ADMISSION, ASSIGNMENT, REASSIGNMENT, AND TRANSFER OF STUDENTS TO SCHOOLS

I. GENERAL

A. Persons under the age of twenty-one (21) years who are domiciled in the Henderson County Public Schools Administrative Unit who have not been removed from school for cause or who have not obtained a high school diploma are eligible for enrollment in one of the schools operated by the Henderson County Board of Public Education. Henderson County Public Schools will not accept students under a term of suspension or expulsion from any other school, public or private, for conduct that could have led to suspension or expulsion from a school within the school system. Admission will be denied until the suspension has expired. The Board shall deny admission to a student who has been convicted of a felony in this state or any other state in accordance with G.S. 115C-391. Notwithstanding the provisions of this policy, students under suspension or expulsion who have been identified as having a disability pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. 1400, et seq., and who otherwise meet the requirements for enrollment in the school system are entitled to services to the same extent as if the student was enrolled in the Henderson County Public Schools at the time of the suspension or expulsion and as mandated by federal and state law for such students.

B. Students in the Henderson County Public Schools Administrative Unit shall attend school in the district or attendance zone in which the student’s parent(s) or legal guardian(s) are domiciled, unless otherwise assigned by the Henderson County Board of Public Education.

C. “Domicile” means one’s permanent home as distinguished from a temporary, although actual, established place of residence. To establish a new domicile one must actually move to a new location intending to abandon one’s prior domicile and remain in the new location as a permanent home. The domicile of an unemancipated minor is that of the child’s parents, and the child cannot independently determine or change his/her domicile. If the parents are deceased, the child takes the domicile of his/her natural guardian such as grandparents or court appointed guardian. A student is able to establish his/her own domicile if he/she is at least eighteen years old, is married, or is a sixteen or seventeen year old who has been emancipated by court order. In the event the parents are separated or divorced, the residence of the student shall be that
of the parent to whom custody has been awarded by a court of competent jurisdiction. If no custody order has been entered, the residence shall be deemed to be that of the parent who had actual custody immediately upon the separation.

D. “Residence” means an established place of residence of a student or the student’s parent(s) or legal guardian(s) which is temporary, secondary, or otherwise not the permanent home of the student, parent(s), or guardian(s). A person may have more than one residence but only one domicile.

E. North Carolina law provides the following exceptions to the domicile requirement:

(1) Students living in or cared for and supported by an institution established, operated or incorporated for the purpose of rearing and caring for children;

(2) Children of a homeless individual;

(3) Homeless children;

(4) Children whose parent(s) or guardian(s) are serving in the North Carolina General Assembly, children whose parent(s) or guardian(s) are students, employees, or faculty members of certain colleges or universities as described in North Carolina General Statues § 115C-366.2; and,

(5) Under certain conditions, as described in G.S. 115C-366, students residing with an adult who is domiciled in the Henderson County Public Schools Administrative Unit as a result of any of the following:
   a. the death, serious illness, or incarceration of the parent or guardian;
   b. the abandonment by a parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance;
   c. abuse or neglect by the parent or legal guardian;
   d. the physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student;
   e. the relinquishment of physical custody and control of the student by the student’s parent or legal guardian upon the recommendation of the Department of Social Services or the Division of Mental Health;
   f. the loss or uninhabitability of the student’s home as the result of a natural disaster; or
   g. the parent or legal guardian is on active military duty and is deployed out of the local school administrative unit in which the student resides. For purposes of this section, the term...
“active duty” does not include periods of active duty for training for less than 30 days. Assignment under this section is only available if some evidence of the deployment is tendered.

F. A child who lives with his adult natural guardian(s) domiciled in the Henderson County Public Schools Administrative Unit (such as a grandparent), may be admitted to the school where the guardian is domiciled. A person who wishes to establish legal guardianship must obtain a court order that confers guardianship. An “agreement” signed by the parent that purports to transfer custody of the child but is not a court order cannot establish legal guardianship.

G. A child over the age of sixteen (16) years of age who has been emancipated by court order who has established domicile in the Henderson County Public Schools Administrative Unit; and may be admitted to the school where the child is domiciled.

