

**Student Assignment Plan**  
**2021-2022**  
**Supports Policy 8120**

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. Students with disabilities served under the Individuals with Disabilities Education Act, 20 USC, 1400 et. seq., shall be assigned to the school they would normally attend, unless the student’s Individualized Education Program (IEP) cannot reasonably be implemented with existing staff at that school. In such cases, a school assignment will be made by the NHCS’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 of 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, or the student’s parent or legal guardian being on active military duty and deployed out of New Hanover County for more than 30 days, and otherwise meeting the requirements of that statute.

After completing a comprehensive redistricting plan in December 2019, the student assignment plan to be implemented for the 2021-2022 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 year-round schools through a lottery process. Those within the school’s transportation zone will be given first priority in the lottery and will have transportation provided. Those outside the school’s transportation zone must provide their own transportation.

All requests for change of school assignment must be made online using the prescribed form. Students with disabilities may participate in the request for change of school assignment process. If the request of a student with a disability is selected, and the IEP cannot be reasonably implemented by existing staff at that school, another assignment will be made.

## I. School Attendance Areas and Transportation Zones

In December 2019, the Board of Education of New Hanover County Schools (hereafter referred to as NHCS) established geographic boundaries, called school attendance areas, for assigned schools (formerly called attendance zones) with transportation provided. The Board has also established geographic boundaries called transportation zones for year-round schools.

## 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 (except that in certain circumstances where a student has a parent or legal guardian domiciled in New Hanover County and also has a legal custodian, NHCS does not recognize the legal custodian for purposes of school assignment as explained in Section B. 2. of Policy 8100). 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 domicile 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/legal custodian must notify the school of the correct address. Failure to do so may result in the inability by NHCS to process the student's request.
- d. Changes to Domicile or Residence after Being Assigned to a School:
  - i. Students attending schools in their school attendance area:
    1. A student assigned to his or her school who changes domicile to a different school attendance 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 who changes domicile to a different school attendance 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).

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

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

However, the following school year the student will be assigned to attend the school serving his or her new domicile.

3. For a student residing in a group home, foster home or pre-adoptive home, a homeless student, or a student whose parent or legal guardian is on active military duty and deployed out of New Hanover County for more than 30 days, the term “residence” shall be substituted for the term “domicile” in the preceding paragraphs II. d, i, 1 and 2.
- ii. Students attending schools outside their school attendance area (other than year-round schools) :
    1. Students assigned to magnet or non-magnet schools:
      - a. A student whose domicile changes after being assigned to a magnet or 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. However, once the student chooses to attend his or her assigned school, he or she must re-apply to be considered for assignment to a magnet or non-magnet school other than the assigned school.
  - iii. Students assigned to a year-round school:
    1. A student assigned to a year-round school at the time his/her domicile was in the school’s transportation zone and whose domicile changes to a location outside the transportation zone will have the option of:
      - a. Attending his or her assigned school, or
      - b. Remaining, for the remainder of the current school year, in the year-round school, meeting the requirements set forth in II, Determination of Student Domicile or Residence, d, i, (2).

2. A student assigned to a year-round school at the time he/she was domiciled outside the school's transportation zone and whose domicile changes to a different student attendance area will have the option of :
  - a. Attending his/her assigned school, or
  - b. Remaining in the current year-round school through the last grade level of the school.
- iv. For students residing in a group home, foster home or pre-adoptive home, homeless students, or students whose parent or legal guardian is on active military duty and deployed out of New Hanover County for more than 30 days, term "residence" shall be substituted for the term "domicile" in the preceding paragraphs II, d, ii and iii., including subsections.

### **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. A weighted lottery will be conducted for year-round and magnet schools. Zip code, parent's education and parent's income range will be used as indicators for the weighted lottery.

### **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 Christmas break for magnet schools. Wait pools for non-magnet and year-round schools will exist until the first day of school. Requests for year-round may be submitted until the day before school begins.
- 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 assignment will be given the option of accepting the new assignment or remaining in his/her current assigned school.

