

Agreement

between

The United States of America

and

Henry County School District

Complaint #169-19-70

DEFINITIONS

1. “ELs” refers to students who have been determined to be English Learners, Limited English Proficient, or Non-English Proficient and thus require assistance to overcome language barriers that impede their equal and meaningful participation in the District’s instructional programs.

2. “Henry County School District” and the “District” refer to the Henry County Board of Education, located in Henry County Georgia, and the public schools it operates.

3. “LEP” refers to Limited English Proficient.

4. “Parent” refers to a parent, guardian, or any other person legally responsible for a student under state law.

5. “Registration Forms” refers to the District’s forms provided to enrolling parents at the time of registration. The Registration Form for the 2012-2013 school year is attached to this Settlement Agreement as Exhibit A.

6. “Statement of Objection/Waiver” refers to the District’s form provided to parents who choose not to provide their child’s social security number to the District. The Statement of Objection/Waiver is attached to this Settlement Agreement as Exhibit B.

7. “Student” refers to a child who is eligible to enroll in Henry County School District under Georgia law.

PURPOSE

8. The District and the United States, by and through the Department of Justice’s Civil Rights Division (DOJ) agree to the terms of this Settlement Agreement (“Agreement”) and agree to comply fully with its provisions in order to address and resolve the issues raised by the DOJ regarding the District’s legal obligations under Title IV of the Civil

Rights Act of 1964, 42 U.S.C. § 2000c-6 (“Title IV”), the Equal Educational Opportunities Act (“EEOA”), 20 U.S.C § 1701 et seq., and applicable Constitutional law. This Agreement shall be binding upon the parties hereto and their successors in office.

9. In consideration for the commitments made herein by the District, the DOJ agrees not to initiate judicial proceedings related to the areas covered by this Agreement except as set forth in this Agreement. This commitment does not relieve the District from fulfilling any other obligations of law. This Agreement shall become effective on the date of its execution by both parties and shall remain in effect until terminated as hereafter provided.

GENERAL REQUIREMENTS

10. Pursuant to Georgia Statute § 20-2-150(d) and Georgia State Board of Education Rule 160-5-1-.28 Student Enrollment and Withdrawal,¹ the District requests students’ social security numbers upon enrollment. The parent may satisfy the State’s social security number requirement by providing an official copy of the social security number to the school or signing a statement objecting to the requirement. In accordance with federal law, the District will ensure that a parent’s decision not to provide his or her child’s social security number will not bar the child from enrolling in or attending school.

11. The District shall ensure that all students are able to access its educational programs, regardless of national origin or immigration status; shall ensure that its student enrollment practices do not chill or discourage the participation, or lead to the exclusion, of students based on their or their parents’ actual or perceived citizenship and/or immigration status; and shall not request information of parents or students with the purpose or result of denying or limiting access to public schools on the basis of race, color, or national origin.

¹ See Exhibit C.

12. At no time shall the District state or suggest that failure to provide a student's social security number or to return the Statement of Objection/Waiver form will bar or delay a child's enrollment in school, or result in the District's withdrawal of a child from school. Further, the District shall not engage in any act to bar or delay enrollment of a child based on a failure to provide a social security number. To that end, the District will not include any reference to social security numbers on its letters and forms related to provisional enrollment.

13. To make enrollment accessible to all families, as required by the EEOA, the District shall ensure that its schools communicate enrollment related information, including any request for a student's social security number or Statement of Objection/Waiver, to all parents in a language parents can understand. To that end, the District will have registration and enrollment-related documents, forms, and communications relating to a request for a social security number readily available in both Spanish and English. The District shall follow the procedures in Section B for parents who speak any language other than Spanish or English.

SPECIFIC REQUIREMENTS

A. The District shall ensure that the parent enrolling is aware that providing a student's social security number is voluntary and not required to enroll a child in school.

14. The enrolling document and other communication requesting social security numbers, including any information posted on the District's website, shall: (a) state that the provision of a child's social security number is voluntary; (b) explain how the social security number will be used by referencing the school's website, student handbook, and on the backside of the Statement of Objection to Providing Social Security Number for Students; and (c) make clear that a Statement of Objection/Waiver (*see* Ex. B) is available to all parents who do not wish to provide their child's social security number.

15. If a parent does not provide a child's social security number at the time of registration, and the District elects to send the parent a follow-up letter re-requesting the social security number of the child, the follow-up letter will include (a) the information described in paragraph 14 and (b) a copy of the Statement of Objection/Waiver form (*see* Ex. B).

B. The District shall ensure that it provides LEP parents with meaningful access to the same information provided to parents of non-LEP parents, including information regarding registration and enrollment.

16. To identify LEP parents, the District shall ask parents when they register a child in a District school, in a language the enrolling parent understands, whether the parent needs oral and/or written communications in a language other than English. Once the District becomes aware of a parent's communication needs, the District shall provide translation and interpretation of enrollment and registration policies and requirements.

17. If the registration form is needed in a language other than English, the school will retain copies of the English Registration Forms and the Translated Registration Forms.

18. The District shall ensure that all of its registration and enrollment documents are readily available in both English and Spanish at every school in the District, the District's administrative offices, and any other location where parents register their children for school.

19. The District will provide a list of local interpreters to each school and post a copy of the current interpreters list on MyHenry (the District's Intranet). When necessary, the School will contact Culture Connect (located in Atlanta) or a similar service provider selected by the District to coordinate a conference either in-person or via phone conference with the interpreter and parent. When translation of registration and enrollment documents is needed, the

District will contact a private contractor or World Lingo to assist the District with the translation of documents.

20. Annually, the District shall provide training to all District administrators regarding registration and enrollment requirements. The school level administrators will provide the registration requirements to his or her staff who participate in registration and enrollment at his or her school.

21. The District shall provide reports to the DOJ on or before January 7, 2013 (“January 2013 Report”) and on or before July 15, 2013 (“July 2013 Report”) and September 15, 2013 (“September 2013 Report”). The said reports shall include the following:

a. Copies of all template registration and enrollment documents (January 2013 and and July 2013 Reports only);

b. Copies of the template registration and enrollment documents translated into Spanish (January 2013 and July 2013 Reports only);

c. The number of enrolled students with an LEP parent, by school the students attend and by the parent’s primary spoken language (January 2013 and September 2013 Reports only);

d. A copy of the District’s employee translator and interpreter list (January 2013 and September 2013 Reports only);

e. Verification that the District has conducted training sessions for all principals and assistant principals, and make-up trainings for those who miss their sessions, concerning the District’s responsibilities in registering students and effectively communicating with LEP parents, including the dates and providers of each training (January 2013 and September 2013 Reports only);

f. Copies of all complaints received concerning the District's registration or enrollment forms, processes, or procedures; and

g. Any other information that the District believes will be helpful.

