

CHARLOTTE-MECKLENBURG SCHOOLS

REGULATIONS

Student Assignment Plan

CMS/NEPN Code:

JCA-R

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INTRODUCTION

The rules set forth in this regulation provide the framework for the student assignment plan that began with the 2002 – 2003 school year. The regulation was revised on January 29, 2003, to reflect changes in the student assignment plan effective with assignments for the 2003 – 04 school year and to add Part Three setting forth rules for assigning homeless students to schools. In June 2005, new provisions were added describing assignments required by the No Child Left Behind Act and changes in the student assignment plan made by the Board of Education and the administration in the previous year. In January 2006, the regulation was extensively revised to incorporate changes in the student assignment plan adopted by the Board in July and October 2005, which were effective beginning with assignments for the 2006 – 2007 school year. Further changes were made to this regulation in August 2008, following the adoption of amendments to the student assignment policy (Policy JCA) by the Board in July 2008. In September 2009, revisions were approved that added Subsection III. N, "Revocation of Assignment," and rewrote Section XIV to clarify magnet program eligibility standards.

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Legal Reference: N.C.G.S. § 115C-366, -366.2, -368, -369; 42 U.S.C. § 11431 et seq., 20 U.S.C. § 6301 et seq.

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PART ONE
Definitions

The definitions previously located in Part One have been moved to Part Five.

PART TWO¹
The Student Assignment Plan

I. Admission to Home Schools, Non-magnet Schools, and Magnet Programs

All new students must register with the Charlotte-Mecklenburg Schools. Students who wish to attend non-magnet schools outside their home school area or enter or change magnet programs² must participate in the Student Assignment Lottery (the "Lottery"). Effective with the 2006-2007 school year, students who plan to attend their home schools or magnet students who want to attend the magnet continuation schools for their magnet program do not need to participate in the Lottery in order to receive school assignments. A student must meet eligibility criteria, if any, for a school or magnet program. Applications and information about schools and magnet programs shall be readily available to all students and their families.

After assignment to a school, there is the expectation that a student will be able to remain in that school through its terminal grade. This placement, however, is not guaranteed. The Board may find it necessary to adjust the student assignment plan and change school attendance boundaries and feeder patterns in response to certain circumstances, including but not limited to the following:

- Opening new schools
- Moving existing magnet programs to different sites
- Closing existing schools or magnet programs
- Moving Exceptional Children programs to different sites
- Changing the location of ESL program classrooms
- Reassessing capacity in existing schools, or
- Responding to changing population numbers within attendance areas

In such an event, a student may be assigned to a different home school or required to apply to a different magnet program.

¹ Additional rules for the assignment of homeless students to schools are set forth in Part Three of this regulation.

² Throughout this regulation, references to "magnet programs" include partial and whole-school magnet programs, unless otherwise indicated. The term is used interchangeably with "magnet schools."

II. Application Process

A. Lottery Application: Participation in the Lottery is by submission of an application for school assignment. On the application, a student may indicate up to three schools he or she wishes to attend, one or more of which may be a magnet program. Beginning with the Lottery for the 2006-2007 school year, except in very limited circumstances, students may apply only for nonmagnet schools that have available seats. Students may apply for magnet programs for which they meet eligibility standards (see Section XIV, Magnet Program Eligibility Standards, for details.)

B. Students Who Must Participate in Lottery: The following students must complete an application in order to receive a school assignment [Note: as adjustments are made to the student assignment plan or to the lottery process, other students may need to participate in the Lottery. Each year, the administration will inform parents and students of such requirements and will update this regulation as necessary]:

1. Students in terminal grades of non-magnet schools that are not their home schools who will move to middle school or high school and do not want to attend their home schools
2. Students in terminal grades of magnet programs who do not want to attend either their home schools or the designated continuation schools for their magnet programs
3. Students who attend their home schools and live in home school attendance areas that are changing effective with the subsequent school year and do not want to attend their new home schools
4. Students new to CMS who do not want to attend their home schools. This group of students includes entering kindergartners (including students who participated in Bright Beginnings) and students entering from non-public schools or from other school districts
5. Rising Kindergarten students or newly enrolling students whose home schools are Title I Choice Schools,³ who want to attend different schools;
6. Current 5th graders whose middle school home schools or magnet continuation schools are Title I Choice Schools, who want to attend different schools
7. Students in grades K – 4 and grades 6 and 7 who are currently assigned to Title I Choice Schools and want to attend different schools; or
8. Other students who are currently assigned to Title I Choice Schools to whom the district is required by Federal law to offer the opportunity to attend different schools and who want to attend different schools

Currently enrolled students who do not fit into any of the above categories but wish to attend a school other than their home school or magnet

³ "Title I Choice Schools" are defined in Part V.

continuation school should also complete a Lottery application.

