

**I. Assignment Areas**

The Superintendent will recommend to the Board of Education assignment areas for the schools in the district.

The assignment areas will be developed in accordance with state requirements; the need to serve all school-age children who live in the school district; and the effective use of each school; special consideration shall be given to community/neighborhood schools. Assignments will be made in a non-discriminating manner. In addition, certain students may be assigned according to their qualifications for special needs programs, ESL programs, certain magnet programs or alternative placement. The Board of Education shall set geographical boundaries for assignment districts from time to time as may be appropriate and will publish these in the Office of Student Assignment.

**II. Residence Requirements**

- A. Student(s) shall be assigned to schools by The Gaston County Board of Education on the basis of residence, unless the student is enrolled in a special program as defined in paragraph C below. The residence of a student is defined as the domicile of the parent(s). In the event the student has no parent domiciled in the school district, or parental rights have been terminated, then the student will be assigned in the attendance area where such student's legal guardian, custodian or person standing in loco parentis, in that order, is domiciled. A student who is 18 years of age or a student emancipated by marriage or court decree may establish his/her own domicile for the purposes of this policy. For the purposes of this policy, domicile shall be defined as the place a person intends to make his home for the present time. A person has domicile at a place for school assignment purposes if: (1) he/she has abandoned his/her prior home, (2) he/she has a present intention to make the present place his/her home, and (3) he/she has no present intention to leave the place he/she calls home. Appeals of assignment must be made to the Office of Student Assignment within ten days of notification.
- B. Notice of assignment will be made prior to the effective date of the assignment for students already enrolled in the Gaston County Schools; assignment may be given by noting the same on the report card of the student or any other means that will adequately insure the delivery of written notice to the parent(s). In the case of students enrolling in a Gaston County School for the first time, assignment will be made at the time of their application for enrollment.

- C. In the event students are evaluated for the Exceptional Children's Program, ESL, Alternative Placement (Warlick Academy) or choice options (magnet schools and academies) their assignment will be made in accordance with guidelines of each particular program.

### **III. Gaston County Board of Education Requirements**

The Gaston County Board of Education requires that all students meet the eligibility requirements of the State of North Carolina, and the Gaston County School system, including age, immunization and residence regulations. Falsification, deception, or the willful failure to submit or maintain accurate and up-to-date information pertaining to student enrollment or transfer will nullify any parental request for transfer during that school year.

### **IV. Age Requirement**

All resident students who have passed the fifth anniversary of their birth on or before August 31 of the year in which they enroll and who have not attained the age of 21 years are eligible to enroll in the Gaston County Schools. A certified birth certificate or other satisfactory evidence of date of birth is required within thirty (30) days for admission for the first time in kindergarten or first grade at any school.

### **V. Immunization Requirements**

- A. Within thirty (30) days of their first enrollment date, all students must show evidence of immunization against tetanus, diphtheria, whooping cough, red measles (rubeola), German measles (rubella), and poliomyelitis. Such evidence must be shown in the form of a certificate furnished by a licensed physician or by the health department.
- B. School principals are required to refuse admittance to any child whose parent/guardian does not present a certified birth certificate or other satisfactory evidence of birth and a medical certification of proper immunizations within the allotted time. Exception to the immunization requirement is made only for religious reasons or for medical reasons approved by a physician.

**VI. Domicile Requirements****A. Students Domiciled in Gaston County**

A student who is domiciled in Gaston County and who otherwise qualifies for admission to its schools is entitled to be admitted without payment of tuition.

**B. Domicile of Student Generally**

The domicile of a student under 18 years of age is presumed to be the domicile of his/her parents, legal guardian or legal custodian as defined by the General Statutes of North Carolina and the law of North Carolina. If the student's parent(s) is domiciled in Gaston County, no change of legal custodian will cause the student to be reassigned to the domicile of the legal custodian. In order to change schools, a transfer must be requested and approved under the hardship provision hereinafter.

**C. Domicile of Emancipated Students**

If the student is at least 18 years of age or married or abandoned by his/her parents, or if the Court declares a student to be emancipated, the student may establish a domicile independent from that of his/her parents, legal guardian or legal custodian. A student who establishes domicile as a result of being emancipated shall be considered to be domiciled in Gaston County and shall be entitled to the same rights and privileges of other students domiciled in Gaston County. Prior to a change of school assignment, a written acknowledgment and agreement will be generated from the parents concerning a change of domicile and explaining the circumstances of emancipation.