ENFORCEMENT

22. The District shall maintain records of all information pertinent to compliance with the terms of this Agreement and shall provide such information to the DOJ upon request.

23. The District acknowledges that the DOJ, through its representatives and/or any consultant or expert it may retain, has the right to conduct an on-site review of the District's schools to evaluate compliance with the terms of this Agreement upon giving reasonable notice and consultation with the District to minimize any disruption to the educational process in the schools.

24. If any part of this Agreement is for any reason held to be invalid, unlawful, or otherwise unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of any other part of the Agreement. Furthermore, the District and the DOJ shall meet within 15 days of any such decision to determine whether the Agreement should be revised or supplemented in response to the court's decision.

25. The DOJ may initiate judicial proceedings to enforce the EEOA, Title IV, and this Agreement; provided that, the DOJ agrees that it will not initiate or pursue any enforcement action without first giving written Notice to the District of the alleged violations of this agreement and attempting to resolve issues by negotiating in good faith for thirty days with the District's representative.

26. The following signatures indicate the consent of the parties to the terms of this Settlement Agreement, which is effective upon its mutual execution.

TERMINATION


27. The District shall have the right at any time after the filing of the September 2013 Report required in paragraph 20 to notify DOJ that it is in compliance with the terms of the Agreement. DOJ shall have 60 days from the date of said Notice to raise any objections to said Notice. If no objections are raised or if the objections are cured to DOJ's satisfaction, then this Agreement shall terminate and DOJ shall have no further claims under this Agreement.

28. DOJ, consistent with its responsibility to enforce Title IV, the EEOA, and other federal law, retains the right to investigate and, where appropriate, initiate judicial proceedings concerning any future alleged violations of these laws by the District or any past violations of these laws not covered by this Agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed this 9th day of November, 2012.

For the United States:

THOMAS E. PEREZ
Assistant Attorney General

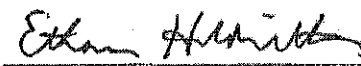

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THE HENRY COUNTY BOARD
OF EDUCATION

 (SEAL)

PAM NUTT
Chairman

 (SEAL)

Secretary

Exhibit A



Welcome To Henry County Schools

Office Use Only	Form Revised: July 2012
School: _____	
Date Enrolled: _____	Grade: _____
Student #: _____	Teacher: _____

Student Information (Please Print):

Student's Legal Name: _____
(Last) (First) (Middle) (Called)

Date of Birth: _____ Sex: _____

Social Security Number: _____
*Parent may provide a copy of Social Security card or Statement of Objection (Waiver)

Place of Birth: _____
(City) (County) (State) (Country)

Current Address: _____
(Street) (City) (Zip) (Home Phone)

Language:

My preferred language for written communication from my child's school is (please check): English Other language: _____
(Please specify language)

My preferred language for oral communications from my child's school is (please check): English Other language: _____
(Please specify language)

Do you (parent/guardian) need the assistance of a translator? Yes No

Do you (parent/guardian) wish to fill out this document in your primary language? Yes No

What was the first language your child learned to speak? _____

What language does your child speak most often? _____

What language is most often spoken in your child's home? _____

Is student's primary language English? Yes No

Academic Information:

Name / Address of last school attended: _____

(Street) (City) (State) (Phone)

Please list each Henry County school the student has attended and the year attended: _____

Has student ever received any of the following support services? Please check all that apply:

Special Education Gifted Education Remedial Education English for Speakers of Other Languages Speech
 Early Intervention Program Title I Student Support Team 504 Other: _____

Please initial if applicable: _____ I certify that my child has never received any of these services.

Registration Documentation (the following documents are required for registration):

- _____ 1. Birth Certificate (or other proof of age _____)
- _____ 2. Proof of Residency: current property tax statement or deed/valid residential lease or rental agreement and two current home utility bills (gas, electric, water, sanitation, or cable)
- _____ 3. Custody/Guardianship documentation, if applicable
- _____ 4. Georgia Certificate of Immunization, Form 3231
- _____ 5. Georgia Eye, Ear, and Dental Certificate, Form 3300
- _____ 6. Certified copy of the student's academic transcript and disciplinary record from the school previously attended.

Registration Documentation (the following documents are requested for registration):

- _____ 1a. Copy of Social Security card
- or -
- _____ 1b. Statement of Objection to Providing Social Security Number (Waiver)

Race/Ethnicity:

Part A. Is this student Hispanic/Latino? (Choose only one)

- _____ No, not Hispanic/Latino
- _____ Yes, Hispanic/Latino (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.)

The above part of the question is about ethnicity, not race. No matter what you selected above, please continue to answer the following by marking one or more boxes to indicate what you consider your student's (or your) race to be.

Part B. What is the student's race? (Choose all that apply)

- _____ American Indian or Alaska Native (A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.)
- _____ Asian (A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.)
- _____ Black or African American (A person having origins in any of the black racial groups of Africa.)
- _____ Native Hawaiian or Other Pacific Islander (A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.)
- _____ White (A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.)

Emergency / Medical Information:

Does student have any health problems or allergies? _____Yes _____No If yes, please explain: _____

Does the student require medication on a regular basis? _____Yes _____No If yes, please complete a Medication Authorization Form.

Parent Information (Check if natural parent or legal guardian - Stepparents may be listed under *Authorized Contact Information*):

Name: Natural Father Male Legal Guardian _____

Current Address: _____

Employer: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Pager #: _____ Fax #: _____ E-mail: _____

Name: Natural Mother Female Legal Guardian _____

Current Address: _____

Employer: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Pager #: _____ Fax #: _____ E-mail: _____

Send school mail to (check one): Natural Father / Male Legal Guardian Natural Mother / Female Legal Guardian

Authorized Contact Information (Identify other persons authorized to check out student - Picture ID is required for check out)

Name: _____ Relationship to Student: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Name: _____ Relationship to Student: _____

Home Phone: _____ Work Phone: _____ Cell Phone: _____

Other Family Members Living in the Same Household:

Last Name	First Name	Date of Birth	Gender	School (if Applicable)	Relationship to Student
_____	_____	____/____/____	M F	_____	_____
_____	_____	____/____/____	M F	_____	_____
_____	_____	____/____/____	M F	_____	_____
_____	_____	____/____/____	M F	_____	_____

Does the student have a brother or sister enrolled in Henry County Schools? If yes, please complete the following:

