

## ASSIGNMENT OF STUDENTS TO SCHOOLS

Admin. Reg. SS-3  
~~September~~ April, 2016

- I. **Purpose.** To establish the basic structure for the assignment of students to district schools.
- II. **Assignment.** The Superintendent or his/her designee will assign students to attend the school serving their legal place of residence but may make special exceptions in the best interest of the child, school and family.
- III. **Students with Special Needs.** Disabled students may attend school in another attendance area if facilities within their residential school attendance area (“RSAA”) where they reside do not house needed special education programs as determined by the Superintendent or his/her designee.
- IV. **Guidelines.** The following guidelines will be used by the Superintendent or his/her designee to respond to requests of parents/legal guardians to assign students to a school outside of the student’s RSAA.
  - A. Applications for transfer will be subject to the administrative rules then in effect. Several transfer options are granted based on space available only. The capacity of a school is subject to change; therefore parents/legal guardians should carefully consider the potential effect on the family if their children attend schools in more than one attendance area.
  - B. Approval of a student’s transfer request does not guarantee approval will be granted for his/her sibling, either for the same academic year or for future academic years.
  - C. Transfers will not be allowed in order for a student to participate in an extracurricular program.
- V. **Majority to Minority.** Any student assigned to a school where his/her race is a majority of the student body may transfer to any school in the district where his/her race is in the minority. The district will determine the majority and minority races of each school at the time of the request.
- VI. **Grandfather Rule.** Students who complete the next to last year at the school in serving their RSAA and who move into a different BCSD attendance zone after that year has completed may be allowed to complete their last year of attendance at that school. School attendance records, grades and discipline may be used in determining whether to allow a student to remain in their now out-of-district school. This does not apply to students that move into another school district.
- VII. **Change of Domicile.** Students who change their domicile from one residence to another within Beaufort County after having been granted a choice transfer and after completion of one (1) academic quarter may remain at that school for the remainder of that school year, provided the student’s parent(s) agree to transport their child to and from school. The

BCSD shall not provide transportation to the student's original school. School attendance records, grades and discipline may be used in determining whether to allow the student to remain at his original school.

- VIII. Health Hardship.** A student who has a medical, physical or psychological hardship for whom a licensed physician makes a written statement of the specific reason and for whom a licensed physician recommends a change of schools may, upon review and approval by the Superintendent or his/her designee, be granted a transfer to the closest school which offers facilities and/or a physical environment more suitable to meet the student's medical or psychological needs. The BCSD reserves the right to secure a second opinion regarding the student's medical, physical or psychological health.
- IX. Employee Preference.** Students whose parent/legal guardian is employed by the BCSD may attend the school at which their parent/legal guardian works. Students whose parent/legal guardian works at a school not offering their grade level may attend the school closest to where their parent/legal guardian works or one that is in route to or from the parent's place of work. If the BCSD employment of the parent/legal guardian concludes and the student has completed one marking period, the student may be permitted to complete the school year at the out of zone school. School attendance records, grades and discipline may be used in determining a final decision.
- X. Programmatic Transfers.** Transfers for programmatic reasons may be granted; however, in all cases BCSD administration reserves the right to approve or deny the request in accordance with the BCSD's commitment to fulfilling its civil rights obligation. Programmatic transfers are approved conditionally based on space available. The Superintendent or his/her designee will determine the limits on capacity of schools for out of zone students.
- XI. School Capacity Guidelines.**
- A. The BCSD will assign students outside their RSAA to a school up to ninety percent (90%) of that building's capacity ("capacity limit"). If a school exceeds 90% capacity due to students in that school's RSAA and/or students whom the BCSD previously granted a transfer pursuant to this Administrative Regulation, the BCSD will not further assign students to the school.
  - B. The BCSD may expand the capacity limit solely in order to fill a program's capacity within the building. However, the BCSD will not open or add a new class within a program if doing so expands student enrollment beyond the capacity limit.
  - C. In the event the BCSD expands the capacity limit to fill a program within a school, in no circumstance shall the BCSD assign students to a school in excess of 95% of the building's capacity, regardless of program capacity.
  - D. In the event a school offers a school-wide program, assignment shall be capped at the capacity limit.

