

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: ACA, IOI-RA, JEE, JGA, JGA-RA, JGA-RB, JGA-RC, FAA

Responsible Offices: Chief Operating Officer; Chief Academic Officer

Student Transfers and Administrative Placements

I. PURPOSE

To establish procedures concerning within-county Changes of School Assignment (student transfers) and administrative placements

II. BACKGROUND

Students are expected to attend the school for the established attendance area in which they reside or the school that they are assigned in accordance with an Individualized Education Program (IEP). As set forth in Montgomery County Board of Education Policy JEE, *Student Transfers*, a Change of School Assignment (COSA) request for a student to attend a school outside such attendance area may be initiated by the parent/guardian/eligible student (student who has reached 18 (the age of majority) or is emancipated prior to the age of 18), or Montgomery County Public Schools (MCPS) staff.

III. DEFINITIONS

A. The *assigned school* is a school other than the student's home school. The assigned school is the school assigned in accordance with the student's Individualized Education Program (IEP); participation in a countywide, regional, or other program established by the superintendent of schools; or administrative placement. When a student is granted a COSA, the requested school becomes the assigned school.

B. The *home school* is the school within the established attendance area in which the student resides.

IV. TIMELINES AND APPLICATION PROCEDURES FOR REQUESTING A CHANGE OF SCHOOL ASSIGNMENT (COSA)

A. Application Procedures

1. To request a transfer to a school other than a student's home school, parents/guardians/eligible students may locate the annual COSA booklet, which contains student transfer procedures, deadlines, and the transfer request form, on the MCPS website or from their home school.
2. MCPS Form 335-45, *Request for COSA*, is available at every MCPS school and on the MCPS website, in multiple languages.

B. Timelines

1. Timelines for COSA requests are established and updated each year in the COSA booklet, in compliance with Board Policy JEE, *Student Transfers*, and shared with schools and the community in late January every year.
2. Students must enroll in and attend their home school while a COSA request is being processed.
3. The completed MCPS Form 335-45 must be submitted to the principal/designee of the student's home school by the deadline stated in the COSA booklet.
 - a) The principal/designee of the student's home school will sign the form to signify verification of residency and acknowledge the request. Such a signature does not constitute agreement or disagreement with the request.
 - b) The student's home school will forward the completed form to the Division of Pupil Personnel and Attendance Services (DPPAS) for processing.
 - c) The DPPAS will complete a review prior to a decision being made.
4. Students receiving special education services available in all schools (for example, Speech and Language, Home School Model, Hours-based Staffing, or Learning and Academic Disabilities Services) should follow the regular COSA process.
 - a) If the student's Individualized Education Program (IEP) requires special education services that are not offered in all schools, the parent/guardian/eligible student should indicate on the COSA form that the student receives special education services in a specialized

program, in addition to submitting appropriate documentation indicating the reason for the COSA request.

- b) Decisions regarding requests for students receiving special education services that are not available in all schools will be made after July 1.
- 5. The parent/guardian/eligible student will receive written notification of approval or denial of a COSA request from the DPPAS.
- 6. The home and requested schools will be notified that the request has been approved or denied.

V. STUDENT TRANSFERS SUBJECT TO AUTOMATIC APPROVAL

The following student transfers are automatically approved but require submission of MCPS Form 335-45, *Request for a COSA*, for record-keeping purposes:

- A. Paired schools are considered one school for COSA purposes. However, if students attend a paired elementary school on an approved COSA, they must submit a new MCPS Form 335-45, *Request for a COSA* (which will automatically be approved), to attend the upper elementary grade school. Each pairing has unique characteristics that can impact the implementation of transfers.
- B. Students who are assigned to Poolesville Elementary School who wish to attend Monocacy Elementary School must submit MCPS Form 335-45, *Request for a COSA*, which will automatically be approved.
- C. Out-of-area students in Downcounty Consortium middle school special programs are guaranteed enrollment in a Downcounty Consortium high school by participating in the Choice Process lottery.