Name: _____ School: _____ Date of Birth: _____

Name: _____ School: _____ Date of Birth: _____

Name: _____ School: _____ Date of Birth: _____

Disciplinary Information:

Is the student currently on suspension or expulsion from another school or school system? _____ Yes (explain below) _____ No

Has the student ever been convicted of a felony crime? _____ Yes (explain below) _____ No

Is the student presently assigned to or scheduled to attend an alternative school or program? _____ Yes (explain below) _____ No

False Swearing Notice (O.C.G.A. § 16-10-71)

- (a) A person to whom a lawful oath or affirmation has been administered or who executes a document knowing that it purports to be an acknowledgment of a lawful oath or affirmation commits the offense of false swearing when, in any matter or thing other than a judicial proceeding, he knowingly and willfully makes a false statement.
- (b) A person convicted of the offense of false swearing shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Residency Notice (HCBOE Policy JBCAAA)

To be enrolled in Henry County Schools, students must reside full-time in Henry County with their natural parent(s), legal guardian(s), or legal custodian(s). Students and their parent(s)/guardian(s)/custodian(s) must remain full-time Henry County residents for the entire period of enrollment in Henry County Schools. For the purpose of this policy, a resident is defined as an individual who is a full-time occupant of a dwelling located in Henry County and who, on any given school day, is likely to be at their stated address when not at work or school. A person who owns property in the county, but does not reside in the county, is not considered a resident for the purpose of this policy.

Student enrollment forms, as well as other official documents of the school, must be signed by the natural parent or legal guardian with whom the child resides. Educational decisions concerning the child are reserved for the enrolling parent, although both parents can be involved in the process. If there is disagreement between the two parties, the enrolling parent's decision shall be the governing decision.

**I SWEAR THAT I AM A FULL-TIME RESIDENT OF HENRY COUNTY
AND AFFIRM THAT THE INFORMATION I HAVE GIVEN IN THIS DOCUMENT IS,
TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT**

Parent / Guardian Name (Please Print)

Parent / Guardian Signature

Date

Henry County Schools
An Equal Opportunity Employer and Service Provider

Ensuring Success for Each Student

Ensuring Success for Each Student



Bienvenidos a las Escuelas del Condado de Henry

Solo para uso de la oficina. Formulario revisado: Julio de 2012	
Escuela:	
Fecha de inscripción:	Grado:
Estudiante:	Maestro:

Información del estudiante (Por favor escriba):

Nombre legal del estudiante: _____
 (Apellido) (Primer nombre) (Segundo nombre) (Llamado)

Fecha de nacimiento: _____ Sexo: _____

Número de Seguro Social: _____

* Los padres deben proporcionar una copia de la tarjeta del Seguro Social o una Declaración de Objeción (Exención)

Lugar de nacimiento: _____
 (Ciudad) (Condado) (Estado) (País)

Dirección actual: _____
 (Calle) (Ciudad) (Código postal) (Teléfono de la casa)

Idioma:

El idioma que prefiero para las comunicaciones escritas de la escuela de mi niño es (por favor marque): Inglés Otro idioma: _____
 (Por favor especifique el idioma)

El idioma que preferido para las comunicaciones orales de la escuela de mi niño es (por favor marque): Inglés Otro idioma: _____
 (Por favor especifique el idioma)

¿Usted (padre/tutor) necesita la asistencia de un intérprete? Sí No

¿Le gustaría (padre/tutor) llenar este documento en su idioma principal? Sí No

¿Cuál fue el primer idioma que su niño aprendió a hablar? _____

¿Qué idioma habla su niño más a menudo? _____

¿Qué idioma se habla más a menudo en el hogar del niño? _____

¿El idioma principal del niño es el Inglés? Sí No

Información académica:

Nombre / Dirección de la última escuela a la que ha asistido: _____
 (Calle) (Ciudad) (Estado) (Teléfono)

Por favor, haga una lista de todas las escuelas del Condado de Henry a las que el estudiante ha asistido y el año en el que lo ha hecho: _____

EXHIBIT "A"

¿El estudiante ha recibido alguno de los siguientes servicios de apoyo? Por favor marque todos los que correspondan:

- Educación Especial Educación para niños Talentosos Educación Remediadora
 Inglés para Personas que Hablan Otros Idiomas Habla Programa de Intervención Temprana Título I
 Equipo de apoyo al estudiante 504 Otro: _____

Por favor escriba sus iniciales si corresponde: _____ Certifico que mi niño nunca ha recibido ninguno de estos servicios.

Documentación para el Registro (Se requieren los siguientes documentos para el registro):

1. Certificado de nacimiento (u otra prueba de la edad _____)
2. Prueba de residencia: actual declaración de impuestos sobre la propiedad o escritura/ contrato de arrendamiento o alquiler de residencia válido y dos facturas actuales de servicios públicos de la vivienda (gas, electricidad, agua, saneamiento, o cable)
3. Documentación de custodia/tutela, en caso que corresponda
4. Certificado de Inmunización de Georgia, Formulario 3231
5. Certificado de la vista, auditivo, y dental de Georgia, Formulario 3300
6. Copia certificada de la transcripción académica y del expediente disciplinario del estudiante correspondiente a la escuela a la que ha asistido previamente.

Documentación para el Registro (Se requieren los siguientes documentos para el registro):

- 1a. Copia de la tarjeta del Seguro Social
- o -
- 1b. Una Declaración de Objeción a Proporcionar el Número de Seguro Social (Exención)

Raza/Etnia:

Parte A. ¿Este estudiante es Hispano/Latino? (Escoja solo una de las opciones)

No, No es Hispano/Latino

Sí, es Hispano/Latino (La persona de cultura u origen cubano, mexicano, puertorriqueño, de Sudamérica o de América Central, o de otra cultura u origen Español, sin importar la raza.)

La pregunta de arriba es sobre el origen étnico, no sobre la raza. Sin importar lo que haya seleccionado anteriormente, **por favor responda la siguiente pregunta** marcando una o más casillas para indicar cuál considera usted que es la raza de su estudiante (o la suya).

Parte B. ¿Cuál es la raza del estudiante? (Escoja todas las opciones que correspondan)

Indio Americano/ o nativo de Alaska (La persona que tiene sus orígenes en cualquiera de las poblaciones originales de Norteamérica y Sudamérica (incluyendo América Central), y quien mantiene afiliación tribal o adhesión comunitaria.

Asiático (La persona que tiene sus orígenes en cualquiera de las poblaciones originales del Lejano Oriente, del Sudeste Asiático, o del subcontinente indio incluyendo, por ejemplo, Camboya, China, India, Japón, Corea, Malasia, Paquistán, las Islas de las Filipinas, Tailandia, y Vietnam.)