Students who are currently enrolled who do not fit the above criteria and do not wish to change schools should not complete an application. These students will automatically be assigned to their current school for the subsequent school year. Late applications will not be accepted. Students who were enrolled during the application period who do not submit applications will be placed in their home or magnet continuation schools.

- C. Changes in Home School Attendance Areas: Students who attend their home schools and live in home school attendance areas that are changing effective with the subsequent school year do not have a guarantee that they may remain enrolled in their current schools for subsequent school years. Subject to space limitations, these students may apply through the Lottery to remain at their current school. Their applications will be processed according to the randomly assigned application number and any priorities that may be applicable, as set forth in Section III, A, below, and Exhibits JCA-E1 and JCA-E2.
- D. Student ID Number: A student must have a CMS student identification number in order to submit an application. A student who has never attended a CMS school must register with the district in order to receive a student identification number.
- E. Basis of Lottery Assignments: The Superintendent will establish dates for the beginning and end of the application process. The order in which applications are received during the application period will have no impact on a student's likelihood of receiving the requested school or magnet program placement. Assignment will be based solely on random number order, guarantees, priority factors, and available space in the requested schools or magnet programs.
- F. Information to Students: Prior to completing an application, each student will be advised of his/her guaranteed school and of the school and magnet program options with available seats for which the student is eligible. The application will include information regarding the various school and magnet program options for which CMS transportation is provided.

III. Assignment to a School

- A. Random Number Assigned to All Applicants and Determination of School Assignment: All applicants will be assigned a computer-generated random number. A lottery will occur on a date established by the Superintendent. A combination of guarantees and priority factors (set forth in Exhibits JCA-E1 and JCA-E2), random numbers, and available seats in the appropriate grade

level will determine the school or magnet program assignment.

- A1. Sibling Guarantee Rules: Exhibits JCA-E1 and JCA-E2, adopted by the Board of Education, include the guarantee for siblings to be assigned to the same program or school. The exhibits also require that, in order for this guarantee to apply, siblings must indicate the same magnet program as their first choice on their Lottery applications.

In implementing this guarantee, the Superintendent has adopted the following rules:

1. The sibling guarantee rules do not extend to siblings who apply for nonmagnet and magnet programs located on the same campus. Therefore, the sibling guarantee does not extend to a younger sibling applying for a magnet program located on the same campus as a nonmagnet (regular education) program into which the older sibling has already been admitted. Nor would the sibling guarantee apply if the older sibling had been admitted to the magnet program and the younger sibling applied for the nonmagnet program.
 2. The sibling guarantee rules do not extend to siblings applying for the two different magnet programs located on the Harding University High School campus: the International Baccalaureate ("IB") and the Math, Science and Environmental Studies programs. For example, the sibling guarantee does not extend to a younger sibling applying for the Math/Science program if an older sibling has already been admitted to the IB program (or vice-versa).
 3. The sibling guarantee rules do extend to siblings applying for different partial magnet programs located at Phillip O. Berry Academy of Technology and Smith Academy of International Languages. Therefore, if an older sibling is admitted to a partial magnet program at either Smith or Phillip O. Berry, a younger sibling is guaranteed a seat in a different magnet program located on the same campus.
- B. Students at Title I Choice Schools: Students whose assignments would be a Title I Choice School are guaranteed placement in a school that is not a Title I Choice School. (See Section II, B (5) - (8)), above, for a detailed description of the students who will be guaranteed placement according to this process.)⁴ Effective with assignments for the 2005/2006 school year, these placements will be handled through the Lottery process.

These students will receive a Lottery application on which, in addition to indicating the three schools they wish to attend, they may indicate if they

⁴ On November 23, 2004, the Board of Education approved a revision to Exhibits JCA-E1 and JCA-E2 that added a new Lottery Priority applicable to students in Title I Choice Schools.

want to be placed at their current or guaranteed continuation school⁵ if they are not placed in one of their three options. Students who indicate a desire not to be placed at their current or guaranteed continuation school and who do not receive any of their first three choices in the Lottery will be placed in a school selected by the Student Placement office or the Superintendent's designee. These students will have the opportunity to decline this placement and to be placed in their current or guaranteed continuation schools.

- C. Placement in Home School: Other students who do not receive any of their three Lottery choices will be placed in their home schools.
- D. Wait Pools: After all available seats in a magnet program or school have been filled, applicants who chose the school as a first choice but who were not admitted will be placed in a wait pool for their first-choice selection and assigned to one of their other choices or their home school. Guidelines for wait pools are set forth below in Section VI.
- E. Pre-Lottery – Grade-Level Change for Terminal Grade Student: If, after an application has been submitted but before the Lottery has been conducted, a student in a terminal grade has a grade level change that impacts the school classification for the subsequent school year (i.e. elementary, middle or high school), the original application will be voided. The student will be advised of available choices and must submit a new application if he or she wishes to be assigned to a school other than the home school.
- F. Post-Lottery – Grade-Level Change for Non-Terminal Grade Student: If, after the Lottery has been conducted, a student in a non-terminal grade has a grade level change that does not impact the school classification for the subsequent school year, the student will keep the assignment received in the Lottery.⁶
- G. Post-Lottery – Grade-Level Change for Terminal Grade Student: If, after the Lottery has been conducted, a student in a terminal grade has a grade level change that affects the school classification for the subsequent school year, the student's Lottery assignment will be voided. The student shall have two school choices for the subsequent school year, subject to the exceptions set

