

A. ASSIGNMENT AREAS

The superintendent shall recommend to the board school assignment areas for the schools in the system.

The assignment areas will be developed in accordance with state requirements and court rulings; 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 attendance areas and submit recommendations for revisions to the board when necessary.

B. ASSIGNMENT OF STUDENTS

The superintendent shall assign students to particular schools based upon the established assignment areas. Notwithstanding the provisions of this policy, the superintendent 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.

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.

C. REQUESTS FOR REASSIGNMENT**1. Procedure for Requesting Reassignment Before Notice of Assignment**

Before notice is given of assignment for the following school year, parents or guardians may request assignment to a school outside of their regular attendance area. Such a request must be submitted in writing to the superintendent by June 1. The superintendent shall 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 assignment is requested and the instruction, health and safety of the pupils there enrolled. A decision will be made and the parent notified by June 30. If the parent is dissatisfied with the superintendent's response, the parent may request the board to reassign the student as provided below.

2. Procedure for Requesting Reassignment After Notice of Assignment

Within 10 days of notice of the assignment or the last publication thereof, the parent may request in writing the reassignment of the child to a different public school. The request must specify the reason why reassignment is sought. If the application for reassignment is disapproved, the board will give notice to the applicant by registered or certified mail.

Within five days of receiving the notice of the disapproval, the parent may request a hearing on the reassignment 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, email, or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Residence

Students whose legal residence changes from one school assignment 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 the area in which they live at the beginning of the next school year. Students whose legal residence 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 No Child Left Behind 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 based upon space availability, the needs of the child, the effect on the school to which transfer is requested, principal recommendations, and other criteria established by the superintendent.

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 is responsible for transportation (except for (a) school improvement choice transfers for which the system must provide transportation for as long as the original school is identified for Title I school improvement or (b) homeless student transfers 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 and school improvement choice transfers for which the length of reassignment will be consistent with legal requirements and policies 4152 and 4153 and (b) homeless student transfers for which the length of reassignment will be consistent with legal requirements and policy 4125).
3. Any transfer request that is approved based upon false or misleading information will be declared void, and the transfer will be rescinded.

F. ASSIGNMENT TO ALTERNATIVE SCHOOL

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

G. RENEWAL OF REASSIGNMENT OR TRANSFER

Requests for renewal of transfers/reassignments must be completed on an annual basis, according to the timeline specified by the district, and will only be considered in the following circumstances:

1. For reasons of medical hardship, including physical or mental disabilities.
2. Students whose parents or legal guardians are full time/permanent employees of the Ashe County Board of Education.
3. Students whose parents show documented proof of hardship circumstances resulting in the need for the student to attend another school.
4. Parents or legal guardians (as determined by the courts) of a student who has not yet entered the 6th grade may request reassignment if the working hours of the parents are such that if the pupil is not reassigned, the pupil would be unsupervised either before or after school hours. Pupils entering the 6th grade are no longer considered to be in need of child care that requires school reassignment, absent a satisfactory showing of extraordinary circumstances.

The principals of the sending and receiving schools must approve all transfer requests prior to submitting the request to the superintendent.

H. STUDENT ASSIGNMENT AND ATHLETIC PROGRAMS

The Board will not approve the reassignment of a student on the basis of athletic participation. "Residence" as used for athletic eligibility purposes is defined as the equivalent of the term "domicile" as applied by the courts of North Carolina. Under no circumstances can a student have more than one residence for eligibility purposes. Except as otherwise provided, the residence of any student shall be deemed to be that of his/her parents or the sole surviving parent. In the event of separation or divorce, the residence of the student shall be that of the parent who has been awarded custody through the courts. If no custody order has been entered, the residence shall be deemed to be that of the parent who had actual custody immediately upon the separation.

Any change in residence must be bona fide. In order to be considered bona fide, at least the following facts must exist: (1) The original residence must be abandoned as a residence; that is, sold, rented, or disposed of as a residence, and must not be used by any resident of the family; (2) The entire family must make the change and take with them the household goods and furniture appropriate to the circumstances; (3) The change must be made with the intent that it is permanent.

A student transferred from one administrative unit to another by mutual agreement as provided in G.S. 115C-366 (f) is immediately eligible for athletic participation in the receiving unit. (From NCHSAA Handbook)

A student is eligible to participate at the school to which he or she is assigned by the local board of education, within the administrative unit of residence if the student meets all North Carolina High School Athletic Association requirements.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; No Child Left Behind Act, 20 U.S.C. 6301 *et seq.*; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004); G.S. 15C-8; 115C-36, -366, -367, -369; State Board of Education Policy HRS-A-006

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Homeless Students (policy 4125), Unsafe School Choice Transfer (policy 4152), School Improvement Choice Transfer (policy 4153), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

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