Negro o Afroamericano (La persona que tiene sus orígenes en cualquiera de los grupos raciales de África.)

Nativo Hawaiano u otro Isleño del Pacífico (La persona que tiene sus orígenes en cualquiera de las poblaciones originales de Hawaii, Guam, Samoa, u otras Islas del Pacífico.)

Asegurando el éxito de cada estudiante

____ Blanco (La persona que tiene sus orígenes en cualquiera de las poblaciones originales de Europa, del Medio Oriente, o del Norte de África.)

Emergencia / Información médica:

¿El estudiante tiene algún problema de salud o alergias? ____ Sí ____ No Si su respuesta es Si, por favor explique: _____

¿El estudiante requiere medicación en forma regular? ____ Sí ____ No Si su respuesta es SI, por favor complete un Formulario de Autorización de Medicamentos.

Información para los padres (Marque si es el padre natural o el tutor legal- Los padrastros podrán figurar bajo Información de contacto autorizada):

Nombre: ____ Padre Natural ____ Tutor Legal Masculino _____

Dirección Actual: _____

Empleador: _____

Teléfono de la Casa: _____ Teléfono del Trabajo: _____ Celular: _____

Radiomensaje (Pager) #: _____ Fax #: _____

Correo Electrónico (E-mail): _____

Nombre: ____ Madre Natural ____ Tutor Legal Femenino _____

Dirección Actual: _____

Empleador: _____

Teléfono de la Casa: _____ Teléfono del Trabajo: _____ Celular: _____

Radiomensaje (Pager) #: _____ Fax #: _____

Correo Electrónico (E-mail): _____

Enviar el correo de la escuela a (marque uno): ____ Padre Natural/Tutor Legal Masculino ____ Madre Natural/ Tutor Legal Femenino

Información de contacto autorizada (Identifique otras personas que están autorizadas a recoger al estudiante- Para recogerlo se requiere una identificación con fotografía)

Nombre: _____ Relación con el estudiante: _____

Teléfono de la Casa: _____ Teléfono del Trabajo: _____ Celular: _____

Nombre: _____ Relación con el estudiante: _____

Teléfono de la Casa: _____ Teléfono del Trabajo: _____ Celular: _____

Otros miembros de la familia que viven en la misma vivienda:

_____	_____	____/____/____	M F	_____	_____
Apellido	Primer Nombre	Fecha de Nacimiento	Género	Escuela (si corresponde)	Relación con el Estudiante
_____	_____	____/____/____	M F	_____	_____
Apellido	Primer Nombre	Fecha de Nacimiento	Género	Escuela (si corresponde)	Relación con el Estudiante
_____	_____	____/____/____	M F	_____	_____
Apellido	Primer Nombre	Fecha de Nacimiento	Género	Escuela (si corresponde)	Relación con el Estudiante
_____	_____	____/____/____	M F	_____	_____
Apellido	Primer Nombre	Fecha de Nacimiento	Género	Escuela (si corresponde)	Relación con el Estudiante

¿El estudiante tiene hermanos/as inscritos en las Escuelas del Condado de Henry? En caso afirmativo, por favor complete lo siguiente:

Nombre _____ Escuela _____ Fecha de nacimiento _____

Nombre _____ Escuela _____ Fecha de nacimiento _____

Nombre _____ Escuela _____ Fecha de nacimiento _____

Información disciplinaria:

¿El estudiante está actualmente bajo suspensión o expulsión de otra escuela o del sistema escolar? Sí (explique abajo) No

¿El estudiante ha sido convicto alguna vez por delitos graves o por acción criminal? Sí (explique abajo) No

¿El estudiante ha sido asignado actualmente, o tiene programado, asistir a una escuela alternativa o programa alternativo?
 Sí (explique abajo) No

Aviso sobre el juramento falso (O.C.G.A. § 16-10-71)

- (a) Una persona a la cual se le ha administrado un juramento legal o declaración o quien ejecuta un documento sabiendo que el mismo implica el reconocimiento de un juramento legal o declaración, comete un delito de falso juramento cuando, en cualquier asunto o cosa aunque no sea un procedimiento judicial, la persona hace un declaración falsa a sabiendas e intencionalmente.
- (b) Una persona condenada por el delito de falso juramento será castigada con una multa de no más de \$1,000.00 o con prisión por un periodo de tiempo de no menos de un año, o de no más de cinco años, o ambos castigos.

Asegurando el éxito de cada estudiante

Aviso de residencia (HCBOE Política JBCAAA)

Para ser inscriptos en las Escuelas del Condado de Henry, los estudiantes deben residir por tiempo completo con su padre(s) natural(es), su tutor(es) legal(es), o su custodio(s) legal(es) en el Condado de Henry. Los estudiantes y su padre(s)/ tutor(es)/ custodio(s) deben permanecer como residentes del Condado de Henry por tiempo completo durante todo el periodo de inscripción en las Escuelas del Condado de Henry. A efectos de esta política, un residente es definido como un individuo que es ocupante de tiempo completo de una vivienda situada en el Condado de Henry y quien, durante cualquier día escolar, es probable que se encuentre en su domicilio cuando no esté en el trabajo o en la escuela. Una persona que posee una propiedad en el condado, pero que no reside en el mismo, no se considera como un residente para efectos de esta política.

Los formularios de inscripción del estudiante, así como otros documentos oficiales de la escuela, deben ser firmados por el padre natural o tutor legal con quien el niño reside. Las decisiones relacionadas a la educación del niño son reservadas para el padre que los inscribe, aunque ambos padres pueden participar en el proceso. Si hay un desacuerdo entre las dos partes, la decisión que regirá será la del padre que los inscribe.

**YO JURO QUE SOY RESIDENTE DE TIEMPO COMPLETO DEL CONDADO DE HENRY
Y AFIRMO QUE LA INFORMACIÓN QUE HE DADO EN ESTE DOCUMENTO ES VERDADERA Y CORRECTA,
EN LO MEJOR DE MI CONOCIMIENTO**

Nombre del Padre/Tutor (por favor escriba)

Firma del Padre/Tutor

Fecha

Escuelas del Condado de Henry
Un empleador y proveedor de servicios que ofrece igualdad de oportunidades

Asegurando el éxito de cada estudiante

Exhibit B



Statement of Objection (Waiver) to Providing a Social Security Number for Student Identification

Georgia law (20-2-0150) requires public school authorities to request from parents and guardians the Social Security number for students being enrolled in school. The Social Security number is to be incorporated into the official school record for the student.