⁵ Guaranteed continuation school for:

Grades K – 4 & 6 – 7:	Current School
Grade 5:	Home middle school or magnet continuation program
New student:	Home school

⁶ An exception to this statement may apply to students who receive Lottery assignments for magnet programs that have academic performance requirements. Students may not be allowed to enroll in those programs if they are retained in their current grade level.

forth below in paragraphs 1(b) and 2(c):

1. Magnet program students:
 - a. Students who have met the requirements to continue to be enrolled in the magnet program (set forth in Part Six, below):
 - i. Remain in the same magnet program, even if it has been moved to a different location; or
 - ii. Attend the home school
 - b. Exception: If the magnet program in which the student is enrolled will not be offered for the subsequent school year, the student will be placed in his or her home school.
2. Non-magnet program students:
 - a. Remain enrolled in the same school, or
 - b. Attend the home school
 - c. Exception: If a student's current school will no longer house the appropriate grade during the subsequent school year, the student will be placed in his or her home school.

H. Withdrawals:

1. Withdrawals before the Lottery: If a student withdraws from CMS before the Lottery is conducted, the student's application will not be processed.
2. Withdrawals after the Lottery: If a student withdraws from CMS after the Lottery has been conducted, the seat assigned through the Lottery will be released.
3. Students who reenroll in CMS after withdrawing will be placed in a school according to the following rules:
 - a. If the student re-enrolls in CMS before the end of September, he or she will retain the assignment if there is space and if the student remains eligible for the school.
 - b. If there is not an available seat at the assigned school, the student will be assigned to his or her home school and will be put in the Lottery-assigned school's wait pool.
 - c. If the student is not eligible for the Lottery-assigned school, he or she will be assigned to the home school.
4. Guidelines for how student withdrawals impact wait pools are set forth below in Section VI.

- I. Placement through the Terminal Grade: A student is expected to attend the school or magnet program in which the student is placed in the Lottery through the terminal grade of the school or magnet program. As noted in Section I, above, this expectation is subject to adjustments in the student assignment plan and changes in school attendance boundaries. After a student is assigned to a school or magnet program through the Lottery, the student may not initiate a new application for a different school or magnet

program for the school year for which the assignment was made. Rules for how students may change school assignment (without submitting a new Lottery application) after being placed through the Lottery are set forth in subsection J, below. See Section II, B, for guidelines for which students must complete a Lottery application each year.

- J. Changes in School Assignment: Circumstances in which a student may change school assignments after receiving a Lottery assignment are as follows:
1. If the student has already received a Lottery assignment, for the school year for which the assignment was made, the student may change schools only if:
 - a. The student participates in the second Lottery and moves to an open seat in a different school or magnet program through the open seat option process (see Section VII, below); or
 - b. The student is offered a seat in a different school or magnet program from a wait pool (see Section VI, below); or
 - c. The student is granted a reassignment or transfer pursuant to Policy JFAC; or
 - d. The student moves to a different home school area; or
 - e. The student is in the Exceptional Children program and has an Individual Education Plan that requires a program that is not located in the student's current school; or
 - f. The student is in the English as a Second Language Program and the location of his or her ESL class is changed to a different school.
 2. If, at any point after the Lottery assignment, a student loses CMS transportation eligibility because of a change of address outside his or her home school attendance area or magnet feeder area, the student will be given one of the following options:
 - a. To remain in the current school for the remainder of the school year without CMS transportation⁷
 - b. To change schools and attend the home school serving the new address, or
 - c. For students in magnet programs, if space is available, to attend the comparable magnet program that serves the geographic area in which the student's new residence is located.

Transportation eligibility rules for students who change address after receiving a Lottery assignment are set forth below in Section IX, A, (4) & (5).

⁷ See also Section V. D: A student who moves into a new home school area during an instructional year may choose to remain in the same school for the remainder of the school year, but will be assigned to his or her new home school the next school year.

3. For school years after the school year for which the original Lottery placement was made: A student who does not fit the criteria set forth above in paragraphs 1 or 2 and who wishes to change school assignment must participate in a subsequent year's Lottery for a school assignment other than to the home school.

K. Magnet Continuation Programs: A terminal grade student in a magnet school that has a magnet continuation program is, upon promotion to the next grade level, guaranteed placement in the continuation program⁸ and does not need to participate in the Lottery.⁹ Rules for promotion are set forth in Regulation IKE-R, "Promotion and Retention of Students." If the student plans to attend the home school instead of the magnet continuation program, he or she does not need to participate in the Lottery but instead must notify the Student Placement office of this intention. If the student wishes to apply for an assignment to a different magnet program or non-magnet school, he or she must participate in the Lottery.

