

PROCEDURE TITLE <b>ADMINISTRATIVE GUIDELINES FOR EVALUATING BOUNDARY EXCEPTION REQUESTS</b>		
ADOPTION/EFFECTIVE DATE May 24, 2017	MOST RECENTLY AMENDED: December 10, 2019	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY		

### I. Purpose

The purpose of these procedures is to set forth specific criteria regarding approval of requests for boundary exceptions (“BE”).

### II. Definitions

- A. **Boundary Exception** means authorization for a Harford County student to attend a school other than his/her home school.
- B. **Home School** means the school which a student is assigned to attend in his or her attendance area.
- C. **Student** means a child currently enrolled in a Harford County Public School.
- D. **Parent** means any one of the following, recognized as the adult(s) legally responsible for the student:
  - 1. Biological parent – A person legally identified as the natural parent who has not had parental rights terminated.
  - 2. Adoptive parent – A person who has legally adopted the student.
  - 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and privileges.
  - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and privileges.
  - 5. Caretaker – An adult resident of Harford County who exercises care, custody or control over the student who has a bona fide non-educational reason to reside with the caretaker.
  - 6. Foster parent – An adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement agency as provided by section 5-507 of the Family Law Article.

7. Relative - An adult who is approved by HCPS to provide informal kinship care over the child.
8. Employee – Any HCPS staff represented by a bargaining unit or staff assigned to an executive/leadership position.

### III. Procedures

#### A. General

1. Students who desire to attend a school outside of the attendance area where the student would otherwise attend school must obtain approval to do so by obtaining a BE pursuant to this procedure.
2. Approval of BEs shall be granted or denied by the Pupil Personnel Worker in collaboration with the requested school's principal pursuant to this procedure.
3. BE decisions shall, in addition to the factors described below in Section III B, be based upon:
  - a. Enrollment levels at the schools involved;
  - b. Building utilization at the schools involved;
  - c. Current/projected grade level class size at the schools involved;
  - d. Student's record at the home school, including grades, attendance and discipline;
  - e. Any other needs of the school system generally.
4. BEs will be considered and processed on a first come – first served basis.
5. A Boundary Exception which is approved for a student in grades K-12 for a given school year in a school level (elementary, middle, or high) shall remain in effect for the subsequent grades in that school level, without the need for re-approval until the student completes the final grade of the school level during which the Boundary Exception was approved, except when:
  - a. A student voluntarily withdraws from the receiving school;

- b. The reason for the initial BE request no longer exists or is applicable to the student;
- 6. Any student who is granted a BE and who completes the final grade of a school level must attend the middle or high school serving the attendance area where the student is domiciled with his/her parent/guardian, unless a new BE is approved.
- 7. Timing of Applications
  - a. BE applications shall be submitted between March 1 and June 1 of the school year prior to the year for which the BE is requested. BE applications that are received after the deadline shall be denied unless one of the following circumstances apply:
    - 1) The student began residing in Harford County after the deadline;
    - 2) An emergency event occurred that prevented the application from being filed timely;
    - 3) Information or documentation which was necessary to support the BE was not available until after June 1.
  - b. Kindergarten

BE applications for kindergarten students will not be reviewed until after the first day of July preceding the school year for which the BE is requested. All kindergarten students must be enrolled in his/her home school prior to submission of a BE application.
- 8. Applications will not be accepted to magnet or signature programs as they require a separate application process.

### B. Qualifying Reasons

The following constitute the basis upon which a BE may be granted:

- 1. Childcare: This reason requires the applicant to demonstrate that a student requires childcare provided by a licensed childcare provider, or a family member in the

requested attendance area because of financial hardship, or because the childcare in question is clearly necessary for the welfare of the student.

