

Student Assignment Plan 2007-2008

Pursuant to North Carolina General Statute §115C-366, a student shall be assigned to a school by the Board of Education in accordance with the student's domicile (or residence, with respect to a homeless student or a student residing in a group home, a foster home or pre-adoptive home), and a student assignment plan adopted by the Board of Education. Special needs students covered under the Individuals with Disabilities Education Act, 20 USC, 1400 et. seq. , shall be assigned to a school by the student's IEP team or the Board's Department of Special Education and Related Services. Students who are not domiciled in New Hanover County but are eligible for admission pursuant to N.C.G. S. 115C-366 (a3) shall be assigned to a school on the basis of their primary residence. Through the lottery, students may apply for assignment to non-magnet/magnet schools outside of their assigned school area, and year-round schools. (Throughout this policy, references to "magnet schools" include partial and whole-school magnet schools, unless otherwise indicated.)

A student eligible for admission pursuant to N.C.G.S. 115C-366(a3) is one residing with an adult domiciled in New Hanover County because of the death, serious illness, incarceration or physical or mental condition of the parent/legal guardian, the abandonment or neglect of the student, the relinquishment or physical custody and control of the student by the parent/legal guardian upon the recommendation of the Department of Social Services or Division of Mental Health, or the loss or uninhabitability of the student's home as a result of a natural disaster, and otherwise meeting the requirements of that statute.

After completing a comprehensive redistricting plan in November 2006, the student assignment plan to be implemented for the 2007-2008 school year includes the following:

- Students may attend magnet schools, with transportation provided, through a lottery process.
- Students who wish to attend non-magnet schools outside of their assigned school area must participate in the lottery process and provide their own transportation.
- Students may attend open enrollment schools, with transportation provided, through a lottery process.

All applications for lottery and non-lottery schools must be made on the official application form. Students served by an Individualized Education Program (IEP) may participate in the application process. If the application of a student with an IEP is selected, and the IEP cannot be reasonably implemented at that school, another assignment will be made.

I. School Attendance Areas

In November 2006, the Board of Education of New Hanover County Schools (hereafter referred to as NHCS) established geographic boundaries for assigned schools (formerly called attendance zones) with transportation provided.

II. Determination of Student Domicile or Residence

- a. Except as set forth below, the domicile of a student is the domicile of the student's parent/legal guardian/legal custodian. A student's domicile may be changed only in the event the parent/legal guardian/legal custodian has abandoned the former domicile with no intention of returning to it; and has established actual domicile in another location, and evidenced an intention to remain in the new location permanently or indefinitely. A minor may not select, acquire, or change his/her domicile to a domicile other than that of the minor's parent/legal guardian/legal custodian. A student may have only one domicile at a time.
- b. The residence of a student who is residing in a group home, foster home, or pre-adoptive home shall be the group home, foster home, or pre-adoptive home. A pre-adoptive home is one in which a child is placed by a county department of social services or by a licensed child-placing agency.
- c. Updating Addresses: If a student's domicile or residence changes during any school year, it must be updated. The parent/legal guardian must notify the school of the correct address. Failure to do so may result in the inability by NHCS to process the student's application.
- d. Changes to Domicile or Residence After Being Assigned to a School:
 - i. Student's school assignment:
 1. A student assigned to his or her school who changes domicile to a different school area ***between*** instructional years will be assigned to attend the school serving the student's new domicile address.
 2. A student assigned to his or her school that domicile to a different school area ***during*** an instructional year may choose to stay in the current school (with the parent/legal guardian/legal custodian providing transportation) for the remainder of the school year.
 3. For a student residing in a group home, foster home or pre-adoptive home or a homeless student, the term "residence" shall be substituted for the term "domicile" in the preceding paragraphs II. d, i, 1 and 2.

The following criteria must be met to remain at the school:

- a. Timely pick up of student;
- b. Regular attendance without excessive tardiness, absences or patterns of disruptive behavior or disciplinary referrals;
- c. Adequate space at the school;
- d. Residency of at least one academic year.

4. However, the following school year the student will be assigned to attend the school serving his or her new domicile (or residence, for a student residing in a group home, foster home or pre-adoptive or a homeless student).
 - ii. Students not attending their assigned schools:
 1. Students assigned to non-magnet schools:
 - a. A student whose domicile changes after being assigned to a non-magnet school through the lottery may choose to remain in that school through the last grade level of the school, or may attend his or her assigned school.
 2. Students assigned to a year-round school:
 - a. A student assigned to a year-round school whose domicile changes to a location outside the transportation zone will have the option of:
 - i. Attending his or her assigned school.
 - ii. Remaining in the current year-round school, meeting the requirements set forth in II, Determination of Student Domicile or Residence, d, i, (2).
 3. For students residing in a group home, foster home or pre-adoptive home, or homeless students, the term “residence” shall be substituted for the term “domicile” in the preceding paragraphs II, d, ii, 1 and 2.