Students in the terminal grades of magnet programs that do not have continuation programs will be assigned to their home schools and do not need to participate in the Lottery if they wish to accept this assignment. If they wish to apply for an assignment to a different magnet program or non-magnet school, they must participate in the Lottery.

L. Non-magnet continuation feeds: Beginning with assignments for the 2006-2007 school year, the guaranteed school assignments for the next grade level ("continuation feeds") for terminal grade students who are enrolled in non-magnet schools that are not their home schools will be the students' home schools. Students who wish to apply for an assignment to a magnet program or non-magnet school must participate in the Lottery.

M. Residency Requirement: Only students who are domiciled in Mecklenburg County may participate in the Lottery. Students who live outside of Mecklenburg County will be administratively placed in schools in appropriate grade levels on a space-available basis after the Lottery is conducted. Except in extenuating circumstances, non-resident students may not be assigned to magnet programs.

⁸ Magnet program continuation feeds may change as boundary lines are redrawn to accommodate the opening of new schools or as other adjustments are made to the student assignment plan.

⁹ An exception to this rule applies to magnet schools that feed to more than one magnet continuation school. Students must participate in the Lottery in order to select a continuation program other than the one that is the default assignment based on their address.

N. Revocation of Assignment¹⁰: In accordance with Policy JCA (as amended December 8, 2008), effective with assignments for the 2009-2010 school year, assignments¹¹ to schools other than a student's guaranteed home school are contingent upon the student following all disciplinary and attendance rules and, for students not using CMS transportation, upon the student having reliable transportation to and from school.

1. A student may be reassigned to his or her home school if the student:
 - a. has a repeated or serious violations of the Code of Student Conduct,
 - b. has an excessive number of tardies or unexcused absences, or
 - c. is not transported to or from campus in a timely manner¹² before or after the end of the school day or after-school activities.
2. A student's poor academic performance or the inappropriate behaviors of a parent do not qualify as reasons to reassign a student under this section. Revocation requests under this section must be approved by the Area Superintendent for the currently attended school, who has the responsibility to notify the Area Superintendent of the receiving school of the reassignment.
3. Except in exigent circumstances, reassignments under this section should be effective only at the start of an academic quarter.
4. In order for reassignments to be effective with the start of an academic quarter, revocation requests must be received in the Student Placement Office at least ten school days prior to the end of the previous quarter. The Student Placement Office will make reasonable efforts to expedite late requests; however, it is likely that a late request will not be processed in time for the student to be reassigned as of the start of the next quarter. In that case, the reassignment will be effective with the start of the next following quarter (i.e. the start of third quarter rather than the start of second quarter for requests received within ten days of the beginning of the second quarter).

¹⁰ This subsection was added on September 9, 2009.

¹¹ Except as noted in the following exceptions, this provision applies to all school assignments, including those made through the Lottery and the student reassignment and transfer process. This provision does not apply to assignments made through the "Public School Choice" section of the No Child Left Behind Act or to homeless students assigned to schools pursuant to the McKinney-Vento Act. Nor does it apply to students in magnet schools who have academic difficulties or are otherwise not fulfilling requirements of their Magnet Compact. Procedures to address the placement of these students are set forth in the Magnet Compact.

¹² CMS provides supervision of students before and after school hours only for established time periods publicized to parents or through formal before and after school programs. Students dropped off before the permitted time or left at school without transportation are subject to reassignment under this rule.

5. When issues arise with a student that may justify a reassignment under this section, principals must assure that appropriate efforts are made to resolve them before requesting a revocation of the assignment. Actions must include assigning a staff person to work with the student over the duration of at least one academic quarter. The staff person must document all interventions, which must include, at a minimum, student conferences, parent notification and conferences (or attempts to arrange parent conferences), and written agreements with student and parents.
6. If, after the school takes the above actions, a student continues to have serious violations of the Code of Student Conduct, accumulate unexcused tardies or absences, or arrive early or remain on campus after the end of the school day because of transportation issues, the following procedures are to be followed to reassign the student:
 - a. Principals must complete and submit a "Request to Revoke Assignments to Schools other than Home Schools" form to the Student Placement Office.
 - b. The Student Placement Office will identify the school to which the student would be reassigned and attach, if applicable, copies of student reassignment/transfer information to the revocation request form and forward all information to the Area Superintendent for the currently attended school. The form must include details of the events which are the basis for the request and information about actions taken to improve the situation.
 - c. Within five school days, the Area Superintendent must indicate approval or denial of the request and return the form and accompanying information to the Student Placement Office. The Area Superintendent for the sending school shall also notify the Area Superintendent of the receiving school of the resolution of the request.
 - d. The Student Placement Office will send written notification to parents of students for whom a revocation request has been approved and to the principals of both the sending and receiving schools. Upon receipt of this notification, the sending and receiving schools shall implement appropriate withdrawal and enrollment procedures.
 - e. If a student does not enroll at the receiving school, the principal is to notify the principal of the sending school and the appropriate Area Superintendents so that appropriate steps may be taken to assure that the student attends the newly assigned school.