**D. Domicile of Students with Divorced or Separated Parents**

In the event that the parents are divorced or separated and legal custody has been given to only one parent, a student's domicile follows that of the parent who has been granted legal custody. In the event that the parents are divorced or separated and legal custody (1) has not been determined, (2) has been granted jointly to both parents, or (3) the custodial parent wishes the student to attend school in the non-custodial parent's district of residence, then and in and of these events, the parents must jointly agree on which of their two residences will be used to determine the child's domicile for the purpose of school attendance.

The parents shall submit the selected residence in writing to the Superintendent at the beginning of each school year. In the event the parents cannot agree on which residence shall be used to determine the child's domicile for school attendance purposes, the residence of the parent with physical custody of the child will be used for assignment purposes. The student assignment will be for the term of the entire school year in cases where assignment is made by agreement.

When a parent does not have proof of address in their name, the Office of Student Assignment will make the assignment.

E. Homeless Students/Assignment: See Policy Code 4175

F. 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.

G. Students Domiciled Outside Gaston County (Out-of-District Transfers)

An out-of-district student is defined as a student who does not meet the definition of homeless, and is domiciled outside of the school administrative unit (including a student who resides in the school administrative unit with someone other than a parent, legal guardian or legal custodian but whose parent, legal guardian or legal custodian is domiciled outside of the school administrative unit).

## **VII. Student Assignment and Transfers/In-District**

A. The Gaston County Board of Education will adopt attendance zones for the schools within the district. School attendance zones shall be recommended by the Superintendent and adopted by the Board of Education.

B. These zones shall be consistent with state requirements and court rulings and shall consider the need to serve all school-age children who live in the district, the efficient and effective use of the school, and the geographic location of the school in relationship to the surrounding student population.

**1. Student Assignment**

- (a) It is the intent of the Board that all students who qualify for admission to its schools shall be assigned to the schools in the attendance area of their domicile. For the purposes of this policy, domicile shall be defined as the place a person intends to make their home for the present time. The residence of a student is defined as the domicile of the parent(s).
- (b) Students whose parents, legal guardian, or legal custodian change their domicile and establish a new domicile either within or outside Gaston County during a school year, may be permitted to complete the remainder of the school year in their present school location provided they meet the requirements stated in the guidelines for out-of-district enrollments. This provision does not apply if space availability, student behavior, or poor attendance issues are in question, except during the last grading period as provided below:
  - (1) Grades K-8: Students may be permitted to complete the remainder of the school year as determined by the Office of Student Assignment.
  - (2) Grades 9-12: Students may be permitted to complete the remainder of the semester in which the move occurred as determined by the Office of Student Assignment.

**(c) Exceptional Children's Program**

The guidelines and procedures for placement into the Exceptional Child Program are published in "Policies Governing Services for Children with Disabilities" which is distributed by the North Carolina State Department of Public Instruction, Division of Exceptional Services Department, and hereby incorporated herein by reference.

When students are assigned under this provision, the student will be assigned to the appropriate school in the student's attendance area, wherever possible.

**d) English as a Second Language (ESL) Placement**

In the event a student's first language is not English and the student is evaluated on the Language Proficiency Test as needing English instruction, and the school to which he is originally assigned does not have an appropriate ESL program, the student will be assigned to the appropriate school in the student's attendance area, wherever possible. If no space is available or the needed program is not available in the attendance area, the student will be assigned to the nearest appropriate school which meets the student's needs.

(e) Alternative Placement

The Warlick Academy is a program designed to meet the educational needs of children in Gaston County who have not adapted behaviorally or who are not benefiting from regular school programs. The philosophy of the school is based on the inherent worth and potential of every person. It is predicated on the assumption that all children can learn if the proper conditions are set for them and the premise that every student has the right to an appropriate and high-quality education.

Students may be assigned to the Warlick Academy by the Superintendent or his designee in accordance with the guidelines and procedures set forth in the document entitled "The Alternate School," and hereby incorporated herein by reference.