III. Lottery Process Priority Rankings

- a. NHCS will conduct a Student Assignment Lottery through which students who do not wish to attend their assigned schools may apply to other non-magnet or magnet schools or year-round schools on the prescribed form.

IV. Wait Pools

- a. A wait pool will be maintained for each magnet/non-magnet school and year-round school. Each wait pool will hold the names of applicants not initially offered seats in their first-choice selection. Wait pools exist from the time of the lottery until July 31, 2007 for open enrollment and June 30, 2007 for year-round.
- b. Order of entry into a wait pool will have no influence on an applicant’s priority placement in the pool.
- c. If a seat in a magnet/non-magnet school or year-round school becomes available, an applicant’s name will be randomly drawn from the wait pool maintained for that site until the appropriate deadline. A student from a wait pool who is offered

a new seat will be given the option of accepting the new seat or remaining in his/her current placement.

V. Assignment to a School

- a. A student will be expected to attend the magnet/non-magnet school or year-round school to which the student is assigned in the lottery. After a student receives a lottery assignment, the student may not submit a new application for a different magnet/non-magnet school or year-round school for the school year for which the assignment was made. A student may be placed in a different magnet/non-magnet school or year-round school during the school year for which the assignment was made only in the following circumstances:
 - i. The student's domicile (or residence, for a student in a group home, foster home or pre-adoptive home or a homeless student) changes to a different school area.
 - ii. Circumstances in the life of the parent/legal guardian/legal custodian have changed.

VI. Application Submitted After the Close of the Application Period

- a. Students who are enrolled in NHCS and who submit a lottery application after the close of the application period will be placed in the wait pool and will attend their assigned schools.
- b. Students who were not enrolled in NHCS during the application period, and who do not wish to attend their assigned school, must complete an application.

VII. Notice of Assignment

- a. Notice of student assignment must be made prior to the effective date of the assignment. Notice of assignment may be given by noting the assignment on the report card of the student; or any other means that will adequately ensure the delivery of written notice to the parent/legal guardian/legal custodian, including sending the notice of the assignment by mail to the address of record of the student.

VIII. Communications

- a. It is the intent of the Board of Education that the administration develop techniques to effectively communicate to parents/legal guardians/legal custodians and students, information regarding the student assignment plan and the various school choices that are available to each student.

IX. Definitions

For purposes of this regulation, the following definitions apply:

- a. **Assigned School** - A school proximate to the student's domicile (or residence, for a student residing in a group home, foster home or pre-adoptive home or a homeless student), located in a student's transportation zone, to which a student is guaranteed admission.
- b. **Excessive Tardiness** - No more than three (3) unexcused late to school.
- c. **Instructional Year** - The period from the first day of school for students through the last day of attendance for students.
- d. **Legal Custodian** – A person or agency that has been awarded legal custody of a student by a court.
- e. **Legal Guardian** – A person who has been appointed guardian of the person of a student by a court.
- f. **Magnet Feeder Area** - The geographic area served by a magnet program, comprised of an entire transportation zone.
- g. **Magnet School** - A specialized school with a curriculum program for which a student may have a particular interest.
- h. **Non-Magnet School** - A school outside a student's assigned school area for which the student may apply for a lottery assignment as an **"open choice"** placement if there is space in the school.
- i. **Open Choice Application** – An application to a school where the parent must provide transportation.
- j. **Open Enrollment** - A school outside the student's assigned school area for which the student may apply for a lottery assignment, if there is space available, and with transportation provided.
- k. **Regular Attendance** - No more than six (6) absences.
- l. **Senior Privilege** - **For students who move out of county**, eligibility to remain at their current school begins the first day of the second semester of a student's junior year. Students must meet the criteria set forth in II, Determination of Student Residence, d, i, (2).
- m. **Timely Pick-up** - No more than three (3) late pick-ups from school, 30 minutes after the dismissal of students.
- n. **Year-Round School** - North Carolina curriculum offered on a nine-week on, three- week intercession schedule.

Student Assignment Plan Priorities-Magnet and/or Non-Magnet

Each year NHCS will conduct a lottery through which students may apply for admission to a year-round school and/or magnet/non-magnet schools in which there is space. Lottery applications will be placed in all schools. Selections are made based upon a random number assigned to each applicant and the Guarantees and Priority Rankings in effect for that school year. Students who wish to attend non-magnet schools outside of their assigned school areas or enter a magnet school or year-round school must participate in the lottery.

I. Continuation and sibling guarantees

The following guarantees apply to magnet school assignments for the 2007-2008 school year:

- a. Students currently enrolled in magnet school assignments will be able to remain through the last grade of their school level.
- b. Siblings will be assigned to the same school with the following stipulations:
 - i. For current students: the sibling guarantee operates as a guarantee only for a younger sibling of NHCS students assigned to a school;
 - ii. For families new to NHCS: the sibling guarantee operates for all siblings in a family after one sibling is assigned to a school;
 - iii. Siblings must identify the same magnet program as their first choice on their lottery applications;
 - iv. The first-admitted sibling must remain enrolled in the school for the entire year in order for the sibling guarantee to remain in effect for the other sibling(s).
- c. Students with IEP's are afforded comparable opportunities as other students. If the IEP of a sibling cannot be reasonably implemented at a school, however, another assignment will be made.

