

A. ASSIGNMENT AREAS

The superintendent shall recommend to the Transylvania County Board of Education (the “board”) school assignment areas for the schools in the system.

The assignment areas will be developed in accordance with applicable legal requirements, the need to serve all school-age children who live in the school system, and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

The superintendent shall review periodically the assignment areas and submit recommendations for revisions to the board when necessary.

B. ASSIGNMENT OF STUDENTS

The superintendent or designee shall assign students to particular schools in accordance with the following standards.

1. Students Admitted Based on Domicile

Except as otherwise provided in this policy, students admitted to the school system based on domicile will be assigned to the school of the appropriate grade span within the assignment area of the student’s domicile (or residence location if the student is exempted from the domicile requirement, as described in policy 4120, Domicile or Residence Requirements).

2. Students Accepted for Discretionary Admission

Students who are accepted for discretionary admission under policy 4130, Discretionary Admission, will be assigned to a school that meets the best interest of the student and the orderly and efficient administration of the school system.

3. Homeless Students and Students in Foster Care

Notwithstanding any other provisions of this policy, the superintendent or designee shall (1) assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students; and (2) assign students in foster care to their school of origin unless contrary to their best interest, as required by federal law.

4. Students Participating in the Address Confidentiality Program

Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will

45 be assigned on the basis of their actual address, but such address will remain
46 confidential in accordance with law and policy 4250/5075/7316, North Carolina
47 Address Confidentiality Program.

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49 5. Students with Disabilities

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51 Students with disabilities receiving services under an Individualized Education
52 Program (IEP) or Section 504 plan will be assigned to schools in accordance with
53 this policy unless the superintendent or designee determines the student needs a
54 different assignment to provide access to a program or service required under the
55 IEP or Section 504 plan, as determined by the student's IEP or Section 504 team.

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57 6. Administrative Assignment

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59 The superintendent or designee may administratively assign a student to a school
60 other than the one to which the student would otherwise be assigned under this
61 policy when deemed in the best interest of the student and/or the effective
62 administration of the schools, such as for reasons related to student safety,
63 discipline, or programmatic issues, or when required by law.

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65 7. Assignment to Alternative Program or School

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67 Students will be assigned to an alternative education program or school in
68 accordance with policy 3470/4305, Alternative Learning Programs/Schools

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70 8. Admission to Magnet Schools or Other Schools of Choice

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72 Students may apply for admission to one of the school system's magnet schools
73 or other schools of choice. Unless otherwise established by the board for specific
74 programs, admission decisions for magnet schools will take into account the
75 following criteria:

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77 a. maintaining a socioeconomic, geographic, and student achievement
78 diversity that is reasonably reflective of the school system as a whole;
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80 b. efficient use of school facilities and transportation resources;
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82 c. any program criteria that must be met by the student for admission to the
83 particular school;
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85 d. enabling siblings to attend the same school; and
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87 e. hardship on the student or parent that has been documented by the parent.
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C. REQUESTS FOR REASSIGNMENT

A parent or guardian who is dissatisfied with a school assignment may request reassignment to a different school as provided below. The superintendent or designee shall have the authority to approve or deny requests for reassignment for satisfactory reasons as established by the superintendent and communicated to students and parents and guardians. A reassignment request denied by the superintendent or designee may be appealed to the board in accordance with subsection C.2, below.

1. Procedure for Requesting Reassignment

A request for reassignment must be submitted in writing to the superintendent or designee within the school system's established school reassignment window or within 10 days of receiving notice of the school assignment. The request must specify why reassignment is sought. An untimely request for reassignment will be treated as a transfer request under Section D.

The superintendent or designee shall consider the request for reassignment and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested, and the instruction, health, and safety of the pupils there enrolled. The parent will be notified by **via** registered or certified mail if the superintendent or designee denies the request. If the parent is dissatisfied with the superintendent's or designee's response, the parent may appeal the decision to the board as provided below.

2. Appeal to the Board When Reassignment Request is Denied

Within five days of receiving notice that a request for reassignment was denied, the parent or guardian may request a hearing on the request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested, and the instruction, health, and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR**1. Change of Residence**

133 Students whose legal residence changes from one school assignment area to
134 another within the school system during the same school year may choose to
135 finish out that school year in the same school or attend school in the area to which
136 they have moved. If they elect to remain in the first school in order to complete
137 that year, they will be assigned to the school according to the area in which they
138 live at the beginning of the next school year. Students whose legal residence has
139 changed but who choose to complete the school year at their first school will be
140 responsible for their own transportation to school.

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142 2. Unsafe School Choice Transfer under the Elementary and Secondary Education
143 Act

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145 Transfers for students who are victims of violent criminal offenses at school or for
146 students attending persistently dangerous schools as defined by State Board of
147 Education policy will be made pursuant to policy 4152, Unsafe School Choice
148 Transfer.

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150 3. Transfer of Homeless Students

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152 Students who become homeless between academic years or during an academic
153 year may request to remain at the school of origin for the duration of their
154 homelessness or may request to be enrolled in any public school that other
155 students living in the same attendance area are eligible to attend. Any decision
156 about the transfer or reassignment of a homeless student will be consistent with
157 legal requirements and based on the student's best interest. (See policy 4125,
158 Homeless Students.)

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160 4. Transfer of Students in Foster Care

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162 Students who are assigned to foster care between academic years or during an
163 academic year will remain in their school of origin unless remaining in the school
164 of origin is not in the best interest of the student. The best interest of the student
165 will be decided based on all relevant factors, including consideration of the
166 appropriateness of the educational setting and proximity to the school in which
167 the child is enrolled at the time of placement in foster care.

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169 5. Other Transfers

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171 The superintendent shall consider student requests for transfer to another school
172 during the school year based upon space availability, the needs of the child, the
173 effect on the school to which transfer is requested, principal recommendations,
174 and other criteria established by the superintendent.

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176 **E. CONDITIONS FOR REASSIGNMENT OR TRANSFER**

The following conditions apply in regard to any reassignments or transfers made in accordance with sections C and D of this policy.

1. The parent or guardian is responsible for transportation (except for reassignments or transfers of homeless students or students in foster care based on the student's best interest, for which the system will provide transportation in a manner consistent with legal requirements and policy 4125).
2. The transfer or reassignment is valid for no more than one school year (except for (a) unsafe school choice transfers, for which the length of assignment will be consistent with legal requirements and policy 4152; (b) homeless student transfers or reassignments for which the length of assignment will be consistent with legal requirements and policy 4125; and (c) transfers or reassignment of students in foster care, for which the length of assignment will be consistent with legal requirements).
3. Any transfer or reassignment request that is approved based upon false or misleading information will be declared void and will be rescinded.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016) and *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016), both available at <https://www2.ed.gov/policy/elsec/leg/essa/index.html>; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at <https://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln>; G.S. 15C-8; 115C-36, -47(68), -366, -367, -369; State Board of Education Policy SSCH-006

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), Discretionary Admission (policy 4130), Unsafe School Choice Transfer (policy 4152), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

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