H. A person over the age of eighteen (18) years of age who has established domicile in the Henderson County Public Schools Administrative Unit may be admitted to attend schools operated by the Henderson County Board of Public Education. The domicile of married students, regardless of age, shall be the permanent home of the legally married husband and wife.

I. Students domiciled in the Henderson County Public Schools Administrative Unit will be eligible for transfer under the provisions of the No Child Left Behind Act of 2001 and The Unsafe School Choice Option.

II. ADMISSION/ASSIGNMENT/REASSIGNMENT (TRANSFER) INTO A SCHOOL WITHIN THE HENDERSON COUNTY PUBLIC SCHOOLS ADMINISTRATIVE UNIT FROM A SCHOOL WITHIN ANOTHER ADMINISTRATIVE UNIT

A parent/legal guardian/legal custodian, legally emancipated student, married student or a student of eighteen (18) years of age or older who is domiciled in another North Carolina School Administrative Unit may request a transfer into the Henderson County Public Schools Administrative Unit. Students admitted from another unit will be charged tuition based on the amount of per-pupil local funding. A written release from the student’s domiciled Administrative Unit will be required before the student will be admitted, and approval must be granted by the Henderson County Board of Public Education for all students in this category, except those coming from an adjacent Administrative School Unit through a Contractual Agreement between the two local School Boards for a specified geographical area.

Ref: Policy #413; G.S. § 115C-366; G.S. § 115C-366.2; G.S. § 115C-391
The No Child Left Behind Act of 2001
Individuals with Disabilities Education Act
The Unsafe School Choice Option
*North Carolina High School Athletic Association Handbook
A child of any permanent Henderson County Public Schools employee may be allowed to attend school from out-of-county, tuition-free, if space is available. Approval must be granted by the Henderson County Board of Public Education.

The Superintendent or his designee, upon recommendation of the Principal of the school to which the student is admitted, is authorized to revoke the admission of any student under the provisions of this article if the Principal determines that such revocation is appropriate because of disciplinary infractions, attendance difficulties, or the falsification of records, affidavits, and applications.

Acceptance is for the year in which application is made, and the application must be approved annually.

III. ADMISSION/ASSIGNMENT/REASSIGNMENT (TRANSFER) FROM A SCHOOL WITHIN THE HENDERSON COUNTY PUBLIC SCHOOLS ADMINISTRATIVE UNIT INTO A SCHOOL WITHIN ANOTHER ADMINISTRATIVE UNIT

A parent/legal guardian/legal custodian, married student, legally emancipated student or a student eighteen (18) years of age or older may request a transfer from the Henderson County Public Schools Administrative Unit into a school within another North Carolina School Administrative Unit. Decisions regarding whether to grant transfers from the Henderson County Public Schools Administrative Unit to another Administrative Unit shall be made under the policies of the Administrative Unit to which the student desires to attend.

Approval must be granted by the Henderson County Board of Public Education for all students in this category except those going to an adjacent Administrative School Unit through a Contractual Agreement between the two local School Boards for a specified geographical area.

In addition to any written agreement between the Henderson County Board of Public Education and the Board of Education of the receiving Administrative Unit, the Superintendent’s office shall require written confirmation that the released student has been accepted for enrollment by the receiving School Administrative Unit.

Any transfer is for one school year or the remainder of a school year, and additional applications to continue the transfer shall be completed annually.
WITHIN THE HENDERSON COUNTY PUBLIC SCHOOLS ADMINISTRATIVE UNIT

A parent/legal guardian/legal custodian, married student, legally emancipated student or a student eighteen (18) years of age or older may request a transfer to any other Henderson County Public School other than the school they are assigned to based on the domicile of the parent/legal guardian/legal custodian, married student, legally emancipated student or student eighteen (18) years of age or older.

The Superintendent or his designee, upon recommendation of the Principal of the school to which the student is transferred, is authorized to revoke the transfer of any student under the provisions of this article if the Principal determines that such revocation is appropriate because of disciplinary infractions, attendance difficulties, or the falsification of records, applications for transfer, or affidavits.