Reassignments and Transfers

The following provisions for a school assignment shall be effective beginning with the 2007-2008 school year unless otherwise noted:

I. Request for Reassignment

- a. Within ten working days of receipt of the notice of assignment of a student to a school; or by the date specified in the notice of assignment, a parent/legal guardian/legal custodian may apply for a reassignment of a student to a different school. Applications for reassignment which are submitted beyond this time or after the date of the original receipt of assignment; or after the date specified in the notice of assignment, whichever is later, will be processed under the rules outlined in III, Applications for Transfer of Students, set forth below, unless there are extraordinary or unusual circumstances for the delay.
- b. An open choice application should be placed on the prescribed form provided by the school system and submitted to the Student Support Services Office. Applications are available at any school, on the NHCS website (www.nhcs.net), the Dale K. Spencer Building, 1802 S. 15th St. or the Student Support Services Office at the Administration Building, 6410 Carolina Beach Rd. The request must specify the reason why the reassignment is sought. The administration will review the applications and is authorized to consider approval of these reassignments for the following reasons:
 - i. Senior privilege* (as defined on page 4)
 - ii. Valid Contract*
 - iii. Space availability at the requested school

***Indicates automatic acceptance**
- c. Open choice applications are to be submitted no later than April 20, 2007, and between January 2, 2008 – January 16, 2008 for high school only for second semester consideration.
- d. Students served by an IEP may participate in the application process. If the application of a student with an IEP is selected and the IEP cannot be reasonably implemented at the school, another assignment will be made.

II. Appeal Process

- a. Notice of Denial by the Administration: If an open choice application form is disapproved by the administration, the administration will give notice to the applicant of the disapproval and appeal rights.
 - i. Appeals to the Board of Education - Within five working days of receiving a notice of disapproval, a parent may request a hearing before the Board of

Education on the reassignment application. The request must be in writing. Panels shall consist of not fewer than two members designated by the Board. Panels shall submit their recommendations to the full Board of Education for final determination.

- b. The administration may designate a limited number of schools that are projected to be significantly over estimated capacity as closed to open choice/transfer. Application to schools declared closed to open choice/transfer by the administration will not be accepted. The Superintendent shall inform the Board of Education of any schools that the administration declares closed pursuant to this regulation.
- c. Notwithstanding the foregoing, the application for transfer to a student's assigned school will be accepted, even if the school has otherwise been declared closed.

III. Applications for Transfer of Students

- a. Any request for a transfer of school assignment made more than ten working days after receipt of the notice of the assignment, or after the date specified in the notice of reassignment, whichever date is later, will be considered as a request for school transfer. Decisions on transfer requests will be made by the Superintendent or his designee.
- b. The administration may designate a limited number of schools that are projected to be significantly over estimated capacity as closed to open choice/transfer. The Superintendent shall inform the Board of Education of any schools that the administration declares closed pursuant to this regulation. Transfers back to an assigned school will be allowed even if the school has otherwise been declared closed.
- c. A student whose domicile (or residence, for a student residing in a group home, foster home or pre-adoptive home or a homeless student) changes from one school area to another within the school district **during** the school year may choose to finish out the school year in the same school, meeting the criteria set forth in II, Determination of Student Domicile or Residence, d, i, (2); or attend the assigned school that serves the area to which the student has moved.
- d. A student who wishes to transfer to a different school must submit a transfer request. Transfer requests should be placed on the prescribed form provided by NHCS. Applications are available at any school, on the NHCS website (www.nhcs.net), the Dale K. Spencer Building, 1802 S. 15th St. or the Student Support Services Office at the Administration Building, 6410 Carolina Beach Rd.. The request must specify the reason(s) why the transfer is sought and include appropriate documentation indicating a change in the student/family situation that supports a request being made.
- e. The Superintendent or his designee is authorized to issue regulations setting forth the criteria that must be met in order for such requests to be approved.
- f. If the application for a transfer is denied by administration, the administration will give written notice to the applicant of the disapproval and appeal rights.

- g. Within five working days of receiving the notice of disapproval, the parent/legal guardian/legal custodian may request a hearing before the Board of Education of the administrative denial of a transfer request. The request must be in writing. ***The Board will hear such appeals only when the applicant alleges that the administration has violated Federal or State law, NC Board of Education policies, State rules, or NHCS Board policies in its denial of the transfer request. Documentation outlining the violation must accompany the request for a Board hearing.***

IV. Conditions for Reassignment or Transfer

- a. Unless otherwise provided, a reassignment is valid through the last grade level of the school. A transfer is valid for one year.
- b. Any reassignment or transfer request that is approved based upon false or misleading information will be declared void and the reassignment or transfer will be rescinded.
- c. Failure to fulfill a specified reason for the reassignment or transfer will result in the immediate revocation of the reassignment or transfer.