2. Curriculum (Program of Study): This reason requires that the applicant demonstrate that a high school student has a genuine and sincere desire to pursue a program of study unavailable at the student's home school. For requests related to specialized programs, requisite skills and program capacity will factor into the decision.
3. Hardship: This reason requires that an applicant demonstrate that a student's welfare, or that of his family, may be substantially adversely impacted if the requested BE was not granted which includes exploring remedies and interventions available at the home school. Documentation to support request is required.
4. Children or Dependents of HCPS Employees: This reason requires the applicant to demonstrate he or she is an HCPS employee and the student is his or her child or dependent for tax purposes. These requests will be subject to the same restrictions placed upon other reasons for application with regards to access to schools or grade levels which are overcapacity with the following exceptions:
  - a. The requested school is the place of employment of the HCPS employee applicant; or,
  - b. The child was already enrolled in the requested school at the time of application.
5. Continuity: This reason requires that the applicant demonstrate that the student, within reasonable probability, will complete fourth, seventh or eleventh grade; the student's parent has moved out of the school's attendance area and the student wishes to complete his/her fifth, eighth or twelfth grade year at the same school as he or she attended for fourth, seventh or eleventh grade.
6. Moved During the School Year: This reason requires that the student moved out of the attendance area in which he or she lived after the school year began. A student who has moved to a new address within Harford County, after the start of the Fourth Quarter, will be permitted to complete the school year at the school in which he/she is registered without the completion of a Boundary Exception application. The parent shall contact the school's Pupil Personnel

Worker to provide updated residency documents and complete Conditional Admissions paperwork. An approval for this qualifying reason is only effective for the remainder of the school year in which it was approved.

C. Application Process

1. A completed BE application must be submitted to the Pupil Personnel Worker assigned to the student's home or requested school. A copy of this application is attached as an exhibit.
2. After submission, the Pupil Personnel Worker, in collaboration with the requested school's principal, shall review the application and decide if, based on the factors set forth in this procedure, the application is granted or denied.

D. Transportation

Special arrangements will not be made to provide transportation for students on a Boundary Exception.

E. Termination

A BE may be revoked by the Pupil Personnel Worker at any point during the calendar year under any of the following circumstances:

1. The basis for the BE is no longer valid or applicable.
2. False material information was provided by the applicant to obtain the BE.
3. The student has, at the school relative to which the student was granted a BE, been suspended more than two times; been suspended to the Superintendent; failed at least two courses for a quarter; or has received a second failing grade in the same course in a subsequent quarter.
4. Excessive absenteeism or days tardy as determined by the Pupil Personnel Worker.
5. Any other conditions placed upon the BE have been violated.
6. The school or grade level a student is to enter in the following year is deemed to be overcapacity for the following school year. In this case, the principal of the school in which the student attends on a

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BE will notify the parent of this decision between June 1 and August 1 prior to the start of the following school year.

7. The qualifying reason was “Moved During the School Year.”
- F. Students who are found to be fraudulently enrolled cannot apply for a BE during that same school year.
- G. Appeals
1. Any student or parent who is aggrieved by a decision made pursuant to this procedure shall appeal such decision in writing to the Executive Director of Student Support Services within 10 business days thereof.
  2. If the appeal is denied, the matter may be further appealed by filing a written notice of appeal to the Superintendent within ten (10) business days of the date of the decision of the Executive Director of Student Support Services. The Superintendent or designee will make reasonable effort to issue a written decision within ten (10) business days of the receipt of the appeal.
  3. If the Superintendent or superintendent’s designee denies the appeal, the parent may appeal in writing to the Harford County Board of Education within thirty (30) calendar days pursuant to Education Article, Section 4-205(c) Annotated Code of Maryland.

**Approved By:**



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Sean W. Bulson, Ed.D.  
Superintendent of Schools

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Procedure Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	05-24-2017	Amended	12-10-2019		
Amended	02-05-2018				
Amended	10-08-2018				
Amended	04-09-2019				

Responsibility for Procedure Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Mr. Bernard Hennigan	JOB POSITION OF PERSON RESPONSIBLE: Director of Student Services
PROCEDURE NUMBER PRIOR TO NOVEMBER 1, 2005:	

### **LEGAL REFERENCES<sup>1</sup>**

References are set forth in the Procedure.

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<sup>1</sup> All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.