

The Board is committed to the ideal that each child should have an opportunity for an excellent education, regardless of which school attendance area is assigned. All schools shall provide equitable opportunities for learning.

CRITERIA FOR PUPIL ASSIGNMENTS

In the elementary, middle and high schools pupil assignment will provide choice and promote equitable access to varied programmatic options for all students, maximize the utilization of facilities, transportation and other resources, travel time from home, efficient operation of buses, maintain the continuity of attendance lines and neighborhoods and otherwise as required by law.

Students are eligible to attend school within the district and are assigned to home schools based on the domicile of the student's parent.¹ A domicile may be changed only in the event that the parent has abandoned the former domicile with no intention of returning to it, established actual domicile in another location, and evidenced an intention to remain in the new location indefinitely. A minor may not select, acquire, or change his/her domicile other than that of the minor's parent, except for the following: a married student, emancipated student or a student living in a group home, foster home or pre-adoptive home.

Factors for Consideration:

1. **Utilization:** Capacity shall be based on the number of standard teaching spaces. Schools may operate above capacity through the use of mobile classroom units and/or special purpose classrooms.
2. **Stability:** Stability of attendance areas is understood to mean that attendance areas should be altered only in accordance with standards adopted by the Board and made known to the community. These standards are:
 - a. Redistricting or realignment (or reassignment en mass) more often than every three years should be avoided if possible. The Board may find redistricting, realignment or reassignment to be made necessary more frequently in order to fully utilize facilities and staff and to avoid overcrowding or under use of available educational facilities and curriculum.
 - b. Prior to school opening in the fall, with the approval of the Board and proper public notice, the Superintendent may adjust school attendance

¹ For students with housing challenges or are homeless, assignment shall be consistent with Policy 4-22 *Homeless Students*. For students in foster care, assignment shall be to their school of origin unless contrary to the student's best interest.

lines. When adjustments are necessary, an attempt will be made to preserve small neighborhood groups and no geographic areas will be moved more than once between redistricting.

- c. Where residential developments cross over established attendance lines, developers, property owners, or residents may petition for changes in school assignment.
3. **Travel Time:** Within the constraints of previously defined criteria, the school attendance areas should be drawn to minimize total travel time and distance.
4. **Busing:** Within the constraints of previously defined criteria, an effort will be made to assign students to the closest school.
5. **Continuity:** Where possible, attendance lines should be contiguous.

TYPES OF SCHOOLS

1. **Home Schools:** schools within fixed, contiguous attendance boundaries. Each student will be assigned to a home school based upon his/her domicile.
2. **District-wide and Neighborhood Magnet Schools:**
 - a. **District-wide Magnet Schools:** contain specialized academic programs but do not have fixed attendance boundaries. Admission is governed by the district's magnet procedures and students may apply to a magnet school through the transfer/lottery process.
 - b. **Neighborhood Magnet Schools:** have a fixed home school attendance area and remaining seats are filled through the transfer/lottery process.

STUDENT TRANSFER

Student transfer will be allowed for the following reasons as defined below:

- Educational Need
- Change of Residence
- Home Construction
- Children of Employees
- Medical Necessity
- Extreme Hardship
- Schools Exceeding Capacity
- Unsafe School Choice under ESSA
- Sibling
- Homeless Students
- Students in Foster Care

Petitions for transfer outside the assigned area shall:

- be in writing on the Transfer Application available on the district website or electronically, if available;
- be delivered or mailed to the Office of School Performance. Documentation supporting the request must be provided. No request for a transfer will be considered until all documentation is received.

All transfers are only valid for the school year for which the transfer is granted and reapplication must be made for the next school year, except for unsafe school transfers, homeless students or students in foster care which will remain in effect consistent with legal requirements or as noted below.

The Board of Education will recognize change of legal custody from parents to other persons only if legal custody has been modified by decree or order of a court of competent jurisdiction. The parent(s) or person(s) having legal custody are responsible for transportation for such students to schools located outside the attendance area of residence, except for some Special Program Schools where transportation is provided by Union County Public Schools.

East Elementary and Walter Bickett Elementary Schools are exceptions to the rule that parents provide transportation if living out of district. Due to the large number of students moving between East and Walter Bickett attendance areas during the school year and the close proximity of those two schools, regular school bus services will be provided children moving from the East Elementary attendance area to the Walter Bickett attendance area and vice versa during the school year. The special transportation will be provided only during the school year in which the move is made. Students must attend the school in the district where the parent lives the next school year.

Educational Need

Petition for transfer outside assigned area citing Educational Need shall include a statement as to why educational needs of the student cannot be fulfilled by any reasonable means within the present school assignment. Transfers granted based upon educational need cannot be guaranteed for the school requested. Students may be assigned to another school that can best accommodate their needs.

