

Descriptor Term:  
SCHOOL ADMISSION

Descriptor Code:  
4.2320

Legal References: G.S. 7A, art. 56; 35A, art. 6; 50-13.1 to 13.3; 115C-81, -110(i), -140.1, -231, -364, 130A-152 to -157, G.S. 130A-440

Cross References:

The board of education requires that all students meet the eligibility requirements of the State of North Carolina and the school district, including age, immunization and residence requirements.

A. Age Requirements

All resident students who have passed the fifth anniversary of their birth on or before October 16 of the year in which they enroll and who have not attained the age of 21 years are eligible to enroll in the school district. A birth certificate or other satisfactory evidence of date of birth is required for admission for the first time in kindergarten or first grade at any school.

B. Immunization Requirements

Within 30 days of their first enrollment date, all pupils must show evidence of immunization against tetanus, diphtheria, whooping cough, red measles, German measles (rubella), and poliomyelitis. Such evidence must be shown in the form of a certificate furnished by a licensed physician or by the health department.

Principals are required to refuse admittance to any child whose parent or guardian does not present a birth certificate or other satisfactory evidence of birth and a medical certification of proper immunizations within the allotted time. Exception to the immunization requirement is made only for religious reasons or for medical reasons approved by a physician.

C. Kindergarten Health Assessment

No child shall attend kindergarten unless a health assessment transmittal form, developed pursuant to G.S. 130A-441, indicating that the child has received the health assessment required by this section, is presented to the school principal. The medical provider, or the parent, guardian, or loco parentis, must present a completed health assessment transmittal form to the principal of the school on or before the child's first day of attendance. If a health assessment transmittal form is not presented on or before the first day, the principal shall present a notice of deficiency to the parent, guardian, or responsible person. The parent, guardian, or responsible person shall have 30 calendar days from the first day of attendance to present the required health assessment transmittal form for the child. Upon termination of 30 calendar days, the principal shall not permit the child to attend the school until the required health assessment transmittal form has been presented.

D. Domicile Requirements

Domicile requires the intent to abandon one's prior home and remain in the new location as a

permanent home for an indefinite period. In contrast, a residence need not be one's exclusive home and does not require an intention that the residence be the permanent home.

1. Domicile of Students Generally

The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

If the student is at least 18 years of age or married or abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian or legal custodian. A student who establishes domicile as a result of being emancipated will be considered a domiciliary of the school district and will be entitled to the same rights and privileges of other students domiciled in the school district.

3. Domicile of Students with Divorced or Separated Parents

Domicile for the purpose of school attendance will be determined by the following criteria:

- In the event that the parents are divorced or separated and legal custody has been given to only one parent, a student's domicile follows that of the parent who has been granted legal custody.
- If legal custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's district of residence, then the parents must jointly agree on which residence will be used to determine the child's domicile.
- The selection may not be changed during the school year unless the parents satisfy the board's policies on transfers and releases.
- In the event the parents cannot agree on which residence will be used to determine the child's domicile for school attendance purposes, the residence of the parent with physical custody of the child at the beginning of the school year will prevail.

4. Students Who Must Meet Residence Requirements But Not Domiciliary Requirements

A student who resides in the district in any of the following circumstances will be admitted without payment of tuition.

- Homeless Children – In accordance with the Homeless Assistance Act, P.L. 100-77 (1987) and the North Carolina State Plan for Educating Homeless Children, Catawba County Schools will provide a free, appropriate public education to each homeless child living within Catawba County consistent with the education provided to the children of a resident of Catawba County, North Carolina. Homeless children and youth are those who:
  - a. lack a fixed, regular and adequate residence; or

- b. have a primary nighttime residence that is:
    - (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or
    - (2) a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.
- The parent, guardian or legal custodian residing in the school district attendance area is a student, employee or faculty member of a college or university, or is a visiting scholar at the National Humanities Center.
- The student resides in a group home, foster home or other similar facility or institution.
- The student is considered a special needs student by the General Statutes and the North Carolina Procedures Governing Services for Children with Special Needs.
- The student resides with an adult, who is a domiciliary of that unit, as a result of any of the following:
  - a. the death, serious illness, or incarceration of a parent or legal 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; or
  - e. the loss of habitability of the student's home as the result of a natural disaster.

