

A. ASSIGNMENT AREAS

The superintendent shall recommend to the board school attendance districts for the schools in the system.

The attendance districts 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 to attendance districts must be made in a non-discriminatory manner.

The superintendent shall review periodically the attendance district lines and submit recommendations for revisions to the board when necessary.

B. ASSIGNMENT OF STUDENTS

Students will attend school in the Buncombe County Schools district where their domicile is located, unless otherwise assigned by the Buncombe County Board of Education. Notwithstanding the provisions of this policy, (1) homeless students will be assigned to a school in a manner consistent with state and federal law and policy 4125, Homeless Students; and (2) students in foster care will be assigned to their school of origin unless contrary to their best interest, as required by federal law.

Under no circumstances can a student have more than one residence for the purposes of attending a particular school. See policy 4120, Domicile or Residency Requirements.

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 OF DOMICILE TO NEW ATTENDANCE DISTRICT**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, e-mail or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

(See also policy 4130, Discretionary Admission or Release)

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, with principal approval, 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, a Discretionary Admission /Release Application must be approved, and the parents will be responsible for providing the student's transportation to a school. The student will be assigned to the school according to the area in which they live at the beginning of the next school year.

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 they 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

Students who wish to attend school outside the district where they are domiciled must request a Discretionary Admission (see Policy 4130).

E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

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

1. The parent is responsible for transportation (except for 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, for which the length of reassignment will be consistent with legal requirements and policy 4152; (b) homeless student transfers for which the length of reassignment will be consistent with legal requirements and policy 4125; and (c) transfers or reassignment of students in foster care, for which the length or reassignment will be consistent with legal requirements).
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.

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. 115C-8; 115C-36, -47(68), -366, -367, -369; State Board of Education Policy SSCH-006, **S.L. 2023-107, Sec. 5**

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

Takes the place of Policy 410 and Administrative Regulation 410R

History of Policy 410

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