C. Transfers within the School System

Transfers to a school will be considered only where it has been determined that space is available. The fact of whether space is available will be determined by the Superintendent or designee who will consider current and expected enrollment within the class and grade. Transfers will not be granted if the addition of that student causes the school to exceed any classroom limitations.

Transfers will only be considered when it has been determined that students meet the following eligibility criteria: (1) are able to provide their own transportation, (2) attendance that aligns with district's attendance policy, (3) exhibit exemplary conduct that aligns with expectations of the Gaston County Schools' Code of Conduct and (4) academic performance necessary for promoting to the next grade level. These criteria will be considered using data for the student from the most recent school year.

The district is under no obligation to furnish school transportation for students living outside the district or assigned by transfer. Parents requesting transfer within Gaston County would receive first priority based on space available at the requested school.

Any reason having to do with personal preference, convenience, program offerings or athletics is not a valid or sufficient need for enrollment or transfer in-district or out-of-district.

1. Medical/Health Related

A student who has a serious physical or mental illness, handicap, or disability may be reassigned to a school which better meets his needs. The student's physician, psychiatrist, or psychologist shall complete a form provided by the Student Assignment Officer describing the nature of the student's medical difficulty. The Medical Review Officer for the Gaston County Schools will determine, after necessary consultation with the student's physician, the necessity of the transfer. The Office of Student Assignment will be notified of the Medical Review Officer.

- (a) When the students are assigned under this provision, the student will be assigned to the appropriate school in the student's attendance area, wherever possible. If no space is available or the needed program is not available in the attendance area, the student
- (b) will be assigned to the nearest appropriate school which meets the student's needs.

The student's parent(s) will be notified of the decision by the Office of Student Assignment.

A Medical Review Officer will be appointed annually by the Superintendent who will report the same to the Transfer Committee of the Board.

2. Special or Unique Circumstances

The Transfer Committee may elect in special or unique circumstances to transfer a student. In making such a determination, the Transfer Committee shall consider 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, and shall assign said child in accordance with such factors. Additionally, the Transfer Committee shall determine that such a transfer will not contravene the intent of this policy

The need for a transfer must be established by an affidavit by the parent(s) outlining the special or unique circumstances for consideration of the request by the Transfer Committee.

In the event, a parent is building a house for occupancy before the end of the first (1<sup>st</sup>) semester; the student may be issued a temporary transfer. A signed contract by a reputable builder confirming that the house will be ready for occupancy no later than December 31 of the current school year must be filed with the Office of Student Assignment.

3. Elementary and Middle School Transfers Due to Day Care Necessity

A student in grades K-8 whose parent(s) are employed outside the home and who by necessity is kept before and/or after school by others (relatives, nurseries, day care center, etc.) located outside the attendance zone, in which the student is kept, may request a transfer. The need for a transfer must be established by an affidavit by the parent(s) and keeper of such student. Verification of employment may be required. The Transfer Committee shall determine if the transfer is necessary in order to avoid hardship or burden on the family.

4. Transfer Request for a Child of a Gaston County Schools Employee

Children of employees who have worked full-time in the Gaston County Schools may request a transfer. These transfers shall be reviewed each school year. Students receiving a transfer must remain in good standing.

Once a transfer has been granted under this provision, and is renewed because all required conditions are met, the student may continue to request transfer to the school that is in closest geographic proximity within the feeder system. The student will be assigned to the school in which the parent works, or if the parent(s) does not work in a school or a school with the grade span needed for the student, then the student will be transferred to the school in the closest geographic proximity to the place/school where the parent(s) works.



If parent ceases to be employed by the Gaston County Schools, the student's transfer will be revoked at the end of the school year in which employment was terminated, provided, however, if a parent's employment has terminated due to retirement or disability, the student may continue to request a transfer within the feeder system.

- D. A Transfer Committee appointed by the Board Chairman consisting of staff and/or Board members shall have the authority to approve or deny a transfer request. The student shall have the right to appeal the decision of this committee to the Board or a committee of the Board appointed for that purpose. At the appeal hearing, the Board (or committee thereof) shall consider the best interest of the child, the orderly and efficient administration of the public schools, and the proper administration of the school to which reassignment is requested and the instruction, health, and safety of the pupils there enrolled, and shall assign said child in accordance with such factors. Additionally, the Board (or committee thereof) shall determine that such a transfer will not contravene the intent of this policy.