No student will be denied enrollment in a public school for declining to provide his or her Social Security number or for declining to apply for such a number. A parent or guardian who objects to the incorporation of the social security number into the official school record of their student may have the requirement waived by signing a statement objecting to the requirement.

Statement of Objection

I do not wish to provide the school with the Social Security number of my child/children. (Please see the back of this form for ways in which the Social Security number is utilized by the school system).

Name of Child/Children Enrolled at this School (Please Print)

1. _____
2. _____
3. _____
4. _____
5. _____

(Print) Name of Parent/Legal Guardian

Signature of Parent/Legal Guardian

Date

Name of School



Declaración de objeción para proporcionar el número de seguro social para identificar al estudiante

La ley de Georgia (20-2-0150) exige a las autoridades de las escuelas públicas solicitar a los padres y a los tutores el número de seguro social de los estudiantes que se matriculan en las escuelas. El número de seguro social es para ser incorporado en el registro oficial del estudiante.

A ningún estudiante se le negará la matriculación en una escuela pública por negarse a proporcionar su número de seguro social o por negarse a aplicar para obtener tal número. El padre o tutor que se niega a incorporar el número de seguro social en el registro oficial de su estudiante, puede renunciar a la solicitud mediante la firma de una declaración de objeción a la solicitud.

Declaración de objeción

No quiero proporcionarle a la escuela el número de seguro social de mi/mis niño/niños. (Por favor vea la parte de atrás de este formulario para ver las diferentes formas en las que el sistema escolar utiliza el Número de Seguro Social).

Nombre del niño/niños matriculados en esta escuela (por favor escriba)

1. _____
2. _____
3. _____
4. _____
5. _____

(Escriba) Nombre del padre/tutor legal

Firma del padre/tutor legal

Fecha

Nombre de la escuela

EXHIBIT "B"

Revisado en febrero de 2012

Exhibit C

C

Effective: July 1, 2012

West's Code of Georgia Annotated Currentness

Title 20. Education

Chapter 2. Elementary and Secondary Education (Refs & Annos)▣ Article 6. Quality Basic Education (Refs & Annos)▣ Part 3. Educational Programs (Refs & Annos)

→ → § 20-2-150. General and special education programs

(a) Except as otherwise provided by subsection (b) of this Code section, all children and youth who have attained the age of five years by September 1 shall be eligible for enrollment in the appropriate general education programs authorized in this part unless they attain the age of 20 by September 1 or they have received high school diplomas or the equivalent. This shall specifically include students who have reenrolled after dropping out and who are married, parents, or pregnant. Special education students shall also be eligible for enrollment in appropriate education programs through age 21 or until they receive high school or special education diplomas or the equivalent; provided, however, they were enrolled during the preceding school year and had an approved Individualized Education Program (IEP) which indicated that a successive year of enrollment was needed. Other students who have not yet attained age 21 by September 1 or received high school diplomas or the equivalent shall be eligible for enrollment in appropriate education programs, provided they have not dropped out of school for one quarter or more. Each local unit of administration shall have the authority to assign students who are married, parents, or pregnant or who have reenrolled after dropping out one quarter or more to programs of instruction within its regular daytime educational program, provided that a local unit of administration may develop and implement special programs of instruction limited to such students within the regular daytime educational program or, at the option of the student, in an alternative program beyond the regular daytime program; provided, further, that such programs of instruction are designed to enable such students to earn course credit toward receiving high school diplomas. These programs may include instruction in prenatal care and child care. Each local unit of administration shall have the authority to provide alternative programs beyond the regular daytime educational program. Unless otherwise provided by law, the State Board of Education shall have the authority to determine the eligibility of students for enrollment. It is declared to be the policy of this state that general and occupational education be integrated into a comprehensive educational program which will contribute to the total development of the individual.

(b) A child who was a legal resident of one or more other states or countries for a period of two years immediately prior to moving to this state and who was legally enrolled in a public kindergarten or first grade, or a kindergarten or first grade accredited by a state or regional association or the equivalent thereof, shall be eligible for enrollment in the appropriate general or special education programs authorized in this part if such child will attain the age of five for kindergarten or six for first grade by December 31 and is otherwise qualified.

(c) All children enrolled for 20 school days or more in the public schools of this state prior to their seventh birthday shall become subject to all of the provisions of this article, the provisions of Code Sections 20-2-690 through 20-2-701, and the rules and regulations of the State Board of Education relating to compulsory school attendance even though they have not attained seven years of age.

(d) No child or youth shall be admitted to any public school of the state until the parent or guardian provides to the proper school authorities an official copy of that child's social security number which shall be incorporated into the

official school records pertaining to that child or youth. Each local unit of administration shall establish and implement a plan for providing the public appropriate notice of the information required of every student under its jurisdiction prior to the beginning of each school year. School authorities may provisionally admit a child for whom an official social security number has not been provided if the parent or guardian completes a postage-paid application for a social security number at the time of enrollment. A parent or guardian who objects to the incorporation of the social security number into the school records of a child may have the requirement waived by signing a statement objecting to the requirement.

CREDIT(S)

Laws 1985, p. 1657, § 1; Laws 1987, p. 1169, § 1; Laws 1990, p. 1354, § 1; Laws 1992, p. 2200, § 1; Laws 1993, p. 1279, § 12.1; Laws 2012, Act 619, § 7, eff. July 1, 2012.

HISTORICAL AND STATUTORY NOTES

In 2009, the Code Commission, in subsec. (c), substituted “20-2-701” for “20-2-702”. See § 28-9-5.

The 2012 amendment by Act 619, in subsec. (b), inserted “or countries” following “more other states”; and inserted “or the equivalent thereof” following “regional association”.

ADMINISTRATIVE CODE REFERENCES

Georgia department of education, regional educational services, see Comp. R. & Regs. Chapter 160-5-1.

LIBRARY REFERENCES

Schools  150, 152.

Westlaw Topic No. 345.

C.J.S. Schools and School Districts §§ 710 to 711, 717.

UNITED STATES CODE ANNOTATED

Individuals with Disabilities Education Improvement Act of 2004, see 20 U.S.C.A. § 1400 et seq.

National Center for Special Education Research, see 20 U.S.C.A. § 9567 et seq.

Ga. Code Ann., § 20-2-150, GA ST § 20-2-150

Current through the 2012 Regular Session

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END OF DOCUMENT

160-5-1-.28 STUDENT ENROLLMENT AND WITHDRAWAL.

(1) DEFINITIONS.

(a) **Active Duty** – the full-time duty status in the active uniformed services of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

(b) **Adequate Yearly Progress (AYP)** – a component of the Accountability Profile based on a series of performance goals that every school, local education agency (LEA), and state must achieve within specified timeframes in order to meet the 100% proficiency goal established by the federal No Child Left Behind Act of 2001(NCLB).

