

SPECIAL SERVICES

Admissions, Residency, and Attendance

Eligibility for Enrollment

This policy supersedes Policy 2202.3

I. PURPOSE

To establish the eligibility requirements for enrollment in Fairfax County Public Schools (FCPS).

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

Change in footnote to clarify the definition of school age for special education students.

III. NONTUITION-PAYING STUDENT

A person of school age (i.e., a person who will have reached his or her fifth birthday on or before September 30 of the school year and who has not reached 20* years of age on or before August 1 of the school year) is eligible for admission on a nontuition basis if residing in Fairfax County. A person of school age shall be deemed to reside in Fairfax County when such person meets one of the following criteria:

- A. Is living with a natural parent or parent by legal adoption who actually resides in Fairfax County.
- B. Is living with an individual who is defined as a parent in Section 22.1-1 of the Code of Virginia, not solely for school purposes, pursuant to a special power of attorney executed under Title 10, United States Code, Section 1044b, by the custodial parent while such custodial parent is deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces.
- C. Is living with a person *in loco parentis* who actually resides in Fairfax County and the parents of such student are deceased.
- D. Is a resident of a military or naval reservation located wholly or partly within Fairfax County and is a domiciled resident of the commonwealth of Virginia, or if not a domiciled resident of the commonwealth of Virginia, is a student for whom federal funds provided under Public Law 874 of 1950 constitute 50 percent or more of the total per capita cost of education in FCPS exclusive of capital outlay and debt service.

* Notwithstanding the above, Fairfax County residents who have not reached 22 years of age on or before August 1 of the school year are eligible for admission on a non-tuition basis if they are students for whom English is a second language and who first entered school in Virginia after reaching the 12th birthday. Fairfax County residents receiving special education services who have not graduated with a standard or advanced studies high school diploma are eligible for admission on a non-tuition basis if they have not reached 22 years of age on or before September 30 of the school year.

- E. Is a resident of federal property in the District of Columbia who was enrolled as a domiciled resident of Fairfax County in FCPS but whose parents were subsequently required, as a result of military or federal orders, to relocate and reside on federal property in the District of Columbia.
- F. Reaches the age of 18 and actually resides in Fairfax County, or becomes a registered voter in Fairfax County and actually resides in Fairfax County.
- G. Resides in Fairfax County, not solely for school purposes, as an emancipated minor.
- H. Becomes a resident in another jurisdiction within 60 calendar days of the end of the school year, but requests to continue attending his or her previously assigned school on a nontuition basis until completion of the school year, subject to the condition that transportation will not be provided by the school system.
- I. Resides in Fairfax County with no intent of changing residency to that of his or her parents, and meets all of the following conditions:
 - 1. The resident with whom the student is living is either (i) the court-appointed guardian or has legal custody of the student or (ii) acting *in loco parentis* pursuant to placement of the student for adoption by a person or entity authorized to do so under Section 63.2-1200 of the Code of Virginia.
 - 2. The student is not living with the nonparents for the sole purpose of obtaining Fairfax County school privileges as determined by the Division Superintendent after full review of all related evidence.
 - 3. The student's parents are unable to care for the student. Independent documentation must be provided regarding family circumstances, such as severe medical condition, incarceration, child abuse, or extreme estrangement between parents and children.

A student may be permitted to attend school for a limited time, pending a court hearing, with evidence of a petition having been filed with the court, and having satisfied all other documentary provisions of this policy.
- J. As outlined in the current version of Regulation 2205, is a student lacking a fixed, regular, and adequate nighttime residence, and the primary nighttime residence is located within the school division or on property located in multiple jurisdictions. A student attending FCPS who becomes homeless and moves into temporary housing outside Fairfax County is eligible to remain in his or her current school on a nontuition basis until permanent housing is established.
- K. Is an over school-age person residing in Fairfax County and enrolled in day and/or evening adult education classes primarily for the purpose of completing high school.

The burden of establishing and/or providing proof of the student's residence is the responsibility of the parent or guardian. Bona fide residence is one's actual residence, maintained in good faith, and does not include superficial residence established for the purpose of free school attendance. If it is determined that a student has fraudulently enrolled in FCPS, the student shall be withdrawn, and the parent or guardian shall be liable for tuition for the entire time of fraudulent enrollment.