### **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 request 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 for the school year for which the lottery 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, a homeless student or a student whose parent or legal guardian is on active military duty and deployed out of New Hanover County for more than 30 days,) changes to a different school attendance area prior to the beginning of the school year (or for new students, prior to beginning school).
- ii. Circumstances in the life of the parent/legal guardian/legal custodian have changed prior to the beginning of the school year (or for new students, prior to beginning school) so as to constitute a substantial hardship meeting the Hardship Guidelines attached hereto, as determined by the Superintendent or his designee.

#### **VI. Request Submitted After the Close of the Time Period**

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

#### **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 Plan, 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, a homeless student, or a student whose parent or legal guardian is on active military

duty and deployed out of New Hanover County for more than 30 days), located in a student's school attendance area, to which a student is guaranteed admission and to which transportation is provided.

- b. **Excessive Tardiness** - No more than three (3) unexcused late to school.
- c. **5<sup>th</sup> or 8<sup>th</sup> grade privilege** - Eligibility to remain at the current school providing the student has been enrolled for the past two complete school years.
- d. **Instructional Year** - The period from the first day of school for students through the last day of attendance for students.
- e. **Legal Custodian** - A person or agency that has been awarded legal custody of a student by a court.
- f. **Legal Guardian** - A person who has been appointed guardian of the person of a student by a court.
- g. **Lottery Schools**- Schools to which students may apply for admission through a lottery such as magnet schools, non-magnet schools and year-round schools.
- h. **Magnet Feeder Area** - The geographic area served by a magnet program, comprised of an entire transportation zone.
- i. **Magnet School** - A specialized school with a curriculum program for which a student may have a particular interest.
- j. **Non-Magnet School** - A school, other than a year-round school, outside a student's assigned school attendance area for which the student may apply for a lottery assignment as an "**open choice**" placement if there is space in the school, and for which the parent/legal guardian/legal custodian must provide transportation\*.
- k. **Open Choice Request** – A request to a school outside the student's assigned school attendance area for which the student may apply for a lottery assignment, if there is space available, where the parent, legal guardian/legal custodian must provide transportation\*.
- l. **Regular Attendance** - No more than six (6) absences.
- m. **School Attendance Area**- The geographic area established by the Board for non-magnet schools, other than year round schools, for which transportation is provided.
- n. **Senior Privilege** - For students who move out of county or out of their attendance area, eligibility to remain at their current high school begins the first day of the second semester of their junior year. The parents/legal guardian/legal custodian of such students must provide transportation. Students must meet the criteria set forth in II, Determination of Student Residence, d, i, (2).
- o. **Sibling Privilege** - Sibling privilege is granted to new siblings only when the first admitted sibling remains enrolled the entire year.
- p. **Timely Pick-up** - No more than three (3) late pick-ups from school, 30 minutes after the dismissal of students.
- q. **Transportation Zone**- The geographic area established by the Board for year-round schools in which transportation will be provided.
- r. **Year-Round School** - North Carolina curriculum offered on a nine-week on, three- week intercession schedule.

\*An exception to the requirement that the parent/legal custodian/legal guardian provide transportation may be made at the discretion of the Superintendent or designee, if there is room on an already established bus route. In this case the student may be picked up and dropped off at an already existing bus stop, but the parent/legal guardian/legal custodian must sign a consent form authorizing the bus rides.

### **Student Assignment Plan Priorities-Magnet, Non-Magnet and Year-Round**

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 requests will be available online at <https://nhcsncc.scriborder.com/>. Selections are made based upon a random number assigned to each applicant and the Guarantees and Priority Rankings in effect for that school year. A weighted lottery will be conducted for year-round and magnet schools. Zip code, parent's education and parent's income range will be used as indicators for the weighted lottery. 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 and year-round school assignments for the 2021-2022 school year:

- a. Students currently enrolled in magnet and year-round 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 requests;
  - 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 IEPs 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 2021-2022 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. Requests for reassignment which are submitted beyond this time or after the date specified in the notice of assignment, whichever is later, will be processed under the rules outlined in III, Requests for Transfer of Students, set forth below, unless there are extraordinary or unusual circumstances for the delay.
- b. An request for reassignment should be submitted online at <https://nhcsncc.scribborder.com/>  
The request must specify the reason why the reassignment is sought. The administration will review the request and is authorized to consider approval of these reassignments for the following reasons.
  - i. Senior privilege\* (as defined on page 6)
  - ii. 5<sup>th</sup> or 8<sup>th</sup> grade privilege\* (as defined on page 6). The student must have attended the current school for the past two complete years in order to be eligible for this consideration. In the event the request for reassignment occurs in a redistricting year, when such redistricting would impact more than five percent of students at the applicant's current school, the 5<sup>th</sup> or 8<sup>th</sup> grade privilege will not be in effect or honored.
  - iii. Valid Contract to purchase or to lease a residence which will in fact be the student's domicile and which is located in the school attendance zone of the requested school\*
  - iv. Space availability at the requested school \*(applicants will be selected by lottery)  
**\*Indicates automatic acceptance**
  - v. For students assigned to magnet, non-magnet or year- round schools and whose domicile (or residence for those students placed in a group home, foster home or pre-adoptive home, or students whose parent or legal guardian is on active military duty and deployed out of New Hanover County for more than 30 days,) changes prior to the beginning of school or prior to the student beginning school, circumstances in the life of the parent(s)/ legal guardian/legal custodian change prior to the beginning of school or prior to the student beginning school so as to constitute a substantial hardship as provided in Student Assignment Plan Section V



above. (Reassignments granted under this subparagraph I. b. iv. are for one school year).

- vi. Other substantial hardship meeting the Hardship Guidelines attached hereto. The standard for showing a hardship may be different in certain circumstances; for employees of the New Hanover County Schools according to the Employee Benefit Policy, 8130, and for a student whose parent or legal guardian is on active military duty. They need only show a substantial inconvenience and will not be required to show a substantial hardship. (Reassignments granted under this subparagraph I. b. v. are for one year).
- c. Open choice requests are to be submitted no later than April 16, 2021.
- d. Students served by an IEP may participate in the request for reassignment process. If the request of a student with disabilities is selected and the IEP cannot be reasonably implemented by existing staff at the school, another assignment will be made.

## **II. Appeal Process**

- a. Notice of Denial by the Administration: If a request for reassignment 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/legal guardian/legal custodian may request a hearing before the Board of Education on the reassignment request. The request must be in writing. Hearings may be conducted by the Board of Education or by Panels which shall consist of not fewer than two Board members designated by the Board. The Hearing Panels shall submit their recommendations to the full Board of Education for final determination. Parents/legal guardians/legal custodians shall be given written notice of the Board's decision by mail, telephone, telefax, e-mail or any other method reasonably designed to achieve notice, using the physical address, e-mail address, phone number or telefax number on the request.
- 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. A request 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 request for transfer to a student's assigned school will be accepted, even if the school has otherwise been declared closed.

### III. Requests for Transfer of Students

- a. Any request for a change 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 student whose parent or legal guardian is on active military duty and deployed out of New Hanover County for more than 30 days,) changes from one school attendance 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 changed domicile (or residence for a student residing in a group home, foster home or pre-adoptive home, or a student whose parent or legal guardian is on active military duty and deployed out of New Hanover County for more than 30 days).
- d. A student who wishes to transfer to a different school must submit a transfer request. A request to Transfer requests should be submitted to <https://nhcsncc.scriborder.com/> using the prescribed form. The request must specify the reason(s) why the transfer is sought and include appropriate documentation.
- e. The Superintendent or his designee shall grant transfer requests only if there is space available at the requested school and the applicant is chosen by the lottery or if the applicant demonstrates substantial hardship meeting the Hardship Guidelines attached hereto. The standard for showing a hardship may be different in certain circumstances; for employees of the New Hanover County Schools according to the Employee Benefit Policy, 8130, and for a student whose parent or legal guardian is on active military duty. They need only show a substantial inconvenience and will not be required to show a substantial hardship.
- f. If the request for a transfer is denied by administration, the administration will give written notice to the applicant of the disapproval and appeal rights, by mail, telephone, telefax, e-mail or any other method reasonably designed to achieve notice to the physical address, e-mail address, telephone number or telefax number on the transfer request.
- 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 a specific 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 (Note that reassignments based on hardship requests are valid for one school year) . A transfer is valid for one school year.
- b. Any reassignment or transfer request that is approved based upon false or misleading information or information that changes before the beginning of the school year 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.