(c) **Attend** – a student’s physical or virtual presence in the educational programs for which he or she is enrolled.

(d) **Case Management Consultation (CMC)** – a consultation by a school social worker or case manager in which a process is used to discover whether any transition problems exist and whether any services are necessary for a child placed by the Department of Human Services (DHS) or Department of Juvenile Justice (DJJ).

(e) **Child of Military Families** – a child enrolled in kindergarten through grade 12, in the household of an active duty military member.

(f) **Department of Human Services (DHS)** – the agency which provides specified services and placement for children who have been remanded to the physical or legal custody of DHS either temporarily or permanently by a court or by voluntary agreement, or if the child has been admitted or placed according to an individualized treatment or service plan of DHS.

(g) **Department of Juvenile Justice (DJJ)** – the agency which provides supervision, detention and a wide range of treatment and educational services for youths referred to DJJ by the Juvenile Courts, and provides assistance or delinquency prevention services for at-risk youths through collaborative efforts with other public, private, and community entities.

(h) **Education For Homeless Children And Youths** – Subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*) that requires each state to ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education as provided to other children and youth.

(i) **Emancipated Minor** – an individual under the age of eighteen who is no longer under the control or authority of his or her parents or guardians by operation of law or

pursuant to a petition filed by the minor with the juvenile court and granted by a judge in juvenile court after the judge determines emancipation is in the best interest of the minor as provided in O.C.G.A. § 15-11-202

(j) **Enroll** – the registration of a student in the local education agency (LEA) of residence. A parent, guardian, other person residing within this state having control or charge of any child or children, or the student (in the case of an emancipated minor) provides the LEA with the appropriate documentation. Once enrolled, the child shall be eligible to attend the assigned school.

(k) **Georgia Department of Education (GaDOE)** – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates subject to supervision and oversight by the State Board of Education.

(l) **Governor’s Office of Student Achievement (GOSA)** – the state agency mandated by O.C.G.A. § 20-14-26 to create a uniform performance-based accountability system for K-12 public schools that incorporates both state and federal mandates, including student and school performance standards, and to audit and inspect or cause to be audited and inspected K-12 public schools, and LEAs for the purpose of verification, research, analysis, reporting or for other purposes related to the performance of its powers and duties.

(m) **Grandparent** – the parent and/or step-parent of a minor child’s father or mother. This definition remains the same upon the death and/or the termination of parental rights of the birth parent.

(n) **Home Study** – a program that allows parents or guardians to teach their children at home as provided in O.C.G.A. § 20-2-690 (c).

(o) **Homeless Child or Youth** – individuals who lack a fixed, regular, and adequate nighttime residence. The term includes children and youth who are:

1. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
2. Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Abandoned in hospitals; or
5. Awaiting foster care placement.

6. The following children are included in the definition; however, this list is not exhaustive: children who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; children who are living in cars, parks, public spaces, abandoned building, substandard housing, bus or train stations, or similar settings; and migratory children who qualify as homeless because they are living in circumstances described above.
(McKinney Vento Homeless Act 42 U.S.C. § 11431 *et seq.*)

(p) **Individualized Education Program (IEP)** – a written plan for each student with a disability that is developed, reviewed, and revised in accordance with Individuals with Disabilities Education Act, 20 U.S.C. § 1414(d).

(q) **Individuals with Disabilities Education Act (IDEA)** – the federal law, codified at 20 U.S.C. § 1400, *et seq.*, enacted to ensure that all students with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for employment and independent living; to ensure that the rights of students with disabilities and their parents are protected; to assist states, localities, educational service agencies, and federal agencies to provide for the education of students with disabilities; and to assess and ensure the effectiveness of efforts to educate students with disabilities.

(r) **Local Education Agency (LEA)** – the public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through Grade 12 public education institutions.

(s) **“in loco parentis”** – to assume the duties and responsibilities of a parent without a formal legal process.

(t) **Other Person** – an adult at least 18 years of age or an emancipated minor at least sixteen years of age residing within the boundaries of a Georgia LEA who is not the parent or guardian of a child or children but stands *in loco parentis*.

(u) **Residency** – occupying a dwelling located within the boundaries of an LEA where the student lives with a parent, guardian, or other person, unless the student is an emancipated minor.

(v) **State Board of Education (SBOE)** – the constitutional authority which defines education policy for public K-12 education agencies in Georgia.

(w) **Virtual School** – a public or private school offering online instruction to students in any grades K-12.

(x) **Withdraw** – the removal of a student from the official roll of a Georgia public school.

(y) **Withdrawal Code** – an official code which signifies the reason a student has withdrawn from a Georgia public school as defined in the guidelines and timelines published by the GaDOE.

(2) REQUIREMENTS.

(a) Eligibility for Enrollment.

1. Other than students specifically exempted by rule or by law, the following individuals shall be eligible for enrollment in publically-funded programs in Georgia public schools:

(i) Students who have attained the age of five by September 1 to enroll in the appropriate general education programs unless they attain the age of 21 by September 1 or they have received a high school diploma or the equivalent. Students that have dropped out of school for one quarter or more are eligible to enroll in the appropriate general education programs unless they attain the age of 20 by September 1.

(ii) Students with Individualized Education Programs (IEPs) developed under the Individuals with Disabilities Education Act (IDEA) may attend public school through the age of 21 or until they receive a regular high school diploma.

(iii) Students who were legal residents of one or more other states or countries for a period of two years immediately prior to moving to Georgia and were legally enrolled in a public kindergarten or first grade accredited by a state or regional association or the equivalent thereof, are eligible for enrollment in the appropriate education program if the child attains the age of five for kindergarten or six for first grade by December 31 and the child is otherwise eligible for enrollment as prescribed in O.C.G.A. § 20-2-150.

(b) Persons That May Enroll Eligible Students.

1. Under the provisions stated in O.C.G.A. § 20-2-690.1, a parent, guardian, grandparent, or other person has the authority to enroll a student in a publicly-funded Georgia school.

(i) Unless otherwise provided by law or rule, if the person enrolling a student is not the parent and does not hold legal guardianship, the LEA may adopt a policy requiring that the person enrolling the student complete a Non-Parental Affidavit of Residence.

(I) A homeless child, as defined in the McKinney-Vento Homeless Act 42 U.S.C. § 11431 *et seq.*, shall be enrolled immediately with full participation in all school activities whether or not appropriate documentation can be provided at the time of enrollment.

