

A. DEFINITIONS

1. In-District Student: A student who qualifies for admission pursuant to Policy 4120, “Domicile and Residence Requirements.”
2. Out-of-District Student: A student who does not qualify for admission to the school district pursuant to Policy 4120, “Domicile and Residence Requirements.”
3. Parent: A biological parent of the student or a **legal guardian**. Non-parents with a “power-of-attorney” or other agreement with a parent **do not** qualify as “parents” for school admission purposes.

B. ASSIGNMENT PROCESS

The Superintendent shall recommend to the Board an assignment process for the schools in the school district.

The assignment process will be developed in accordance with state and federal requirements and court rulings; the legal requirement to serve all in-district students; and the effective use of each school facility.

The Superintendent shall review periodically the assignment process and submit recommendations for revisions to the Board when necessary.

C. ASSIGNMENT OF STUDENTS

The Superintendent or designee shall assign students to particular schools based upon applicable law and Board policy. 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 North Carolina Address Confidentiality Program.

Assignment decisions for all students will take into account the following criteria:

1. The legal obligation of the school district to assign in-district students;
2. maintenance of ethnic balance that is reasonably reflective of the school district as a whole;

3. efficient use of school facilities;
4. capacity of the school or program;
5. any program criteria that must be met by the student for admission to a particular school or program;
6. hardship on an in-district student or parent that has been documented by the parent;
7. enabling siblings of currently enrolled in-district students to attend the same school;*
8. assigning children of staff at the primary school of employment; and
9. the placement of currently enrolled in-district students and Asheville Preschool students.*

*These students will receive priority placement during open enrollment **only**.

D. ASSIGNMENT AND TRANSFER PROCESS

Notwithstanding the assignment processes described below for in-district and out-of-district students, the Superintendent shall reserve seats necessary to comply with the criteria mentioned in Section C of this Policy. The Superintendent shall take such reserved seats into account when determining that a school is at or over “capacity” pursuant to this Policy.

1. In-District Students

In-district students will be assigned to schools in the following order:

1. During open enrollment of the preceding school year, parents shall submit applications for assignment or transfer, ranking each magnet school, middle school or high school. All applications shall be given equal consideration if submitted within the open enrollment period.
2. All in-district students, including newly admitted in-district students and in-district students seeking transfer, shall be assigned to a magnet school, middle school or high school. A lottery system shall be used for schools where the number of applicants listing that school as their first choice exceeds capacity. A lottery system will not be used to determine applicants’ second and third choices. The administration will use the list generated by a lottery to place students in the event that space becomes available prior to the start of school.

3. Parents shall be notified of assignment and transfer decisions by the third Friday in April.
4. Applications submitted after open enrollment for new students or transfers will be addressed in the order that they are received. The parent should understand that some magnet schools will already be at or over capacity at the completion of open enrollment.

2. Out-of-District Students

Out-of-district students will be assigned to schools in the following order:

1. During open enrollment of the preceding school year, parents shall submit applications for assignment or transfer, ranking each magnet school, middle school or high school.
2. After the Superintendent has placed all in-district students applying during open enrollment, the Superintendent shall place out-of-district students in the following order of priority:
 - a) Siblings in the same school;
 - b) Currently enrolled students and Asheville Preschool students;
 - c) Currently enrolled students seeking a transfer; and
 - d) Students seeking their first assignment in the Asheville City Schools.
3. Parents shall be notified of assignment decisions by April 30th.
4. After open enrollment, a parent may still submit an application for assignment. Such applications will be addressed in the order that they are received. The parent should understand that some magnet schools will already be at or over capacity at the completion of open enrollment.
5. Once an out-of-district student is assigned to a certain school, that student may choose to remain at that school subject to the conditions of Policy 4130.

E. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Unsafe School Choice Transfer under the Elementary and Secondary Education 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.
2. 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.)

3. 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.

4. 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 deemed relevant by the Superintendent.

F. ASSIGNMENT TO ALTERNATIVE SCHOOL

Students will be assigned to the School/Program in accordance with Policy 3470, Alternative Learning Programs/Schools.

G. REQUESTS FOR REASSIGNMENT AND APPEAL

Within ten (10) days of notice of the assignment or the last publication thereof, the parent must submit a written request to the Superintendent for the reassignment of the child to a different public school. The request must specify the specific reasons why reassignment is sought. The Superintendent shall establish a procedure for hearing all such requests. Parents will be notified in writing of the Superintendent's final decision within five (5) working days. The Superintendent may not grant any request for reassignment on behalf of an out-of-district student to attend any school which does not have additional capacity. Appeals of final assignment decisions must be made pursuant to Policy 4140.

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); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July

2016); *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: Appeal of Final Administrative Decisions (policy 4140); Alternative Learning Programs/Schools (policy 3470), Homeless Students (policy 4125), Unsafe School Choice Transfer (policy 4152), North Carolina Address Confidentiality Program (policy 4250)

Adopted: February 2, 1998
Revised: January 22, 2009
March 6, 2017
March 5, 2018
December 2, 2019