

## CHARLOTTE-MECKLENBURG SCHOOLS

<b>POLICY</b>  Reassignments and Transfers	<b>CMS/NEPN Code:</b>  JFAC
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The following policy provisions shall be effective beginning with school assignment for the 2006-2007 school year unless otherwise noted.

### I. Requests for Reassignment

A. Within ten working days<sup>1</sup> of receipt of the notice of the assignment of a child to a school or by the date<sup>2</sup> specified in the notice of assignment, a parent<sup>3</sup> may apply for a reassignment of that child to a different school. Applications for reassignment which are submitted more than ten days after the date of the original receipt of assignment or after the date specified in the notice of assignment, whichever is later, will be processed under the rules for requests for transfer, set forth in Section II, below, unless there are extraordinary or unusual reasons for the delay.

B. Applications for reassignment should be placed on a form provided by the school system and available at any school or the Student Placement office. The request must specify the reason(s) why reassignment is sought. The administration will review the applications and is authorized to approve reassignments for the following reasons:

1. medical necessity of the child;
2. extreme hardship; or
3. student is the child of an employee of Charlotte Mecklenburg Schools.

### C. Appeal Process

1. Notice of Denial by the Administration: If an application for reassignment is disapproved by the administration, the administration will give notice to the applicant of the disapproval and appeal rights.
2. Appeals to the Board: Within five working days of receiving a notice of disapproval, a parent may request a hearing before the Board on the reassignment application. Unless the Board decides to act upon a particular

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<sup>1</sup> Working days" means any day other than a weekend day or legal holiday.

<sup>2</sup> The date specified in the notice of assignment shall be one that can be reasonably expected to exceed ten days from the date a family should receive the notice of assignment.

<sup>3</sup> "Parent," as used in this policy, has the same meaning as in Regulation JCA-R, which defines "parent" as, unless otherwise stated, one or both parents, legal guardian or legal custodian of the student, or person acting in loco parentis to the student.

**Date of Adoption: 3/11/65**

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**Revised: 11/22/66...11/27/01, 2/25/03, 3/14/06, 1/10/12**

**Legal Reference: N.C.G.S §§115C – 45(c), -366(b), -368, -369, -390.1 -390.12;**

**20 U.S.C. §6301 et seq.**

**Cross Reference: IHB, JCA, JCA-R, JKD, JKD-R**

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reassignment appeal without a recommendation from a Board panel, reassignment appeals will be heard by a panel of the Board. Panels shall consist of not fewer than two members designated by the Board. Panels shall submit their recommendations to the full Board for final determination.

3. Hearings: The full Board and Board panels may conduct a hearing or review the record of the reassignment request. The following factors shall be considered by panels in formulating their recommendations and by the full Board in making its decisions:
- a. the best interest of the child;
  - b. the orderly and efficient administration of the public schools;
  - c. the proper administration of the school to which reassignment is requested;
  - d. the effect on students in an existing Wait Pool for the school to which reassignment is requested; and
  - e. the instruction, health, and safety of the pupils there enrolled.

Students may not be represented by counsel at reassignment hearings.

4. Decisions: The Board shall promptly render a decision and send notice of the decision to the applicant's parents.
- D. The administration may designate as closed to reassignment/transfer a limited number of schools that are projected to be significantly over estimated capacity. Except as set forth herein and in any regulations, requests for reassignments to schools declared closed to reassignment/transfer by the administration will not be permitted. The Superintendent shall inform the Board of Education of any schools that the administration declares closed pursuant to this policy.

Notwithstanding the foregoing, requests for reassignments to a student's home school, as defined in Regulation JCA-R, will be permitted to be filed, even if the school has otherwise been declared closed. Requests for reassignments permitted by this policy will be handled as set forth above.

**II. Requests for Transfer of Students**

- A. Except as is set forth in Section I. A., any request for a change of school assignment made more than ten working days after receipt of the notice of the

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**Revised: 11/22/66...11/27/01, 2/25/03, 3/14/06, 1/10/12**

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assignment, or after the date specified in the notice of reassignment, whichever date is later, is a request for school transfer. Decisions on transfer requests will be made by the Superintendent or his designee and will be handled as set forth below.