IV. Late Applications

Late applications from students who enroll in CMS after the Lottery has been conducted will be processed according to the following guidelines:

- A. Effective with assignments for the 2009-2010 school year, students who were not enrolled in CMS during the application period and submit a Lottery application after the close of the application period will be placed in their home schools.
- B. Late applications from students who were enrolled during the application period will not be accepted. These students will be placed in their home schools.
- C. Students assigned to their home schools under the rules described above in Section III. N. who wish to attend a different school may apply for a transfer or reassignment according to the process described in Policy JFAC and its accompanying regulation.

V. Residency Requirement/Address Changes

- A. Residence Requirement: Only students whose parents are residents of Mecklenburg County may be placed in a school through the Lottery process. The student must live with the resident parent, unless otherwise noted in Policy JCA, Section II, or Policy JFAB, Admission of Non-resident Students. A student's address must be verified during the registration process. For purposes of school assignment, a student who is otherwise qualified for admission as a non-domiciliary/non-tuition paying student under Policy JFAB will be deemed to have the address of the adult who has qualified as the caregiver through the Student Placement Office.
- B. Updating Addresses: If a student's address changes during any school year, it must be updated. The parent must notify the school of the correct address. Failure to do so may result in an inability by CMS to process a student's lottery application.
- C. Address Changes After Submitting Lottery Application: If, after submission of an application but before the Lottery has occurred, a student's address changes to a location out of the student's original home school area, the original application will be voided. A new application must be submitted based upon the new school assignment options available to the student.
- D. Address Changes After Being Assigned to a School:
 - 1. Students assigned to their home schools:
 - a. Beginning with the 2006/07 school year, a student assigned to his or her home school who moves into a different home school area between instructional years will be assigned to attend the home school serving the student's new address.
 - b. Beginning with the 2006/07 school year, a student assigned to his or her home school who moves into a different home school area on or

after the first day of an instructional year may choose to stay in the current school for the remainder of the school year. During this time, the student will not be eligible for transportation. For the following school year, the student will be assigned to attend the home school serving his or her new address.

- c. Beginning with the 2007/2008 school year, the following rules apply to students after they have begun 11th grade. Students who move into a new home school area on or after the first day of their 11th grade year or in the summer following 11th grade may remain at the school they attended in 11th grade for their senior year in high school, with these stipulations:
 - i. This rule applies only to students properly assigned to the school they attended in 11th grade.
 - ii. Students who choose to remain at their 11th grade school are not eligible for transportation.
 - iii. The sibling guarantee rule does not apply for these families. Younger siblings of rising seniors who choose to remain at their current schools will not have a sibling guarantee to attend the same school.

It is the responsibility of the student's parents to immediately inform the school of a change in address and provide necessary information to document the new residence location.

2. Students not assigned to their home schools:
 - a. Students assigned to non-magnet schools:

A student whose address changes after being assigned to a non-magnet school through the Lottery may choose to remain in that school through its terminal grade or may attend his or her home school.
 - b. Students assigned to magnet programs:

A student assigned to a magnet program whose address changes to a location outside the program's magnet feeder area will have the option of attending the comparable magnet program that serves the geographic area in which the student's new residence is located, if there is space in the appropriate grade, or may attend his or her home school. If the comparable magnet program does not have seats, the student may attend his or her home school or may remain in the current magnet.
3. Transportation eligibility rules for students who move and have residential address changes are set forth below in Section IX.

- E. Loss of Transportation Eligibility: A student who loses CMS transportation eligibility because of a change of address will be given the option to attend his or her home school or, for students enrolled in magnet programs, the

comparable magnet program that serves the magnet feeder area in which the student's new residence is located, if that program has seats available in the appropriate grade. Guidelines for assignment to a school and CMS transportation eligibility are set forth in Sections III and IX.

- F. Students Who Move Out of Mecklenburg County: A student who moves outside Mecklenburg County during the school year may complete the current school year in his/her current school, but, subject to rules for homeless students set forth below in Part Three, will not be eligible for CMS transportation. The student may not be eligible to continue in the school during subsequent school years. Should the student wish to continue to attend a CMS school in subsequent school years, the student will be assigned to a school according to Policy JFAB, Admission of Nonresident Students.