In order to be admitted under this provision, the student cannot be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit. The adult with whom the student resides and the student's parent, guardian, or legal custodian must complete and sign separate affidavits available through the superintendent's office attesting to

information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the local board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

E. Discretionary Admission

The superintendent or designee will have the responsibility to approve or deny requests for admission to the school district by all non-domiciled students who do not meet any of the exceptions in D.4. Applications from residents of the Catawba County School District will be given consideration before others. Applications from residents of the Newton-Conover and Hickory City School Districts will be

given secondary consideration.

A non-domiciled student may be admitted and enrolled, at the discretion of the superintendent, if the following conditions are met:

1. An enrollment form must be completed by the parent, legal guardian, or legal custodian which explains why, in the opinion of the parent, legal guardian, or legal custodian, the student needs to attend school in the school district. An explanation of need may be considered when:
  - there are compelling, specific circumstances indicating that the student should continue his or her education in the school district (as, for example, when the student is in his or her senior year when the parent, legal guardian or legal custodian becomes domiciled outside the school district); or
  - there is an extraordinary, compelling, specific family need (as, for example, when a parent, legal guardian, or legal custodian is clearly unable to care for the child); or
  - other extraordinary, specific and compelling need or hardship is demonstrated.

Any reason having to do with athletics or participation in athletics is not a valid or sufficient explanation of need.
2. The board has determined that space is available in the school district and in the particular school or program in which the student seeks to enroll.
3. The student must demonstrate that he or she was in good standing in the previous school attended by that student, in terms of academics, discipline, attendance, tardies, and other measures of standing and progress in the school district.

G.S. 115C-366(a4) states that when a student attempts to transfer into a new school system, the local board MUST require the student's parent, guardian, or custodian to provide a statement made under oath or affirmation before a qualified official, indication (1) whether the student is, at the time, under suspension or exclusion from attending a private or public school in North Carolina or any other state, or (2) has been convicted of a felony in North Carolina or any other state. This requirement does not apply to a student who has never attended or been enrolled in a public or private school in North Carolina or any other state. Thus, students enrolling in kindergarten for the first time are not subject to this requirement.

4. The student must furnish a transcript and other student record data, including evidence of compliance with the North Carolina immunization requirements.
5. If the student is transferring from another school district in North Carolina, the student must submit a release approved by the board of education of the other school district from which the transfer is being made.
6. If the student resides with an adult who is not the student's parent, legal guardian, or legal custodian, the student must furnish the school district with a notarized written document showing that the parent, legal guardian or legal custodian consents to the student attending school in the school district and authorizes the adult with whom the student lives to make all decisions relating to the student's education, including but not limited to any decisions relating to placement, services, field trips, medical treatment, grading and reporting,

discipline, participation in extracurricular activities and participation in athletics.

- F. Homeless Children – In accordance with the McKinney-Vento Homeless Assistance Act (Subtitle B – Education for Homeless Children and Youth § 725) and the North Carolina State Plan for Educating Homeless Children, Catawba County Schools shall provide a free, appropriate public education to each homeless child living within Catawba County Schools consistent with the education provided to the children of a resident of Catawba County, North Carolina. Catawba County Schools is committed to creating a climate of acceptance for homeless students and their families. These emergency procedures recognize the important of placing a child in a stable school environment. Homeless students will not be placed in separate schools.
- a. Definitions:
1. Homeless students are those who:
    - a. lack a fixed, regular and adequate nighttime residence; and
    - b. includes a student –
      - (1) who is living with another person due to loss of housing, economic hardship, or a similar reason;
      - (2) who is staying in a motel, hotel, transient trailer park, car, park, public space, abandoned building, substandard housing, bus or train station, or camping grounds;
      - (3) who is living in an emergency, transitional or domestic violence shelter;
      - (4) who is abandoned in hospitals; or
      - (5) who is awaiting foster care placement
  2. School Origin. The term ‘school of origin’ means the school that the student attended when permanently housed or the school in which the student was last enrolled.
  3. Unaccompanied Youth. The term ‘unaccompanied youth’ includes a homeless youth not in the physical custody of a parent or guardian.
- b. School Assignment. According to the student’s best interest, Catawba County Schools will continue a student’s education in his or her school of origin for the duration of the homelessness –
1. where a family becomes homeless between academic years or during an academic year; or
  2. for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
  3. enroll the homeless student in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
- c. Enrollment –
1. The selected school shall immediately enroll the homeless student, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