VI. RETURNING TO THE STUDENT'S HOME SCHOOL

- A. A parent/guardian/eligible student may elect for a student to return to their home school at any time if the student–
 - 1. is attending a school on an approved COSA; or
 - 2. attends a countywide or regional program, or a program specifically identified by the superintendent of schools.

3. Students who are attending a school other than their home school because they are participating in a countywide or regional program will be required to return to their home school if they discontinue participation in such program.
- B. A student's return to their home school is determined by the appropriate MCPS administrator as follows:
1. Returning to a home school from a school assigned through a student's IEP is determined on a case-by-case basis by the Office of Special Education.
 2. Returning to a home school from a school assigned through an administrative placement as set forth in section VII.
 3. A principal may request the DPPAS director to rescind a student's COSA with proper cause. Where safety is not a concern, the DPPAS director will give consideration to whether the principal/designee has notified the parent/guardian/eligible student of any concerns, and available supports and appropriate behavior intervention strategies have been considered and attempted to allow the student to remain and either failed or were determined to be inappropriate for the maintenance of a safe, positive learning environment.
 4. COSA requests after an extended suspension generally are not approved and will be addressed by the DPPAS director, in consultation with the school principals involved.
- C. When a student must reapply for a COSA
1. In certain circumstances, COSAs may be limited to one year only.
 - a) In cases where a family moves during a school year, a COSA may be granted to complete the school year (with certain exceptions set forth in Board Policy JEE, *Student Transfers*, section C.1.b).
 - b) In such cases, students must enroll in their home school for the next school year, unless parents/guardians/eligible students reapply for and receive a COSA to continue in the assigned school the next year.
 2. Unless otherwise set forth above, COSAs are granted for sufficient years to allow the student to complete grades at that school, and students must reapply for a COSA to attend the next school in that feeder pattern. See Board Policy JEE, *Student Transfers*, section C.3.

VII. ADMINISTRATIVE PLACEMENTS

- A. MCPS has the authority and reserves the right to reassign a student to a different school or alternative instructional program for safety reasons.
- B. OSSWB staff members are responsible for monitoring the academic progress, student engagement, and social adjustment of students with administrative placements. Students who are administratively placed have the right to participate in athletics and other extracurricular activities upon placement.
- C. Administrative Placement Requested by the Office of School Support and Well-being (OSSWB)
 - 1. A principal may request the administrative placement of a student for safety reasons through the appropriate OSSWB area superintendent.
 - 2. Consistent with Board Policy JGA, *Behavior Intervention, Safety, and Well-being Plan*, the OSSWB area superintendent is responsible for reviewing the request to consider the student's age, previous conduct impacting school safety, cultural or linguistic factors that may provide context to understand student behavior, circumstances surrounding any relevant incidents, and imminent threat of serious harm.
 - 3. The OSSWB area superintendent submits the request to the DPPAS director, who will, in consultation with the principal, the pupil personnel worker (PPW) assigned to the student's home school, and the appropriate OSSWB area associate superintendent review–
 - a) the student's educational, medical, and behavioral record; and
 - b) the request, to determine if appropriate behavior intervention strategies have been considered, attempted, and either failed or were determined to be inappropriate for the maintenance of a safe, positive learning environment.
 - 4. The DPPAS director–
 - a) approves or denies the OSSWB-initiated administrative placement request; and

b) if the request is approved, the DPPAS director selects the school to which the student will be placed.

5. A conference may be scheduled by the PPW with the principal, the parent/guardian, and the student to review the reason(s) for the administrative placement.

6. The parent/guardian or eligible student may appeal the director of DPPAS's decision to administratively place the student. The appeal must be submitted to the Office of the Chief Operating Officer within 15 calendar days, following procedures set forth in section VIII.

7. The parent/guardian or eligible student may request a review of the school assignment following procedures set forth in section VII.F.

a) If the parent/guardian/eligible student is also seeking an appeal of the decision to administratively place the student, the review of school assignment will wait until the resolution of that appeal.

b) See also section VIII.D, 3-4.