VI. Wait Pools

- A. A database of names (a "Wait Pool") will be created for each school or magnet program for which Lottery applications are permitted and will be maintained when there are more applicants than available seats. 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 the end of first quarter¹³ of the subsequent school year.
- B. Applicants whose names are placed in a wait pool may be admitted to and attend schools or magnet programs that were their second or third choices. An applicant may be in only one wait pool.
- C. Order of entry into a wait pool will have no effect on an applicant's priority placement in that Pool.
- D. If a seat in a school or magnet program becomes available, an applicant's name will be selected from the wait pool maintained for that site. The same process will be followed every time a seat becomes available. A student from a wait pool who is offered a new seat will be given the option of accepting the new seat or remaining in his/her current placement.
- E. Students placed in a wait pool through the Lottery who withdraw from CMS will lose their place in the wait pool. Should these students later reenroll, the procedures set forth in Section III, H, will apply.

¹³ The length of the Wait Pool was changed from 20 days to the end of the first academic quarter on December 16, 2009. The change is effective with the 2010/2011 academic year.

VII. Open Seat Option

After the Lottery has been conducted, in order to fill open seats, students who have been placed in a school or magnet program through the Lottery may apply for a seat in a different school or magnet program. A student will give up a seat obtained through the Lottery only if the student applies for and is placed in the new seat. Should all seats be taken in the school or magnet program for which the student was recruited, the student will be put in the Wait Pool for that school or magnet program. Placement in any prior Wait Pool will be voided.

VIII. Exceptional Children

Only students who are identified as requiring an Exceptional Children (EC) self-contained classroom may be placed in an EC self-contained classroom. An EC student identified as needing a self-contained classroom will be placed based on the student's home school and the student's special need(s) and available space. The student's designated choices are EC programs at sites within the Transportation Zone that offer services that meet the specific student's placement need.

The student's guaranteed placement will be the student's home school if that school has a program that can support the student's needs and there is capacity in that program. If the student cannot be placed at the home school, the student will be placed in the first school within the Transportation Zone that has an available seat in an appropriate EC program. This school will then become the student's home school. In the event that there are no available seats in the appropriate EC program in the student's Transportation Zone, the student may be placed in an EC program in a different Transportation Zone for the remainder of the school year. Prior to the next school year, the placement will be reviewed and the student may be placed in an appropriate EC program in a school closer to his/her residence, on a space available basis.

Some low-incidence EC program sites may serve students living in several Transportation Zones.

If an EC student exits the EC program by meeting program completion criteria, the student will be allowed to remain in the current school for the remainder of the school year (with transportation) or may elect to attend his or her non-EC home school. The student's default assignment for the subsequent school year will be the student's home school; the student must participate in the Lottery if he or she instead wishes to attend a magnet program or a nonmagnet school outside of his or her home school area.

IX. CMS Transportation

Students shall be assigned to buses and transportation eligibility shall be determined so as to provide for the orderly, safe, and efficient transportation of students, the orderly and efficient administration of the schools, and the health and safety of the students who are transported.

A. Guidelines: The following guidelines govern eligibility for CMS transportation:

1. For initial Lottery assignments, students may receive CMS transportation to schools within their Transportation Zones or magnet feeder areas.
2. In all cases in which a student is initially admitted to a magnet program within his/her magnet feeder area and attends through the terminal grade, the student will be provided CMS transportation to magnet programs the student subsequently attends that are in the magnet feeder pattern of the original school. This provision does not apply to a student who moves outside of the magnet feeder area after initially being admitted to the magnet program.
3. CMS transportation will be provided to a student who is repeating a terminal grade if the student, in accordance with Section III, E, above, is assigned to one of the following schools:
 - a. Magnet program:
 - i. The same magnet program in which the student was enrolled at the time the Lottery was conducted; [Note: If the magnet program has been moved to a different location, transportation will be provided to the new location]; or
 - ii. The student's home school.
 - b. Non-magnet school:
 - i. The same school in which the student was enrolled at the time the Lottery was conducted; or
 - ii. The student's home school.
 - c. Note: If students who meet the above qualifications have address changes, they may not be eligible for transportation. See paragraphs 4 – 6, below, for the rules applicable in this circumstance.
4. A student who attends his or her home school, moves into another home school area during the instructional year, and chooses to remain in his or her original home school is no longer eligible for CMS transportation. It is the responsibility of parents to inform the school of their child's current address. Schools shall ensure that all address changes are entered into the automated student information system (eSIS) so that transportation eligibility may be accurately determined. (See Section V. D., above: with

the exception of 11th graders, students who move into a different home school area during an instructional year will be assigned to attend the home school serving their new address the following school year.)