2. The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.
  3. If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall ask the school nurse, social worker or the homeless liaison to assist the parent, student or school in obtaining necessary immunizations, or immunization or medical records.
  4. The school may ask the homeless liaison to assist with the enrollment of the student, including transfer of school records and verification of residence and homeless status.
  5. Contact Information - Catawba County Schools may require a parent or guardian of a homeless student to provide contact information.
- d. Enrollment Disputes – If a dispute arises over school selection or enrollment in a school,
1. the homeless student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;
  2. the parent or guardian of the student shall be provided with a written explanation of the school’s decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision;
  3. the student, parent, or guardian shall be referred to the Catawba County Schools homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and
  4. in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

G. Tuition for Discretionary Admission

Tuition will be charged to students admitted under the discretionary policy (subsection E) if the student is (1) not domiciled in the state or (2) domiciled in the state and residing outside of the Catawba County School District. Tuition will equal the local per pupil allocation for current expense as provided by the board of commissioners from the preceding year. Tuition may be waived if the student meets one of the following criteria:

- A student who is admitted to the school district pursuant to an agreement between this board and another board of education, where the agreement specifies that the payment of tuition by the individual will not be required. (See policy 4.2340 providing for reciprocal agreements with Hickory and Newton-Conover City Schools.)
- A student who resides on a military base within North Carolina, where federal funds designed to compensate for the impact on public schools of military dependent students are provided to the school district in an amount not less than fifty percent of the total per capita cost for education, exclusive of capital outlay and debt service.

- A student who demonstrates extraordinary financial hardship.
- Nonresident students of Catawba County whose parents moved or plan to move into the administrative unit on or before December 1, may be assigned at the beginning of the school year to the school serving the pupil's new residence without payment of tuition.
- A student whose legal residence was located inside the boundaries of the administrative unit and who during the school year moves into another administrative unit outside the boundaries of the county, will be eligible for continued enrollment during the school year without the payment of tuition.

Tuition will not be charged to students who are domiciliaries of the State and who reside in the Catawba County School District. However, the board may enter an agreement with the board of education of the student's domicile for payment of tuition. Tuition payment when applicable will be paid in full on or before the fifteenth (15th) day of August.

#### H. Appeals to the Board of Education

Application for reassignment/transfer shall be made on a form prescribed by the board of education. If the application for reassignment/transfer is denied, the parents or guardians will be notified by certified mail, and the parents or guardians may within five days after receipt of such notice apply to the local board for an appeal hearing. The board of education may designate appeal-hearing panels composed of three members of the board to hear such appeals in the name of the board. The panel's recommendation shall be submitted to the total board of education for final determination. Such hearings will be conducted in accordance with G.S. 115C-369.

Parents or guardians who have submitted transfer requests and whose domicile is outside of the Catawba County School System boundaries shall not have the right to appeal the denial of a transfer request to the board of education if the reason for denial of the request is based on "space availability" as defined in Board Policy 4.2320 Section E.

#### I. Rescindment of Admission

Nonresident students who are accepted and whose behavior is later judged by the staff to be unmanageable will be denied continued attendance. Continued attendance also may be rescinded based on academics, discipline, attendance, tardies and other measures of standing and progress in the school district.

Nonresident students who are admitted based upon false or misleading information on their application will have their application voided and said acceptance will be rescinded.

The superintendent or his or her designee will develop and administer a procedure to implement this policy.



CATAWBA COUNTY SCHOOLS

AFFIDAVIT

1. My name is \_\_\_\_\_.

My permanent address is \_\_\_\_\_

\_\_\_\_\_.

I am the (parent) (guardian) (custodian) of \_\_\_\_\_,

who resides at \_\_\_\_\_

\_\_\_\_\_.

2. As of the date of this Affidavit, \_\_\_\_\_

(is) (is not) under suspension or expulsion from attendance at any public or private school in the State of North Carolina or any other State, Territory or District of the United States.

3. As of the date of this Affidavit, \_\_\_\_\_

(has) (has not) been convicted of a felony in the State of North Carolina or in any other State, Territory or District of the United States.

Further your Affidavit says not.

Signed: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Sworn to and subscribed before me,

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_.