Change of Residence

If a family's residence changes during the school year, unless the move is out of Union County, the student has the option of completing the school year at the original school or attending in the attendance area to which he/she moved. At the end of the school year in which the move occurred, the student must enroll in the attendance area of the new residence.

However, if a change in residence occurs during the 11th or 12th grade, or the summer prior to the 12th grade, the student has the option to remain at his/her original school (the school in the attendance area from which he/she moved) through the completion of his/her senior year. In this situation, once a student chooses which school he/she will attend he/she must continue in the school until he/she graduates. If the move is out of Union County, prorated tuition must be paid in full for the student to remain enrolled.

New Home Construction or Acquisition Transfers

If parent(s) or legal guardian(s) are building or acquiring a new home in a different attendance area than the one in which the student is now attending the parent(s) or legal guardian(s) may request a transfer to the new attendance area. The following conditions must be met:

The building contractor must provide a written statement indicating that the house will be completed and ready for occupancy during the school year for which the transfer is requested and include a calendar date for occupancy in the statement.

If the home in which the parent(s) or legal guardian(s) are residing is located outside Union County prorated tuition must be paid prior to enrollment. The prorated tuition will be calculated from the first student day of the school year until the day the move into the county is made.

Children of Employees

Children of employees of Union County Public Schools may transfer to any school within the district (except schools assigned based upon a lottery or under a specific criteria or into an academy – see Special Program Schools below) with the approval of the Office of School Performance. Tuition for children of employees living outside Union County will be waived. For purposes of this guideline, an “employee” is defined as someone who works for Union County Public Schools a minimum of 30 hours per week and is eligible for benefits or a person who works for another entity but is assigned to work full-time (in excess of 30 hours) in a Board of Education property through a contractual relationship between the entity and the Board (i.e. School Resource Officer). Within this category, employee requests will be prioritized for students seeking a transfer to the school location where the employee is assigned or to a school where the student was assigned during the prior academic year. Once a transfer has been granted under this basis it will remain in effect until the terminal grade in that school location (i.e. 5th, 8th and 12th) absent a change in the employment status of the employee parent, whichever occurs sooner.

Medical Necessity

A student who has a serious physical, mental, or emotional handicap or illness may be reassigned to a school that better meets his/her needs. The students' physician, psychiatrist, or psychologist shall complete a form provided by the school system that addresses (1) the nature of the handicap or illness, (2) the specific reason the student's needs cannot be met by accommodation at the assigned school, and (3) the specific reasons reassignment to another school will benefit the student more than accommodations for the student at his/her assigned school. The school system may seek a separate medical or psychiatric opinion before making a final determination. Once a transfer has been granted under this basis it will remain in effect until the terminal grade in that school location (i.e. 5th, 8th and 12th) or a change in the medical needs of the student, whichever occurs sooner.

Extreme Hardship

The Office of School Performance may reassign a student under special or unique circumstances. To make a determination, the following shall be considered: the best interests 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 students there enrolled. The Office of School Performance shall determine that such a transfer will not contravene the intent of this policy.

Schools Exceeding Capacity

Parents may request a transfer from a school of assignment that exceeds 20% over capacity to a school that is less than 10% over capacity. (Capacity shall be determined by the district and posted on the website.)

Unsafe School Choice under ESSA²

Students will be allowed to transfer when one of the following conditions exist:

1. a school is determined to be "persistently dangerous" (as defined by North Carolina Department of Public Instruction³); or
2. when it is determined by the principal, after a review of the reasonable evidence, a student was the victim of a violent crime while at school. For the purposes of

² The Superintendent will designate the schools available to receive students for requests made under this category.

³ At least two violent criminal offenses were committed with a rate of five or more such offenses per 1000 students during each of the two most recent school years; and the conditions that contributed to the commission of such offenses are determined by the SBE as being likely to continue.

this policy “violent crime” shall include the following⁴ assault resulting in serious bodily injury;

- assault involving the use of a weapon;
- rape;
- sexual offense;
- sexual assault;
- kidnapping;
- robbery with a dangerous weapon; and
- taking indecent liberties with a minor.

Sibling

A student may be eligible for a transfer based upon the assignment of his/her sibling under the following circumstances:

- a middle and/or high school student will be allowed to transfer to a school within the cluster where s/he has a sibling currently assigned except if the sibling is in the cluster via the transfer process. The student will be eligible to remain in the cluster through his/her graduation;
- a rising kindergarten student will be allowed to transfer into the dual language program at the school where his/her older sibling is currently enrolled in a dual language class. The rising kindergarten student must enroll and remain in the dual language program to be eligible under this option; and
- any student who has a sibling assigned to a separate setting classroom through the Exceptional Children’s Program will be allowed to transfer to the same school.

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.

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.