Transfer request forms will be available in the Office of Student Assignment.

- E. Administrative Placement of Students

The Superintendent may elect in very severe and exigent circumstances to place any student when he determines such action to be in the best interest of the student and the school(s) affected and when he further determines that such action would not contravene the intent of this policy. An administrative placement will be reported to the Transfer Committee of the Board at its next regular meeting.

**VIII. Student Transfers/Out-of-District**

- A. The Transfer Committee shall have the responsibility to approve or deny requests for admission to Gaston County Schools by out-of-district students. Enrollment requests from parents of students who reside outside of Gaston County will not be considered until all transfers for in-county students have been made with exception of category B.3 below.
- B. The enrollment of an out-of-district student shall be considered under the same criteria and procedures set forth for transfers of in-county students.
  - 1. Medical/Health Related
  - 2. Special Circumstances
  - 3. Elementary and Middle School Transfers Due to Day Care Necessity
  - 4. Transfer Request for a Child of a Gaston County Schools Employee
- C. An out-of-district student who has been accepted for admission shall be assigned to a school within a reasonable proximity to the student's domicile that meets the best interest of the student and the orderly and efficient administration of the public schools. Once an out-of-district transfer is granted, the student will be permitted to complete the remainder of the school year in their present school location, provided they continue to meet all other requirements of this section.
- D. In the event an out-of-district transfer/enrollment is approved under the criteria set forth in this policy, then the following conditions must be met in order to validate the transfer:
  - 1. The student demonstrates that he/she was in good standing in the previous school attended by that student, in terms of academics, discipline, and other measures of progress in the last school attended.
  - 2. The student furnishes a transcript and other student record data, including evidence of compliance with the North Carolina immunization requirements.
  - 3. The student submits a release approved by the Board of Education of the other school administrative unit from which the transfer is being made if the student is transferring from another school administrative unit in North Carolina.

- E. Students living outside Gaston County will pay the tuition then being charged by the school administrative unit, unless exempted or waived because the student meets one of the following criteria:
1. A student is placed in or assigned to a group home, foster home, or other similar facility or institution within the school administrative unit.
  2. A student demonstrates extraordinary financial hardship.
  3. A student's parent is a full-time employee of Gaston County Schools.
  4. A non-immigrant student is participating in any approved Foreign Exchange Program sanctioned by Gaston County Schools.

Note: Tuition for out-of-district students is declared annually by the Board of Education. The tuition fee shall be based upon the local per-pupil funding. Fees must be paid at the Office of Student Assignment, 1 Learning Place, Gastonia, N.C. 28052 prior to enrollment at the assigned school.

- F. A Transfer Committee appointed by the Board Chairman consisting of staff and/or Board members shall have the authority to approve or deny a transfer request. The student shall have the right to appeal the decision of this committee to the Board or a committee of the Board appointed for that purpose. At the appeal hearing, the Board (or committee thereof) shall consider the best interest of the child, the orderly and efficient administration of the public schools, and the proper administration of the school to which reassignment is requested and the instruction, health, and safety of the pupils there enrolled, and shall assign said child in accordance with such factors. Additionally, the Board (or committee thereof) shall determine that such a transfer will not contravene the intent of this policy.

## **IX. Releases to Other School Districts**

- A. The Release Committee shall have the responsibility to approve or deny requests for release from Gaston County Schools by in-district students.
- B. A release of a student from Gaston County Schools shall be for the following reasons only:
1. **Medical/Health Related**  
A student who has a serious physical or mental illness, handicap or disability may be released to a school which better meets his needs. The

student's physician, psychiatrist, or psychologist shall complete a form provided by the Student Assignment Officer describing the nature of the student's medical difficulty. The Medical Review Officer for the Gaston County Schools will determine, after necessary consultation with the student's physician, the necessity of the release. The student's parent(s) will be notified of the decision of the Medical Review Officer in writing by the Office of Student Assignment.

A Medical Review Officer will be appointed annually by the Superintendent.

2. Special or Unique Circumstances

In special or unique circumstances, a student may request a release. In making such a determination, consideration shall be given to 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, and shall release said child in accordance with such factors. The release will not contravene the intent of this policy.