5. A student in a non-magnet school who moves to a location outside of the school's attendance area is not eligible for CMS transportation.
 6. CMS transportation will not be provided to magnet program students who move outside of the geographic area served by their magnet program.
- B. Alternate Stop Locations: Transportation for bus stop locations other than ones assigned based on the student's residence address may be provided within the boundary of the school the student attends. Such alternate stops may include licensed daycare providers or the home of a student's relative. Transportation services will not be provided to locations such as public businesses (such as a parent's workplace), non-CMS after school activities (such as a dance studio or a karate class), or student workplaces. In order to receive this service, students must be eligible for CMS transportation. Alternate stop location requests must be submitted electronically to CMS transportation no later than the third week in July to be considered for bus assignments the first week of school. Requests received after the deadline will be processed in a reasonable period of time, but are not guaranteed to be completed by the beginning of the school year.
- C. Instructional After-School Programs: Subject to the fiscal capability of the district to provide this service, CMS transportation will be provided for students remaining after school for instructionally related extended day programs. Such programs include, but are not limited to: high school and middle school extended day programs, after-school tutorials, and other programs that are a direct extension of the instructional day and student achievement goals. CMS transportation is limited to locations within the attendance area of the school the student is attending. In order to receive this service, students must be eligible for CMS transportation.

PART THREE

Additional Rules for the Assignment of Homeless Students

X. Rules for Assigning Homeless Students

The foregoing rules apply to homeless students unless they are in contradiction to those set forth below, which are effective beginning with the 2002 – 2003 school year.

- A. A homeless student who currently resides in Mecklenburg County or whose school of origin is in Mecklenburg County shall participate in the Lottery if the student is not currently enrolled in a Charlotte-Mecklenburg school, if the student is in a terminal grade, or if the student wishes to apply for a different school assignment.
- B. Homeless students who have special needs (e.g. ESL or EC) shall be entitled to be enrolled in a school or program in which those needs can be addressed.
- C. The student will be eligible for transportation to the student's Lottery-assigned school in accordance with guidelines set forth above in Section IX.
- D. A homeless student is to the extent feasible entitled to remain enrolled in the school of origin without regard to the location of the student's temporary residence as long as the student remains homeless or until the end of any academic year in which the student moves into permanent housing. The student may also request that he or she be enrolled in the home school that serves the attendance area of the homeless student's temporary residence. The Student Placement office, in conjunction with the principal of the student's school of origin and the principal of the school in which the student is requesting enrollment, shall make the decision regarding which school the student shall attend. The decision shall be based upon the child's best interests.
- E. A homeless student who is enrolled in a school according to subsection D is eligible for transportation to the school of origin or to the student's home school. This requirement applies to homeless students who live in Mecklenburg County and to those whose schools of origin are in Mecklenburg County whose temporary residences are outside of Mecklenburg County. For a homeless student whose temporary residence is outside of Mecklenburg County, the district shall make arrangements regarding transportation with the school district in which the student's temporary residence is located.

XI. Dispute Resolution Process

The decision regarding school assignment may be appealed to the Superintendent's designee by a homeless child's parent or by an unaccompanied youth. The Superintendent shall develop a process for the expeditious resolution of such appeals. The student shall be enrolled in the requested school and transportation shall be provided throughout the pendency of the appeal. The decision of the Superintendent's designee is appealable in accordance with applicable law.

PART FOUR**Superintendent's Authority**

- XII.** Notwithstanding the above provisions, the Superintendent may reassign or transfer a student to a school in order to serve the best interests of the student or the district consistent with state and federal law.

PART FIVE**XIII. Definitions**

For purposes of this regulation, Policy JCA, and accompanying exhibits, the following definitions apply:

- A. Below grade - level in reading** – the following performance criteria:
- Kindergarten: PEP (Personalized Education Plan)
 - Grades 1 – 3: Below grade level score on K-2 assessments
 - Grades 4 - 9: Level I or II score on previous year's Reading End of Grade test
 - Grade 10: Level I or II score on English I End of Course test
 - Grade 11: Grade of "D" in English 10
 - Grade 12: Grade of "D" in English 11
- B. Close Proximity** – a geographically contiguous area within $\frac{1}{3}$ mile of a whole school magnet program.
- C. CMS Transportation** – CMS-provided transportation to and from school.
- D. High school feeder area** – geographic attendance boundary for each high school, determined by the attendance areas of elementary schools that feed into a particular high school. Elementary home school areas will not ordinarily be divided in forming middle and high school feeder areas. However, an elementary school home school area may be divided due to the capacity limits of the receiving middle or high school or the location of a middle or high school.
- E. Home school** – a school proximate to the student's residence, located in a student's Transportation Zone, to which a student is guaranteed admission. Schools that house full-magnet programs will not be designated as home schools.
- F. Home school area** – the geographic attendance boundary established for each home school.