IV. TUITION-PAYING STUDENT

A student of school age who does not qualify for tuition-free services under section III. of this policy may apply to the Division Superintendent for admission on a full-tuition basis. The Division Superintendent shall have sole discretion for accepting or rejecting such applicants based on the best interest of FCPS, as determined by the Superintendent after a review of the student's application and other relevant evidence. A prospective tuition-paying student must meet one of the following conditions to apply for admission:

- A. Is living with a nonparent in Fairfax County solely for school purposes; the student's parents do not reside in an adjacent jurisdiction or the District of Columbia; unusual circumstances exist warranting attendance in FCPS; and space is available in the requested school and pyramid. For purposes of this policy, a school has available space only if the Division Superintendent has designated the school as significantly underenrolled for the year of the student's application for admission.
- B. Is living with a nonparent in Fairfax County, and the student's parents reside in an adjacent jurisdiction or the District of Columbia; or is living with a parent who resides in an adjacent jurisdiction or the District of Columbia. The following conditions shall also be met:
 - 1. Space is available in the requested school and pyramid. For purposes of this policy, a school has available space only if the Division Superintendent has designated the school as significantly underenrolled for the year of the student's application for admission.
 - 2. The basis for the request is one of the following:
 - a. The family demonstrates hardship in providing appropriate supervision for an elementary school child in the jurisdiction in which the parent actually resides. Factors to be considered shall include, but are not limited to, the age of the child, lack of child care providers in the area of residence, personal circumstances within the parent's household, and the parent's schedule.
 - b. The family demonstrates exceptional hardship for reasons of medical, emotional, or social adjustment. Documentation substantiating the circumstances (e.g., from physicians, psychologists, and/or counselors) shall be required.
 - 3. The student's state of residence (if other than Virginia) grants school admission privileges to residents of Virginia.

Verification of qualifying circumstances shall be made by FCPS staff members.

- C. Is a child of a nonresident employee of FCPS.
- D. Is placed in the home of Fairfax County residents by government social services agencies or the courts. Payment to FCPS is made by the Virginia Department of Education for students placed by local or Virginia social services agencies; tuition for students placed by government agencies outside Virginia is paid by those agencies pursuant to contract with the school system. If there is a change in placement of a currently enrolled FCPS student in foster care, the student is eligible to remain in his

or her current school upon the agreement of the placing social agency that such continued enrollment is in the best interest of the student.

- E. Will become a resident within 180 calendar days from the time of entering school. Tuition will be collected for the entire period of nonresident attendance if residence has not been established within 180 calendar days from the time of entering school. The 180-day policy does not apply to students who will become residents within 180 calendar days from the time of entering school by reaching the age of 18.
- F. Will become a nonresident after completion of the student's eleventh grade year. Tuition will be required for the twelfth grade year, unless the student meets the provisions of section II., item H., of this policy. The student may not continue on a tuition-paying basis for any subsequent school year unless otherwise eligible under this policy.
- G. Is a resident of a military or naval reservation located wholly or partly within the geographical boundaries of Fairfax County, is not a domiciled resident of the commonwealth of Virginia, and is a student for whom federal funds under Public Law 874 of 1950 provide less than 50 percent of the total per capita cost of education in FCPS exclusive of capital outlay and debt service.
- H. Is an overage student near completion of his or her high school program and attending a regular high school program. Tuition may be waived for needy students.
- I. Is a student from a foreign country who has graduated from high school in his or her home country but does not meet the age requirement for eligibility for college attendance. Tuition shall be charged until the end of the school year in which he or she reaches the age of eligibility for college enrollment.

V. FOREIGN EXCHANGE STUDENTS

The Division Superintendent may grant approval for the admission on a nontuition basis of students participating in foreign exchange student programs approved by the assistant superintendent, Department of Special Services.

VI. GENERAL PROVISIONS

Tuition rates are established each year in accordance with the provisions of Section 22.1-5 of the Code of Virginia.

This policy does not preclude contractual arrangements between the Fairfax County School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend FCPS.

Legal reference: United States Code, Title 10, Section 1044b
Code of Virginia, Sections 22.1-1, 22.1-3, 22.1-5, 63.2-1200

See also the current versions of: Policy 2201, Compulsory Attendance Requirements
Regulation 2205, Enrollment of Homeless Students
Policy 3510, Adult Education--Extended Education
Programs

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FAIRFAX COUNTY SCHOOL BOARD