D. Administrative Placement Initiated by the Superintendent of Schools/Designee

1. An administrative placement may be initiated by the superintendent of schools/designee.

2. The parent/guardian or eligible student may appeal the superintendent of schools/designee's decision to administratively place the student. The appeal must be submitted to the Board of Education within 10 calendar days, following procedures set forth in section VIII.

E. Administrative Placement Involving a Reportable Offense

Maryland law requires that if a student is removed or excluded from the student's regular school program for a reportable offense, the principal or superintendent of schools/designee shall invite the student's attorney, if the student has an attorney, to participate in the conference between the student and the student's parent/guardian and the principal/superintendent of schools' designee, and the manifestation determination review team, if applicable.

1. "Reportable offense" shall have the meaning as defined in Maryland law (Annotated Code of Maryland, Education Article, section 7-303(a)(6)) to refer to offenses that occurred off school premises, that did not occur at

events sponsored by the school, and that involved certain crimes of violence. These crimes of violence include, but are not limited to, arson; assault; burglary; criminal organization activity; offenses related to controlled dangerous substances and noncontrolled substances; offenses related to destructive devices and weapons; and using a minor to manufacture, deliver, or distribute a controlled dangerous substance.

2. Additional procedures shall be followed, as set forth in Code of Maryland Regulations (COMAR) 13A.08.01.17.B:
 - a) Promptly, upon receipt of information from a law enforcement agency of an arrest of a student for a reportable offense, the superintendent of schools/designee shall provide the principal of the school in which the student is enrolled with the arrest information, including the charges. If the student who has been arrested is an identified student with disabilities who has been enrolled by MCPS in a nonpublic school program, the superintendent of schools/designee shall provide the principal of the nonpublic school with the arrest information, including the charges.
 - b) The school principal, with appropriate staff members, shall immediately develop a plan that addresses appropriate educational programming and related services for the student and that maintains a safe and secure school environment for all students and school personnel. The school principal shall request that the student's parent/guardian—
 - (1) participate in the development of the plan; and
 - (2) submit information that is relevant to developing the plan.
 - c) If the plan results in a change to the student's educational program, the school principal shall promptly schedule a conference to inform the parent/guardian of the plan. The plan shall be implemented no later than five school days after receipt of the arrest information.
 - d) The school principal and appropriate staff shall review the plan and the student's status and make adjustments as appropriate:
 - (1) Immediately on notification from the state's attorney of the disposition of the reportable offense; or

(2) Pending notification from the state's attorney, at a minimum, on a quarterly basis.

e) The parent/guardian shall be informed of any adjustments to the plan.

F. School of Assignment for Administrative Placements

1. The DPPAS director assigns the school to which a student will be administratively placed. The school assignment will take into consideration school capacity, transportation, and opportunities for the student's overall school success, including positive peer relationships and engagement in the school community.

2. A conference may be scheduled by the PPW with the parent/guardian and the student to consider possible schools to which the student may be assigned.

3. When the superintendent of schools/designee determines an administrative placement is necessary following an extended suspension, the DPPAS director will—

a) notify the parents/guardians/eligible student in writing that the student will be administratively placed in a new school at the conclusion of the extended suspension, and

b) inform the parents/guardians/eligible student of the new school assignment, in writing, no fewer than five work days prior to the end of the suspension period.

4. Request for a review of the school assignment

Once notified of the new school assignment, the parent/guardian/eligible student may request a review of the school assignment if they believe the assignment creates an undue hardship for the family or precludes opportunities for the student's overall school success, including positive peer relationships and engagement in the school community.

a) That request should be made in writing to the DPPAS director, who will review the request.

b) If the DPPAS director reviews the request and determines that the new school assignment does not create an undue hardship for the

family or preclude opportunities for overall school success, the parent/guardian/eligible student should follow the process for appealing a change of school assignment (COSA) under section VIII C. of this regulation.