I. Upon determining that a student is homeless, as defined by the McKinney-Vento Homeless Assistance Act, the child must be allowed to either remain in the district in which he or she was enrolled prior to becoming homeless or enroll in the district where he or she is now located.

(II) An LEA shall immediately enroll a student in the physical or legal custody of the Department of Human Services (DHS) or the Department of Juvenile Justice (DJJ) or a student placed by the DHS or DJJ in a residential facility located within the LEA's jurisdiction, pursuant to O.C.G.A. § 20-2-133(b).

(III) Since foster children awaiting permanent placement qualify as homeless children or youth under the McKinney-Vento Act, an LEA must consult with the custodian of a student placed by the DHS into a new home or facility that would require a change in school or LEA in order to ascertain whether the student should be maintained in the school of origin or assigned to the appropriate school in the new LEA in accordance with the McKinney-Vento Act. See also SBOE Rule 160-4-8-.17 CASE MANAGEMENT CONSULTATION FOR AGENCY PLACED TRANSFER STUDENTS.

(IV) Upon notification by the DJJ that a student will be enrolling in an LEA, the LEA shall enroll the student in his or her home school, as opposed to an alternative educational setting unless the case management consultation team concludes that the best placement for the child would be the alternative setting. Any placement made pursuant to an individualized education program team shall take precedence.

(V) A grandparent with a properly executed power of attorney for the care of a minor child may enroll their grandchild, without court approval, in the LEA in which the grandparent resides if the specific conditions set forth in the "Power of Attorney for the Care of a Minor Child Act," O.C.G.A § 19-9-120 through O.C.G.A § 19-9-129 are met.

I. No person or school official who acts in good faith reliance on a power of attorney for the care of a minor child shall be subject to criminal or civil liability or professional disciplinary action for such reliance.

II. Except where limited by federal law or the executed power of attorney, the grandparent empowered to enroll the child shall have the same rights, duties, and responsibilities that would otherwise be exercised by the parent pursuant to the laws of this state.

(VI) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

I. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis whose residence is other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(VII) LEAs shall accept immigrants/non-visa-holders who meet age and residency requirements and shall not inquire about their legal status in accordance with U.S. Supreme Court Decision in Plyler v. Doe, 457 U.S. 202 (1982).

I. LEAs are not responsible for making determinations regarding immigration and visa status. Rather, the U.S. Department of State (Office of Visa Services) and the Department of Homeland Security (U.S. Citizenship and Immigration Services) are responsible for making such determinations.

II. LEAs may accept non-immigrant, foreign students on F-1 visas in accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Section 625 of Public Law 104-208).

III. LEAs may accept non-immigrant, foreign exchange students on J-1 visas in accordance with the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) as amended, 22 U.S.C. 2451, et. seq. (1988).

IV. LEAs shall accept non-immigrant foreign students on derivative visas where they are the qualifying child of a non-immigrant student or exchange visitor (i.e. F-2, M-2, J-2).

V. LEAs shall accept non-immigrant, foreign students on B-1/B-2 visas and are not responsible for ascertaining whether or not seeking enrollment in school will violate the terms of the visa.

(c) Provisional Enrollment.

1. Other than students specifically exempted by rule or by law, a student shall be enrolled on a provisional basis and allowed to attend an LEA for 30 calendar days while awaiting evidence of age, residence, or other local requirements. The provisional enrollment period may be extended for extenuating circumstances.

(i) If evidence is not provided within this period, the LEA superintendent or designee shall mark the student withdrawn at the end of the thirtieth day.

(ii) The LEA superintendent or designee shall notify the registering parent, guardian, grandparent, or other person at least 10 calendar days prior to the withdrawal of the student.

(I) The registering parent, guardian, grandparent, or other person will be considered noncompliant and subject to all penalties as prescribed in O.C.G.A. § 20-2-690.1.

(II) The local school superintendent shall report violations to the appropriate authorities for adjudication.

2. O.C.G.A. § 20-2-150 (c) concerning compulsory attendance of students prior to their seventh birthday does not apply to provisional enrollment.

3. Students pre-registering in an LEA of residence shall not be eligible for provisional enrollment until the beginning of the attendance period of the school term for which the student is enrolling.

4. A student shall not be denied enrollment into an LEA if the student meets residency qualifications and otherwise would not be denied enrollment under O.C.G.A. § 20-2-751.1 and O.C.G.A. § 20-2-751.2 concerning student expulsion.

5. The LEA shall be required to provisionally enroll students pursuant to Section (2)(c)1 of this rule if their local policy places additional requirements on the other person when enrolling a student in their control or charge.

6. The provisions of O.C.G.A. § 20-2-670 regarding the transferal of discipline actions or felony convictions for students in grade 7 and above shall take precedence over any provisional enrollment.

(d) Enrollment Documentation.

1. Other than students specifically exempted by rule or by law, before admitting any individual to a public Georgia school or program, the superintendent or designee shall accept evidence in the order set forth below that shows the individuals date of birth:

(i) A certified copy of a birth certificate, certified hospital issued birth record or birth certificate;

(ii) A military ID;

(iii) A valid driver's license;

(iv) A passport;

(v) An adoption record;

(vi) A religious record signed by an authorized religious official;

(vii) An official school transcript; or

(viii) If none of these evidences can be produced, an affidavit of age sworn to by the parent, guardian, grandparent, or other person accompanied by a certificate of age signed by a licensed practicing physician, which certificate states that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

2. During the enrollment process, LEAs shall adhere to:

(i) The provisions of O.C.G.A. § 20-2-771 concerning the immunization of students, which includes an exception for religious grounds; and,

(ii) The provisions of O.C.G.A. § 20-2-770 concerning nutritional screening and eye, ear, and dental examinations of students.

3. Upon presentation of one of these evidences required in paragraph (2) (d) 1, a photocopy of the document shall be placed in the student's record and the original document presented shall be returned to the parent, guardian, grandparent, or other person.

4. The LEA shall ensure that the employee or other designated individual responsible for care of homeless students shall assist the homeless student in acquiring the necessary records for enrollment. Proof of residence is not required.

5. The LEA may require a grandparent empowered to enroll the child to produce the same documentation a parent would produce to enroll the child.

6. The following provisions apply to a child or children of military families.

(i) In the event that official education records cannot be released to the parents or legal guardian for the purpose of transfer, an LEA shall accept a complete set of unofficial educational records prepared by the sending school and furnished to the parent or legal guardian.

(I) Upon receipt of such unofficial education records, the LEA shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records.

(II) Simultaneously with the enrollment and conditional placement of the student, the LEA shall request the student's official education records from the school in the sending state.

(ii) Students in the household of an active duty military member shall be allowed to continue their enrollment at grade level in the local school system commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age.