⁴ Offenses which must be reported to the State Board of Education pursuant to State Board of Education Policy HRS-A-000

Exceptions:

- **Special Program Schools**

Special Program Schools are defined for the purposes of this policy as the schools in the district operating as schools (including but not limited to CATA, district-wide and neighborhood magnets, academies, and dual language programs), with or without a defined attendance area, which require an application or lottery for admission to be submitted and approved within guidelines established for each individual special program. Application or lottery for admission to Special Program Schools shall be subject to review only by the Office of School Performance as this is an admission and not a school assignment.

- **Choice**

Students may apply for admission through lottery any school within the district whose student population is no more than 90% of the capacity as determined by the district. The Superintendent shall designate which schools are available for enrollment under this provision on an annual basis. The Superintendent and Board have the final authority to identify schools available for choice under this option. Once a transfer has been granted under this basis it will remain in effect until the terminal grade in that school location (i.e. 5th, 8th and 12th).

- **Capacity**

Once a school reaches 95% capacity level or higher as determined by the district no transfers will be approved.

Transfers for Athletic Participation

Under no circumstance will a student be allowed to transfer for the purpose of athletic participation at another school. Students granted initial transfers⁵ based upon educational need, extreme hardship, home construction/acquisition⁶, and schools exceeding capacity will be ineligible to participate (practice, play, or otherwise compete) in athletics for two semesters. (Transfers in mid-semester will be ineligible for the remainder of the semester and the following semester to participate.)

⁵ Initial transfers mean the first transfer that allows a student to move from school A to school B. A subsequent transfer that allows the student to remain at school B will not preclude the student from athletic participation after the two full semesters of athletic ineligibility have been fulfilled.

⁶ Students with home construction/acquisition transfers will become eligible to participate in athletics when they physically occupy (on a permanent basis) the home in the attendance area where they are attending school. This occupancy should be verified by the principal through one or more home visits.

Athletic participation will be allowed for the following:

- a. Exceptional Children's Program transfers by the school system to a school that provides an appropriate curriculum that is not offered in the assigned school.
- b. Change of Residence – Student will be eligible in the school chosen.
- c. Special program schools transfers to schools without a defined attendance area.
- d. Children of Employees.
- e. The entity approving the transfer (Board of Education or the Superintendent or designee) shall have the authority to consider all extenuating life circumstances and render a decision on athletic eligibility based on extenuating life circumstances.

OUT OF COUNTY TRANSFERS

Students whose domicile is located outside the boundaries of the Union County Public School System will not be permitted to attend Union County Public Schools with the following exceptions: home construction, children of employees, and/or as required by law.

RELEASE OF STUDENTS FROM THE UNION COUNTY PUBLIC SCHOOL SYSTEM

After completing an application for transfer, students shall be released to attend school in another administrative unit until such time as the number of students leaving the district differs substantially from those coming into the district. A student release form must be signed by the Superintendent or his/her designee.

PUPIL TRANSFER CRITERIA

1. In reviewing a request for transfer, the Board shall consider the following criteria:
 - a. The best interest of the child;
 - b. The orderly and efficient administration of the schools;
 - c. The proper administration of the school to which the transfer is being requested; and
 - d. The instruction, health, and safety of the students enrolled at the school being requested.
2. The Board may establish limits on the number of student transfers that can be granted to a specific school. If a limit is established, requests will be acted upon in the order in which they are received. Except as set forth in the Administrative Guidelines, no transfers will be granted to a school that has reached the watch level.

3. Application for transfer to an attendance area other than the one in which a student lives must be made to the Office of School Performance, who will consider the application. Additional documentation may be requested. The principals of both schools may be consulted during the process. Guidance counselors, attendance aides and others may also be consulted.
4. The availability of classroom space will be a consideration when acting upon transfer requests.
5. Students may not enroll in the school being requested until approval of the transfer has been obtained.
6. Any student who is granted a transfer and whose behavior or attendance (including full and partial day absences) is later judged by the principal to be unacceptable will have his/her transfer revoked.
7. It is the responsibility of the principal to verify the domicile of each student in his/her school, beginning with those who transfer from another school district or attendance area.
8. Each principal shall be responsible for determining that no student is enrolled in violation of this policy.
9. Any student who is granted a transfer under this policy will not be eligible for transportation, unless required by law.
10. Any transfer approved under this policy will expire at the end of the academic year for which it is granted, unless specifically noted.

APPEALS

See Policy 1-18 regarding appeals.

ADMINISTRATIVE GUIDELINES

The Superintendent will develop Administrative Guidelines to implement this policy.

LEGAL REF.: G.S. 115C-366; 20 U.S.C Section 6301 et seq.

CROSS REF.: Board Policy 1-18, Appeals

UNION COUNTY BOARD OF EDUCATION

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