- E. The Superintendent reserves the right to expand the school or program capacity limits set forth herein up to 98% school or program capacity.

**XII. Student Choice Plan Procedures.** The Superintendent shall schedule a choice period prior to the beginning of each school year. Students can apply to go to any school at their grade level, and transfers are awarded according to space available. If necessary, the Superintendent shall schedule a special open enrollment period to comply with the No Child Left Behind Choice transfer law and regulations.

- A. Transfers shall not cause the receiving school to exceed the capacity limit, with the exception discussed above. The Board delegates the authority to the Superintendent to develop administrative regulations to determine each school's capacity.
- B. Transportation. Transportation shall not be provided for students who transfer outside of their RSAA.
- C. Random sample. If a school's capacity limit is not met by residential students, siblings, and previously enrolled students, the remaining spaces may be filled by a lottery.
- D. Post-Deadline Transfers. A student who moves into Beaufort County or moves into a different RSAA within Beaufort County after the deadline established by the Superintendent but before July 31 shall be allowed to make a choice transfer, contingent on the transfer not contravening the school and/or program capacity guidelines in Section XI, above.
- E. Requests for a transfer may not be denied on the basis of race, national origin, color, ethnic background, religion or gender.

**XIII. Length of Assignment.**

- A. Once a student has been granted a choice transfer, the student shall be assigned to that school for a minimum of one (1) school year unless a change in the student's domicile from in-county to out-of-county occurs, a medical need exists, grounds for the special transfer as provided below are not met, or a disciplinary reason for a transfer to another school in the system occurs.
- B. Once a student has been assigned to a school, the student may remain at that school until the student completes the grade span, subject to satisfying the expectations outlined below in Section XIV, Expectations.
- C. A student may return to his/her residential school at any time. However, if a student is granted a choice transfer and retracts that choice request prior to the beginning of the school year in which the choice transfer is requested, the student will be ineligible for choice for the remainder of his/her grade span.

**XIV. Expectations.** Choice transfer students are expected to exhibit exemplary conduct at their assigned school, attend school regularly and pass at least 75 percent (75%) of their courses.

- A. If a student accumulates ten (10) or more unexcused absences, or ten (10) or more unexcused tardies, the student may be re-assigned to his/her residential school.
- B. If a student fails or refuses to exhibit exemplary conduct (any out-of-school suspensions), the student may be re-assigned to his/her residential school.
- C. If a student does not pass seventy-five (75%) of their courses in a given year, the student may be re-assigned his/her residential school.
- D. Principals must notify parents in writing by May 1 if a student is being recommended for reassignment to his/her home school for the following school year. In the event the condition or event necessitating recommendation a student return to his/her residential school occurs after May 1, the Principal must notify the parents of the student as soon as possible after the condition or event occurs.
- E. If a student attending a school on a choice transfer fails to meet the requirements set forth above, is returned to his/her residential school, and requests a second choice transfer to a school, the transfer shall be denied.
- F. If a student is attending his/her residential school and commits an offense resulting in assignment to an alternative school, suspension for the remainder of the school year, 365 calendar day suspension or expulsion, and then the student subsequently moves into another residential district prior to re-enrollment, such student will not be eligible for a special transfer to the school at which the discipline infraction occurred.

**XV. Appeal.** In the event the Chief Auxiliary Services Officer (“CASO”) denies a request for transfer, a parent/guardian may appeal the denial to the Superintendent. The appeal must be made in writing to the within fourteen (14) calendar days of written notification from the CASO that the transfer request has been denied. The Superintendent shall review the appeal and transfer request, and render a decision as soon as practicable. Failure to adhere to the timelines and procedures set out herein will result in a denial.

**XVI. No Child Left Behind Student Choice.**

- A. Students (a) attending Title I schools identified for school improvement, (b) who attend a school identified as “persistently dangerous” by the State Board of Education, or (c) who have been the victim of a violent criminal offense while in or on the grounds of his/her current school, shall be guaranteed a transfer to another public school in Beaufort County not identified for improvement, corrective action, or the planning year of restructuring, or identified by the State as persistently dangerous. Transportation will be provided as required by NCLB.