(I) A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age.

(II) A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

(iii) The LEA shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs based on current educational assessments conducted at the school in the sending state or participation or placement in similar programs in the sending state. Such programs include, but are not limited to: gifted and talented programs, and English as a second language.

(I) Nothing in this section shall preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(iv) An LEA shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent.

7. Pursuant to O.C.G.A. § 20-2-150, before the final enrollment of a student to a publicly-funded Georgia school is complete, a parent, guardian, or other person shall provide a copy of the enrolling student's social security number to the proper school authorities or shall complete and sign a form stating the individual does not wish to provide the social security number.

8. A student shall be identified in the local Student Information System (SIS) and in the Georgia Department of Education official data collection and reporting systems by the student's legal name as it appears on the documentation submitted for age verification as delineated in paragraph (2)(d)1, or in a court order changing the student's name.

9. Once a student has successfully enrolled in any publicly-funded Georgia school, provided that one of the evidences required in paragraph (2) (d) 1 has been provided and recorded in the Georgia Testing Identifier (GTID) as set forth in SBOE Rule 160-5-1-.07 and any associated guidelines, further proof of age under this provision is deemed unnecessary.

(e) Withdrawal.

1. A student may be withdrawn by a parent, guardian, grandparent, or other person as provided in (2)(b)1 of this rule.

2. When a parent, guardian, grandparent, or other person as provided in (2)(b)1 of this rule withdraws a student according to the LEA policies and procedures, with documentation of proof of enrollment as provided in (2)(e)1 above, the student's withdrawal date shall be recorded as the last day of student attendance.

(i) If a student is under suspension or expulsion, on the date of withdrawal, the new school of enrollment shall be notified of the terms of the suspension or expulsion.

(ii) If a student is an unemancipated minor who is older than the age of mandatory attendance as required in O.C.G.A. § 20-2-690.1(a) and who has not completed all

requirements for a high school diploma, wishes to withdraw from school, the student must have the written permission of his or her parent or legal guardian prior to withdrawing and a conference must be held with the school principal or designee pursuant to O.C.G.A. § 20-2-690.1(e).

3. When a parent, guardian, grandparent, or other person as provided in (2)(b)1 of this rule does not withdraw a student from a current school according to LEA policies, the LEA shall withdraw the student.

(i) With proof of enrollment in a different school, other LEA, private school, or home study program, the date of withdrawal for a student shall be the last school day of student attendance.

(ii) With no proof of enrollment in another school, other LEA, private school, or home study program, a student shall be withdrawn from a school after 10 consecutive unexcused absences or when the LEA provides documentation validating the student no longer resides in the school's attendance zone.

(I) The student withdrawal date shall be the last day of attendance or the day the LEA obtains documentation validating the student no longer resides in the school's attendance zone.

(II) In the absence of the documented proof as described in (2)(e)8 of this rule, the withdrawal code shall indicate that the student was removed for lack of attendance.

(III) Each superintendent or the superintendent's designee shall notify the parent, guardian, or other person if the LEA plans to withdraw such student. Such notification shall be by certified mail, return receipt requested.

4. A student who is not in attendance on the first day of school but expected based on prior year enrollment, shall be withdrawn as a no-show student and shall not be included in any enrollment or attendance counts.

(i) Students not in attendance on the first day of school but expected based on prior year enrollment shall not accrue absences until the student is physically present and attending.

(ii) The reason for students withdrawn as a "no-show" shall be recorded in the schools official records as unknown, unless the LEA has proof that the student has enrolled in a different school, other LEA, private school, or home study program as set forth in (2)(e)8 of this rule.

5. A student shall be withdrawn from a school on the day the school or LEA receives documentation validating the student no longer resides in the school's attendance zone unless one of the following exceptions occur:

(i) LEA policy allows student to remain enrolled to complete the current school year.

(ii) Student is allowed to remain enrolled based on O.C.G.A. § 20-2-293 or O.C.G.A. §20-2-294.

6. A student shall not be withdrawn due to excused absences defined in SBOE Rule 160-5-1-.10 and O.C.G.A. § 20-2-690.1(a)

7. A student shall not be withdrawn while receiving Hospital/Homebound services.

8. Pursuant to the provisions in 34 Code of Federal Regulations (C.F.R.) Part 200, a school or LEA shall only use a withdrawal code which denotes that a student transferred if the LEA has proof that the student enrolled in another school, other LEA, private school or home study program.

(i) Documentation must be in writing so that the transfer can be verified through audits or monitoring and maintained in the permanent student record.

(ii) It is the responsibility of the principal to ensure that all student withdrawal information is complete and accurate.

9. The following are acceptable forms of documentation when using withdrawal codes that are associated with students who transferred:

(i) For students transferring to a school within the same LEA or another Georgia LEA, proof shall include the request for records from the receiving school, evidence of a transfer that is recorded in the State's student data collection system, or a letter from an official in the receiving school acknowledging the student's enrollment.

(ii) For students transferring out of state or to a private school, proof shall include the request for records from the receiving school, or a letter from an official in the receiving school acknowledging the student's enrollment.

(iii) For students transferring to a home study program, proof shall include a document signed by the parent, guardian, or other person who meets the requirements of the "Power of Attorney for the Care of a Minor Child Act", which declares their decision to educate the student in a home study program.

(iv) For students transferring to another country, a school or school system must have written confirmation that a student has emigrated to another country (34 C.F.R. §200.19(b)(1)(ii)(B)), but need not obtain official written documentation. If a parent informs a school administrator that the family is leaving the country, the school administrator may document this conversation in writing and include it in the student's file.

160-5-1-.28 (Continued)

10. LEAs must be able to document the reasons to support student withdrawal as outlined in this rule and SBOE 160-5-1-.07 Student Data Collection and associated guidelines and resources.

(i) LEAs found to be non-compliant with these provisions will be reported to the State Board of Education and the Georgia Department of Education (GaDOE) shall request the Governor's Office of Student Achievement (GOSA) to conduct an in-depth audit of the LEAs student records documentation, procedures, and processes.

(I) LEAs found to be in non-compliance as the result of an audit by GOSA shall forfeit the ability to appeal an Adequate Yearly Progress (AYP) determination.

Authority O.C.G.A. § 15-11-202, 19-9-120 through 19-9-129, 20-2-133, 20-2-150, 20-2-293, 20-2-293, 20-2-294, 20-2-670, 20-2-690.1, 20-2-751.1, 20-2-751.2, 20-2-770, 20-2-771, 20-2-2130 through 20-2-2170, 20-14-25, and 20-14-26.

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