend Portsmouth 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 the Virginia legal 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 is immediately enrolled; however, the person enrolling the child must provide a written statement that, to the best of the person's knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency must obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

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Legal Refs.: *The 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, 22.1-369, 22.1-373, 22.1-378, 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.:		
	JECA	Admission of Homeless Children
	JHCA	Physical Examinations of Students
	JHCB	Immunization of Students
	JGD/JGE	Student Suspension/Expulsion