VIII. APPEALS

COSA Denial	COSA Rescission	Administrative Placement by OSSWB	Administrative Placement by Superintendent	School of Assignment (for Administrative Placements)
To super-intendent within 15 calendar days of the denial decision	To super-intendent within 15 calendar days of the rescission decision	To super-intendent within 15 calendar days of the placement decision	See below (appeal directly to the Board)	Request a review of the assigned school by the director of DPPAS. If unsatisfied with DPPAS decision, appeal to the superintendent within 15 calendar days of DPPAS decision.
To Board within 30 calendar days of the super-intendent/ designee's decision	To Board within 30 calendar days of the super-intendent/ designee's decision	To Board within 10 calendar days of the super-intendent/ designee's decision	To Board within 10 calendar days of the super-intendent/ designee's decision	To Board within 30 calendar days of the super-intendent/ designee's decision

A. Appeals to the Superintendent of Schools

1. The chief of the Office of District Operations serves as the superintendent of schools' designee for appeals of COSA decisions and administrative placements (except for administrative placements initiated by the superintendent of schools).
2. Appeals of a COSA denial, COSA rescission, or administrative placement must be made in writing and must be received by the Office of the Chief Operating Officer within 15 calendar days of the date of the decision letter (except when the administrative placement was initiated by the superintendent of schools, see section VIII.E.1).

3. The appeal should state the reason(s) for seeking review of the decision and include any additional information they want to be considered.
4. The superintendent of schools/designee will review all available information before issuing a decision.
5. Although the matter is usually considered on the basis of the documents received and telephone conferences, in-person conferences may be arranged by the chief operating officer's hearing officer.
6. Decisions will be made promptly, given the number, complexity, and timing of appeals being handled at the same time.

B. Appeal of a Denied COSA Request

1. A COSA request that is denied may be appealed to the superintendent of schools/designee.
2. The student must enroll in and attend the home school while the appeal of a COSA denial is in process, except in the case of administrative placements.
3. Appeals of COSA denials received by the superintendent of schools/designee before July 1 will be decided prior to the beginning of school.

C. Appeal of a Rescinded COSA

1. If a student's COSA is rescinded, the rescission may be appealed to the superintendent of schools/designee.
2. The student may remain enrolled in the assigned school (i.e., the school to which the student had received a COSA) during the appeal.
3. If the superintendent of schools/designee upholds the rescission, the student returns to their home school. The student remains in their home school if the parent/guardian/eligible student chooses to appeal to the Board of Education.

D. Appeal of an Administrative Placement

1. The decision to administratively place a student may be appealed to the superintendent of schools/designee, except when the administrative

placement was initiated by the superintendent of schools (see section VIII.E.1).

2. The school to which a student was administratively placed may be appealed to the superintendent of schools/designee, after first requesting a review by the DPPAS director (see section VII.F).
3. The student must remain in the assigned school to which the student was administratively placed during the appeal, except as specified in VIII.C.3.
4. When an administrative placement follows an extended suspension, the student may stay at the school attended during the extended suspension, or they may attend the school to which they were assigned following the suspension.

E. Appeal to the Board of Education

1. An appeal of the decision of the superintendent of schools/designee must be made in writing and received by the Board—
 - a) within 30 calendar days of the date on the superintendent of schools' decision letter regarding a COSA denial or COSA rescission.
 - b) within 10 calendar days of the date on the superintendent of schools' decision letter regarding a decision to administratively place the student.
2. Appellants are strongly encouraged to file any appeal as soon as possible.
3. As set forth in Board Policy BLB, *Rules of Procedure in Appeals and Hearings*, the superintendent of schools/designee will be given the opportunity to respond, with a copy sent to the appellant, before the Board considers the appeal.
4. During the Board appeal process, the student should be enrolled in the school stipulated in the decision made by the superintendent of schools/designee.
5. The Board's decision will be rendered in writing, based on procedures set forth in Board Policy BLB, *Rules of Procedure in Appeals and Hearings*.

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