- C. Students whose parents, legal guardian, or legal custodian establish their domicile within the school district during a school year may be granted a release to complete the remainder of the school year in their present school location provided they pay any fees required by that school, and furnish their own transportation.
- D. Students whose parents, legal guardian, or legal custodian establish their domicile within the school district during a school year may be granted a release to compete the remainder of the school year in their present school location provided they pay any fees required by that school, and furnish their own transportation.
- E. Students released to other school systems must meet financial obligations required by their new school systems and provide their own transportation.

- F. A Release Committee appointed by the Board Chairman consisting of staff and/or Board members shall have the authority to approve or deny a release request. The student shall have the right to appeal the decision of this committee to the Board or a committee of the Board appointed for that purpose. At the appeal hearing, the Board (or committee thereof) shall consider the best interest of the child and the orderly and efficient administration of the Gaston County Schools and shall release said child in accordance with such factors. Additionally, the Board (or committee thereof) shall determine that such a release will not contravene the intent of this policy.
- G. Release forms will be available in the Office of Student Assignment.

**X. General Provisions****A. Expectations of Students on Transfer**

Students whose applications for transfer are approved must (1) provide their own transportation, (2) comply with the district's attendance policy, (3) exhibit exemplary conduct that aligns with expectations of the Gaston County School's Code of Conduct and (4) maintain academic performance necessary for promoting to the next grade level. Should the transfer student fail to comply with the above standards, the school principal may recommend that the transfer be revoked.

**B. Cancellation of Student Transfer**

- 1. At the beginning of each school year or at the time a transfer is granted, parents and students will be informed of the conditions necessary to maintain transfer status. These conditions will be outlined in a contract that must be signed and returned to the school's principal.
- 2. Principals will use the following procedures to request the cancellation of transfer:
  - a. The student and his/her parent will be informed, during the transfer approval process, of the expectations or conditions necessary for an approved transfer. Parents must agree to these conditions by signing and returning the transfer contract to the school's principal.

- b. The parent is responsible for transportation (except for homeless student transfers and transfers of 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).
- c. A student and his/her parent will be given written notice of any warning(s) that might place their transfer status in jeopardy. (See Expectations of Students on Transfer above.)
  - a. Except for any action of the student that is a violation of the Gaston County Schools' Code of Conduct and is considered especially grievous or a safety concern may result in an automatic revocation of transfer.
  - d. Following a notice of warning, a transfer student's continued failure to satisfy the conditions for transfer will be withdrawn from enrollment at the school. Prior to the withdrawal of a transfer student, the Office of Student Assignment and the parent will be contacted.
- 3. There will be no cancellation of existing transfers during the last grading period of each school year neither in grades K-8 nor in the last grading period of each semester in grades 9-12.
- 4. Any transfer request that is approved based upon false or misleading information will be declared void, and the transfer will be rescinded.

**C. Procedure for Requesting a Transfer**

- 1. Requests for transfer/release should be made in writing to the Office of Student Assignment by the parent, legal guardian, or legal custodian between April 1st, and July 15<sup>th</sup>, for each school year.
  - a. Requests will only be considered outside this time frame for hardships or situation with extenuating circumstances.
- 2. The Office of Student Assignment shall notify the parents, legal guardian, or legal custodian of the decision in writing.

3. The transfer will be evaluated for continued eligibility prior to the end of each 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 4175); and (c) transfers or reassignment of students in foster care, for which the length of reassignment will be consistent with legal requirements.

Students assigned based on approved transfer will have their transfer status evaluated for continued eligibility prior to the end of the current school year. Students who meet eligibility criteria will be given the option to renew their transfer for the following school year. Students who fail to satisfy the conditions for transfer will be reassigned to their zoned school of attendance for the following school year.

**D. Appeal to the Board**

If an application for transfer/release is denied, the applicant may, within ten (10) days after receiving notice of the denial, apply in writing to the Student Assignment Officer for a hearing, and shall be entitled to a prompt and fair hearing on the question of the reassignment or transfer/release of the child to a different school.

**E. Forms**

The Office of Student Assignment will develop appropriate forms for the implementation of these Rules which will be available in the schools and in the Office of Student Assignment.

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 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, -366, -367, -369; State Board of Education Policy SSCH-006

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