

A. ASSIGNMENT AREAS

The board will establish and maintain school attendance areas and/or other procedures for the assignment of students. Students not otherwise assigned to a school under the board's Student Assignment Plan will be assigned based on their school attendance area. The attendance 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. School assignments must be made in a non-discriminatory manner.

The board will make adjustments to the attendance areas when necessary.

B. ASSIGNMENT OF STUDENTS TO PARTICULAR SCHOOLS

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

1. Assignment 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. Lottery Assignment

Students may apply for assignment to schools outside of their attendance areas and to year-round schools as provided in the Student Assignment Plan. Any student, who accepts an alternative assignment to a school under open choice application, year-round, or magnet, is assigned to that school for the entire school year. Reassignments or transfers back to the original assigned school are permitted only as provided in the Student Assignment Plan approved by the board.

3. Assignment for Discretionary Admission Students

Students who do not meet the domicile or residence requirements outlined in policy 4120, Domicile or Residence Requirements, may seek special permission for discretionary admission and be assigned to a school in accordance with policy 4130, Discretionary Admission.

4. Assignment of 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.

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

6. Assignment of Students with Disabilities

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

7. Administrative Assignment

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

8. Assignment to Alternative Program or School

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

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 within 10 days of receiving notice of the school assignment, or by a later date if specified in the notice. The request must specify the reason 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 in accordance with the standards described in the School Assignment Plan. If the request for reassignment is denied, the parent or guardian will receive notice by registered or certified mail. If the parent or guardian is dissatisfied with the superintendent's or designee's response, the parent or guardian 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 (with written follow up), telefax, e-mail, or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Domicile

Students whose domicile changes from one school attendance area to another within the school system during the same school year may choose to finish out that school year in the same school or attend school in the area to which they have moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to their new domicile at the beginning of the next school year. Students whose domicile has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.

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

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

3. Transfer of Homeless Students

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

4. Transfer of Students in Foster Care

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

5. Other Transfers

The superintendent shall consider student requests for transfer to another school during the school year as provided in the Student Assignment Plan.

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 reassignment will be consistent with legal requirements and policy 4152; (b) homeless student reassignments or transfers 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 reassignment will be consistent with legal requirements).
3. Any reassignment or transfer 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), Extracurricular Activities and Student Organizations (policy 3620), 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)

Adopted: June 8, 2021

Revised: November 1, 2022