- B. District Designation. The BCSD will identify those schools to which students may transfer pursuant to this Section, if applicable.
- C. Preference for NCLB Choice Transfers. In complying with NCLB school choice, the BCSD shall give priority to those students qualifying for school choice either through attending a non-performing or Title 1 school. Within the group of students who are eligible for NCLB school choice, the BCSD will give priority to low-achieving students who are from low-income families. While students will not be rank-ordered by parent income, all students from low income families (such as those eligible for free/reduced priced meal programs) may be ranked by achievement levels as determined by proficiency level on end-of-course tests. Students with the lowest achievement/proficiency levels shall be given a priority for assignment to their school of choice.
- D. Length of option. If a student is granted a transfer under the NCLB provisions, he/she will be allowed to complete the highest grade level at the school to which he/she is assigned. However, the BCSD is under no obligation to continue providing transportation to that school once the student's school of origin is no longer identified for school improvement, corrective action, or in the planning year for restructuring.
- E. Parental Notification. The BCSD will notify parents/legal guardians of students attending identified Title I schools in compliance with law. The BCSD will provide notices by an annually determined date or within ten (10) days of receiving notification of school status from the State.
- F. Transfer requests pursuant to this Section must be received by the BCSD Title I coordinator by the date determined annually by the BCSD or within thirty (30) calendar days after receipt of notification.

## **XVII. Assignment to HHIBE and HHSCA.**

- A. Parents/legal guardians of students domiciled in the RSAA serving both Hilton Head Island International Baccalaureate Elementary School ("HHIBE") and Hilton Head Island School for the Creative Arts ("HHSCA") shall declare which of the two (2) elementary schools they desire for their student(s) to initially attend.
- B. The declaration shall be made on or before the deadline set by the Superintendent for school choice decisions and should be made on the BCSD approved school choice form. The Superintendent reserves the right to grant or deny school declarations and to assign students such that the schools' attendance does not exceed the capacity limits set forth in this Administrative Regulation. Students not granted admission based on the declaration may appeal the denial pursuant to Section XV of this Administrative Regulation.
- C. In the event granting all of the declarations will cause one (1) of the two (2) schools to exceed capacity limits but not the other, the Superintendent may conduct a lottery to

determine which of the declarations are granted. Students who are not granted admission based on lottery shall be assigned to the other elementary school and may appeal the denial pursuant to Section XV of this Administrative Regulation.

D. In the event granting all of the declarations will cause both of the schools to exceed capacity limits, the Superintendent shall grant all declarations to both elementary schools.

E. Parents/legal guardians of students who attend HHIBE or HHSCA and request a transfer to the other elementary schools serving their RSAA shall complete a choice transfer form. Transfers granted pursuant to this provision shall be treated as a choice transfer student, and the enrolled student shall be subject to the choice transfer expectations set forth *supra*.

A.F. **Special Transfers.** A student may request and be granted a special transfer for a good and substantial cause at any time during the school year.

A. A parent may request a special transfer during the school year based on a material and substantial change in circumstances that justifies the need for a special transfer during the school year.

B. All special transfer requests must be submitted in writing to the CASO. The CASO will monitor special transfers to ensure fairness and equity. The rules set forth governing school choice above also apply.

C. A parent may appeal a decision on a special-transfer request in writing in accordance with Sections XV and XVI above.

NOTE: The February, 2015, revisions incorporated former Administrative Regulation SS-10, School Choice.

Adopted: July 18, 2001

Revised: July, 2010; April, 2013; February, 2015; May, 2015; April, 2016; September, 2016

Legal references:

A. S. C. Code, 1976, as amended:

1. Section 59-19-90(9) - Transfer and assignment authority.
2. Section 59-63-470 - Transfer of pupils when enrollment of such pupils threatens to disturb peace.
3. Section 59-63-32(b)(2) - Requirements to enroll child in public school; affidavit; penalties for providing false information.

B. Federal Law:

1. Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001, P.L. 107-110, Section 116.

2. Title VI of the Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, national origin, religion or sex.
3. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex.

C. U.S. Supreme Court:

1. Parents Involved in Community Schools v. Seattle School District No. 1, 127 S. Ct. 2738 (2007).
2. Plyler vs. Doe, 1982.