V. STANDARDS FOR ASSIGNMENT/REASSIGNMENT (TRANSFER) REQUESTS BETWEEN SCHOOLS WITHIN THE HENDERSON COUNTY PUBLIC SCHOOLS ADMINISTRATIVE UNIT

This policy is devised to provide sufficient time for decision making in regard to placement of teaching staff within each school. The purpose of this policy is not to restrict student transfers except where space is not available or where it would be detrimental to students who are already enrolled at a respective school. Addressing class size in respect to currently enrolled students and consideration of assignment/reassignment (transfer) requests is a significant task. If there are more transfer requests than space available at the respective school, the Principal shall conduct a lottery to determine who will be accepted. The principal will review applicants to ensure their eligibility. Students requesting reassignment must be in good standing with their previous school, demonstrating good attendance and good behavior. Disciplinary infractions, attendance difficulties, or the falsification of records, affidavits, and applications could result in the disqualification of an application.

Reasons for Reassignment

1. Siblings of students assigned to a school may be allowed to attend the same school as long as space is available.

2. A child of any permanent Henderson County Public School employee may be
allowed to attend school within the administrative unit, if space is available.

3. If the parent/legal guardian/legal custodian changes domicile after a student has begun the twelfth grade, the student, upon application, may stay and complete high school in that school.

4. Students may return to the school in which they are domiciled, from a school to which they have been approved to attend by the transfer process, without either application or fee. They would only need to present themselves to their domiciled school with proof of residency. This return to a student’s domiciled school can only be accomplished at the end of a semester. The receiving principal may appeal to the superintendent or designee to allow the transfer to occur earlier, with good cause. The returning student will be subject to the athletic eligibility provisions of this policy.

5. If the parent/legal guardian/legal custodian changes domicile after the student has begun a school year, they may file a transfer application to stay at that school and, if approved by the Principal, may remain at that school until the end of that current year.

**Athletic Eligibility**

A student transferred by the Superintendent or his designee or by the School Board from one high school to another forfeits, for one year, athletic eligibility in any sport in which the student was on the eligibility roster at their former high school during the immediately preceding year to the transfer approval. Eligibility is restored one year from the date of the original approval of the transfer request. This policy shall not prohibit a student from participating in any other high school athletic sport where the student was not on the roster of that sport in the previous year at their previous high school.

Please note that a student who makes a bona fide change in their domicile (residence) is eligible to participate upon enrollment. Under no circumstance can a student have more than one domicile (residence). It is the obligation of each school to know the domicile of each athlete and to require compliance. “Residence” is defined as the equivalent of the term “domicile” as applied by the courts of North Carolina.

Except as otherwise provided, the domicile (residence) of the student shall be deemed to be that of his or her parents or the sole surviving parent. In the event the parents are separated or divorced, the domicile (residence) of the student shall be that of the parent to whom custody has been awarded by the court. If no custody
order has been entered, the domicile (residence) shall be deemed to be that of the parent who has actual custody immediately upon the separation.

Any change in domicile must be bona fide. In order for a change of domicile to be considered bona fide at least the following facts must exist: (1) The original residence must be abandoned as a residence; that is sold, rented or disposed of as a residence, and must not be used as residence by any member of the family; (2) The entire family must make the change and take with them the household goods and furniture appropriate to the circumstances; (3) The change must be made with the intent that it is permanent. Failure to comply may result in the loss of the student’s athletic eligibility, for one year, at any Henderson County Public High School, in any sport in which the student was on the eligibility roster.

The Superintendent or his designee, upon recommendation of the Principal of the school to which the student is transferred, is authorized to revoke the transfer of any student if the Principal determines that such revocation is appropriate because of disciplinary infractions, attendance difficulties, the falsification or records, or the falsification of the application for transfer documents.

The Superintendent or his designee shall also have the authority to rescind transfers and to alter required transfer dates in cases of school consolidation, closing, reorganization, redistricting, and changes in attendance zones.

Acceptance is for the duration of the grade span (K-5, 6-8, 9-12) for which the child is enrolled as long as they are in good standing demonstrating good attendance and good behavior.

VI. ADMINISTRATIVE PROCEDURES

The Superintendent is authorized to disseminate procedures for implementing this policy and amend those procedures from time to time. Procedures issued by the Superintendent shall be a part of this policy’s appendices without further action of the Board of Public Education and shall be filed in the official Policy Manual of the Board.