- G. **Homeless students** – children and youths who lack a fixed, regular, and adequate nighttime residence, including:
- Those who are sharing the housing of another due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - Those who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
 - Those who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - Migratory children who are living in circumstances described above.
- H. **Instructional year** – the period from the first day of school for students through the last day of attendance for students.
- I. **Magnet continuation program** – the middle and high school magnet programs to which students in the terminal grades of elementary and middle school magnet programs have guaranteed assignments. There are continuation programs only for certain elementary and middle school magnets. Students in magnets without continuation programs will be automatically assigned to their home schools, but may apply to be assigned to other magnet or non-magnet schools.
- J. **Magnet Feeder Area** - The geographic area served by a magnet program, comprised of part of or an entire Transportation Zone, specific elementary home school areas, or one or more high school home school areas, covering part of or the entire county.
- K. **Magnet program (or “magnet school”)** – a specialized school with a curriculum program for which a student may have a particular interest or talent. A magnet program may have eligibility requirements that must be met before the student can apply as well as minimum course requirements that a student must meet in order to remain enrolled in the program. Each magnet program serves one or more high school home school areas, and may cover part of or the entire county. Certain magnets have continuation programs to which students in the terminal grades are automatically assigned for the subsequent school year. See Policy IHBJ for additional information about magnet programs.
- L. **Non-magnet school** – a school outside a student’s home school area for which the student may apply for a Lottery assignment if there is space in the school.
- M. **Open seat option** – the process through which, after the Lottery has been conducted, students are recruited to fill available spaces in magnet programs and Transportation Zone Schools.
- N. **Parent** – unless otherwise stated, one or both parents, legal guardian, or legal custodian of a student.

- O. **School classification** – the different types of school levels, such as elementary (grades K – 5), middle (grades 6 – 8), and high school (grades 9 – 12).
- P. **School of origin** – The school attended by a homeless student while he or she was permanently housed or the school in which the student was last enrolled.
- Q. **Sibling** – a student with the same residence as and one parent or guardian in common with another CMS student. Specific Lottery guarantees, which are described in Exhibit JCA-E2, apply to siblings. An entering Bright Beginnings student is not considered a sibling for purposes of the operation of the sibling guarantee described in JCA-E2.
- R. **Terminal grade** – the highest grade of elementary, middle, or high school.
- S. **Title I Choice Schools** – schools that receive Title I funds and have been identified for school improvement, corrective action or restructuring pursuant to the federal “No Child Left Behind” Act.
- T. **Transportation Zone** – one of four geographic regions of Mecklenburg County composed of the feeder areas of elementary, middle and high schools. A student’s Transportation Zone will be determined by the location of the student's residence.
- U. **Transportation Zone schools** – elementary, middle and high schools (not including schools that house full-magnet programs) located within the same Transportation Zone and included in groupings of high school feeder areas.
- V. **Unaccompanied youth** – a youth who is not in the physical custody of a parent or guardian.

PART SIX Magnet Programs

XIV. Magnet Program Eligibility Standards

- A. Prerequisites for Applications
Certain magnet programs, such as Talent Development, have requirements that must be met before students may submit an application for them. For these programs, students may apply through the Lottery or the reassignment/transfer process only if the applicable prerequisites have been satisfied. For high school International Baccalaureate (IB) magnet programs, students may apply for admission only to the high school IB program designated by the Board to serve the high school home school area in which they live.
- B. Prerequisites for Entrance into a Program
Some magnet programs have entrance requirements that must be satisfied before students may be enrolled in them, even if the students have received assignments to a particular program through the lottery or

another process.¹⁴ For these programs, the assignment is contingent upon the student meeting the eligibility criteria before actually enrolling in the program.

C. Continuation Requirements

Some magnet programs have continuation requirements that must be met each year in order for students to remain enrolled in them. At a minimum, students must register for and be successful in the requisite number of courses for the particular program.

D. Parent/Student Agreements (Magnet Compacts)

For all magnet programs, in order to apply for and remain enrolled in the program, students and their parents must agree in writing when they apply to the program and periodically thereafter to fulfill all requirements for the particular magnet.

E. Consequences of Failing to Meet a Program Standard

Students who do not meet a requirement for the program to which they are assigned will be exited from the program and reassigned to their home schools according to the process set forth in the parent/student agreement.

F. Details of Program Standards: Magnet Schools Publication

For all of the above requirements, details for each magnet program are set forth annually in a guide to magnet schools, which is approved by the Superintendent and published on an annual basis by the CMS Magnet Schools office.¹⁵

G. Participation by non-magnet students

A non-magnet student assigned to a school that houses a partial-school magnet program may, with the permission of the principal, participate in the magnet program or take magnet program courses if the student otherwise meets any eligibility criteria in place for the magnet program or course. An exception to this general rule applies to high school IB magnet programs. For those programs, only students who live within the designated feeder area for a particular high school IB magnet program may participate in the magnet program or take an IB course.

¹⁴ An example of this situation is magnet programs that have minimum End of Grade (EOG) test score requirements. EOG results are not available until late May; therefore, admission to such programs is contingent upon a student's scores on the EOG tests. In addition, other programs have audition or academic performance standards that must be satisfied before students may enroll in them.

¹⁵ This booklet is distributed in each magnet school and is widely available throughout the community and CMS. It is also available on the CMS website at www.cms.k12.nc.us.