- B. The administration may designate as closed to reassignment/transfer a limited number of schools that are projected to be significantly over estimated capacity. Except as set forth herein and in any regulations, requests for transfers to schools declared closed to reassignment/transfer by the administration will not be permitted. The Superintendent shall inform the Board of Education of any schools that the administration declares closed pursuant to this policy.

Notwithstanding the foregoing, requests for transfers to a student's home school, as defined in Regulation JCA-R, will be permitted to be filed, even if the school has otherwise been declared closed. Requests for transfers permitted by this policy will be handled as set forth below.

- C. A student whose legal residence changes from one home school (or magnet feeder) area to another within the school district during a school year may choose to finish out the school year in the same school or attend the home school or magnet program<sup>4</sup> that serves the area to which the student has moved. In this circumstance, the student does not need to apply for a transfer under this policy. Rules for transportation in such circumstances are set forth in Regulation JCA-R.
- D. A student who wishes to transfer to a different school for reasons other than a change of address must submit a transfer request. Transfer requests should be placed on a form provided by the school system, available at any school or the Student Placement office. The request must specify the reason(s) why transfer is sought and include appropriate documentation indicating a change in the student/family situation that supports a request being made outside of the time period for a submitting a reassignment application.

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<sup>4</sup> Magnet students have the option of attending the comparable magnet that serves the student's new residence, if the comparable magnet program has seats available in the appropriate grade. See Regulation JCA-R for more detail on this rule.

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- E. The Superintendent is authorized to issue regulations setting forth the details of the process to be followed for handling transfer requests and the specific criteria that must be met in order for such requests to be approved.
- F. If the application for a transfer is denied by the administration, the administration will give notice to the applicant of the disapproval and appeal rights.
- G. Within five working days of receiving the notice of disapproval, the parent may request a hearing before the Board of an administrative denial of a transfer request. The Board will hear such appeals only when the parent alleges that the administration has violated federal or State law, NC Board of Education policies, State rules, or CMS Board policies in its denial of the transfer request. Documentation of one of these bases must accompany the request for a Board hearing.
- H. In accordance with North Carolina law, the Board authorizes a panel composed of not less than two members to hear and act upon the appeal of the administration's denial of the transfer request. Students may not be represented by counsel at transfer hearings.

### **III. Requests for Transfer of Students Enrolled in Select Schools**

- A. In accordance with federal and state laws and regulations, a student who is enrolled in a school that has been identified as persistently dangerous or in a school that has been identified for school improvement or corrective action or restructuring pursuant to the federal "No Child Left Behind Act,"<sup>5</sup> will be given the option to transfer to a school that has not been so identified. A student who has been the victim of a serious violent crime while on a school campus will also be given the option to transfer to a different school.
- B. The administration shall develop a process to implement the requirements of this section of this policy. The process shall include guidelines regarding transportation eligibility and the requirement that any such student and his or her parents be notified of the eligibility to exercise the option, the procedures

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<sup>5</sup> The No Child Left Behind Act of 2001 is a federal law with numerous mandates, among which are transfer options for students in schools that meet certain criteria established in the legislation.

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and timetable for exercising this option, and the schools to which the student may request transfer.

#### **IV. Conditions for Reassignment or Transfer**

The following conditions apply in regard to any reassignment or transfer made in accordance with this policy and any accompanying regulations.

- A. Unless otherwise provided, the reassignment or transfer is valid through the terminal grade. No subsequent transfer within the same year will be permitted.
- B. Any reassignment or transfer request that is approved based upon false or misleading information 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 revocation of the reassignment or transfer.
- D. Failure to adhere to the expectations of school personnel may result in a revocation of the transfer or reassignment.

#### **V. Appeals of Disciplinary Reassignments**

Students may appeal disciplinary reassignments made in accordance with Policy JKD, "Suspension and Expulsion of Students," according to procedures set forth in regulations approved by the Superintendent. Students may not be represented by counsel in Board hearings at which the Board or a panel of the Board hears a student appeal of the Superintendent's decision to make a disciplinary reassignment.

#### **VI. Implementation**

The Superintendent is authorized to develop rules and regulations to implement this policy.

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