

## **Ordinance 2024/25-66**

**Section 9-7.1. Persons eligible for school admission; admission requirements; when tuition charged; foster care enrollment; children of persons on active military duty; additional requirements.** — A. A person of school age (i.e., a person who has reached the person's fifth birthday on or before September 30 of the school year and who has not reached twenty (20) years of age on or before August 1 of the school year) is eligible for admission on a non-tuition basis if residing in the school division of Suffolk Public Schools or if eligible for admission under Policy regarding admission of homeless children found at 9-7.3.

A person of school age is deemed to reside within the school division of Suffolk Public Schools when the following exists:

1. When the person is living with a natural parent or a parent by legal adoption in the school division of Suffolk Public Schools;
2. 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;
3. When, in accordance with the provisions of Virginia 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;
4. 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 (i) either 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 Virginia Code §63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in Virginia Code § 63.2-1200. Both parents and the relative providing kinship care arrangement 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, or the person transitions to a new kinship care arrangement, 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. 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 Va. 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.

5. When the person is living in the school division not solely for school purposes as an emancipated minor; or
6. 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
7. When the person has been placed in a foster care placement within the school division by a local social services agency. Suffolk Public Schools 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 Suffolk Public Schools 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 foster care upon reaching 18 years of age and has not reached 22 years of age. 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 Va. 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.

B. Except as otherwise provided in this section, 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.

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.

Within 14 days, after enrolling a transfer student, Suffolk Public Schools requests documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school. Whenever a child is enrolled in Suffolk Public

Schools, Suffolk Public Schools shall provide the child with a student identification number.

C. 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.

D. Tuition rates are established each year in accordance with the provisions of § 22.1-5 of the Code of Virginia. Certain other students may be admitted into the public schools of Suffolk Public Schools and may be charged tuition in accordance with Section 22.1-5 (1950) of the Code of Virginia and pursuant to regulations promulgated by Suffolk Public Schools.

E. Prior to admission to Suffolk Public Schools the parent, guardian, or other person having control or charge of the child must provide, upon registration,

(i) 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

(ii) 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 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.

F. 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 school attendance in Suffolk Public Schools 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 Suffolk Public Schools after (i) written notice to the student and the student's parent that the student may be subject to exclusion, including the reasons therefor, and (ii) notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or the superintendent's designee regarding such exclusion; and (iii) a hearing of the case has been conducted by the superintendent or superintendent's designee; and (iv) a 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 15

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.

The School Board may affirm, reverse or alter the decision to exclude the student and the conditions for admission or readmission of the student. In any event, upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, the student may petition the School Board for admission or readmission to school. If the petition for admission or 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 admission or readmission. However, the School Board shall not impose any additional conditions for admission or readmission on the student than those previously imposed. But prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in §§ 22.1-270, 22.1-271.2 and 32.1-46 of the Code of Virginia and policies of 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, a 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.

This policy does not preclude contractual arrangements between the School Board and agencies of the federal government or school boards of other jurisdictions to permit students not otherwise eligible to attend Suffolk Public Schools.

For the purpose of this section, the superintendent's designee must be a:

- (i) trained hearing officer or
- (ii) professional employee within the administrative offices of Suffolk Public Schools who reports directly to the superintendent and who is not a school based instructional or administrative employee.

G. When a child is registered in Suffolk Public Schools as a result of foster care placement, the information required under this section must be furnished by the local social services agency or licensed child-placing agency that made the placement. 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.

H. No child of a person on active military duty who:

- (i) 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;
- (ii) 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
  - (iii) 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. 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.

I. Children of federal employees serving under orders pursuant to Title 22 or 50 of the United States Code are eligible for enrollment in Suffolk Public Schools provided that the documents required by Va. 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 Va. Code § 22.1-277.2 or if such children have been found guilty 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.

J. Students may enroll in the Suffolk Public Schools 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.

K. "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. (Adopted February 9, 1995; Revised October 9, 2003; Ordinance 03/04-1; Effective: July 1, 2004; Revised December 14, 2006; Ordinance 06/07-11; Effective: July 1, 2007; Revised June 13, 2013; Ordinance Number 12/13-96; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-94; Effective Date: July 1, 2016. Revised February 14, 2019; Ordinance Number 18/19-50; Effective Date: February 14, 2019; Ordinance 21/22-7; Revised August 12, 2021; Ordinance 23/24-55, Revised/Effective: January 11, 2024)

**Legal Authority** - Virginia Code §§ 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. Op. AG 07-015., 987-88 Va. Op. AG 374.