

# Roswell Independent School District

## ZONE EXEMPTION POLICY

The Superintendent implements the following Administrative Regulation to provide further clarification and procedures to address Zone Exemptions in the district in accordance with law, NMPED, and Board policy.

Each year, many students are eligible for zone exemption requests for the following school year.

Eligible requests include:

1. Inter-zone transfers: transfers of students between schools within the district
2. Out of district students: students applying to transfer from a different district

Zone Exemption requests regarding a student's placement for the upcoming year shall be received in April of each year with decision notifications given by the last day of the current school year. Decisions regarding Zone Exemption requests received after April of each year shall be rendered after the 10<sup>th</sup> day of the new school year. Failure to submit a Zone Exemption request by April 30<sup>th</sup> of each school year may result in the student's transfer to their home school for the new school year until Zone Exemption decisions are made after the 10<sup>th</sup> day of the new school year. All student assignments are granted for one school year and must be renewed annually.

All students currently enrolled in their home zone school and all students granted a reassignment through an approved zone exemption request may continue at assigned school until:

1. The student fails to abide by an agreement concerning attendance expectations.
2. The student is enrolled in a program that requires a change of schools.
3. The parent or guardian requests a change of assignment for an extenuating circumstance.
4. The student is expelled.
5. The student leaves the public school to attend a private school, charter school, or home education program.
6. The student moves out of the Roswell Independent School District, the zone exemption will be terminated.
7. The Board redistricts and district school boundaries are changed; or
8. The school year ends.

Decisions about transfer approval or revocation will be delegated to the Superintendent by the Board, or the decision may be delegated to his/her designee.

Students accepted into an accredited foreign or domestic exchange program will be permitted to return to their transfer school upon return from their exchange program.

Extenuating circumstances can be presented. A zone exemption may be granted, after the consideration of an extenuating circumstance.

Extenuating circumstances are defined as:

1. Safety of the student or other students.
2. Health reasons of the student.
3. Under-enrollment – school, classroom or program with less than 75% enrollment based on NMPED maximum guidelines.

All such transfers must be submitted to the building principal for approval by the Superintendent.

If a student wishes to re-enroll after any of the events above, or if the student is new to the district, the student has the right to return to his/her home zoned school, unless there are programmatic requirements for the student to attend another school.

Prior to making student assignments for each school year, the Superintendent or designee will set the Enrollment Limit

for each school and grade level (student/teacher projections and building capacity). This decision is based upon factors including, but not limited to, the physical capacity of the school, seats set aside for special programs (i.e. ELL students, Special Services and other such students), utilization of cafeteria, and seats set aside for projected growth.

#### Establishment of Official Residence

The official residence of a minor student shall be the primary domicile of his/her parent, legal guardian, or legal custodian. Primary domicile is defined as one's residence at a particular place – the parent and child's fixed, permanent and principal home accompanied by a positive proof of intent to remain there. Ownership of a property does not constitute primary domicile without proof of fixed, permanent and principal home of the parent/guardian and child. The residence of a student who is married or who is competent, emancipated or above the age of majority shall be his/her primary domicile. Examples of proof of address could include a service address such as: official lease agreement, mortgage agreement, property taxes, water bill, gas bill, or electric bill.

Home visits may be conducted to establish primary domicile including the following reasons:

- Complaint that parent/guardian and student do not reside in the home
- Randomly selected due to overcrowding
- Undeliverable mail to the address
- Not in school zone

Legal custody of a minor student shall be documented by birth certificate, a court of competent jurisdiction, notarized caregiver's authorization affidavit or placement by the Department of Children and Families or other such authorized agency.

#### **Falsification of Information**

Fair and equitable implementation of student assignments depends on sincere and honest compliance with process guidelines. Including false or misleading information on registration forms and reassignment applications with the intent to circumvent established procedures or to unfairly gain advantage over other applicants is considered a serious offense.

Upon information or belief that a student has been assigned to or enrolled in, or reassigned to, a particular school based upon inaccurate, false or misleading information, the school shall cause an investigation of the student's assignment, including an on-site visit to the address of record. Following investigation, if the investigator is unable to verify the accuracy of the application, he or she shall notify the parent(s) or legal guardian(s) of the discrepancies.

If false or misleading information results in an improper assignment, or if a student is found to be inappropriately attending a school without an approved transfer or reassignment, the student shall be withdrawn from the assigned school and transferred (without regard to parental preference) to his/her districted school.

The parent or guardian of the student, or the student if of legal age, shall be responsible for any consequences affecting the eligibility of the student for participation in extra-curricular activities pursuant to rules of the New Mexico Activities Association ("NMAA"). The rules of the NMAA shall prevail in any event.

#### **Student Registration Procedures**

Each year, the district will publish and widely disseminate registration procedures in English and Spanish. Registration may take place at individual schools or other sites as established by the Superintendent of Schools or his/her designee. Registration periods shall be established for specific grade levels and published widely.

#### **School Options under A-B-C-D-F Schools Rating Act**

Schools Options allow parents of all public school students who are enrolled in a public school rated "F" for two of the last four years to transfer the student in the same grade to any public school in the state not rated "F".

For information regarding NM PED's calculation and designation of school grades, visit <http://aae.ped.state.nm.us>.

Application periods and timelines will be specified for each school year as noted herein. During these times, parents of students who wish to transfer to a school in the state not rated “F” pursuant to the School Options under A-B-C-D-F Schools Rating Act must apply through the RISD Office of Academic Services. The application period will be completed within the first 20 days of the school year. Assignments will be made and parents will receive notification of the new assignments via United States mail, email or phone call.

The district realizes parents do not always have information necessary to make informed choices. To assist parents and guardians, the district will engage in a community-wide dissemination of information.

The district shall print instructions and forms in the English and Spanish languages, and will arrange for employees and/or volunteers who speak Spanish to assist parents who do not speak English, as needed.

All schools shall maintain materials including, but not limited to, the following:

1. Information concerning the reassignment process (Description and Regulations)
2. Information regarding special programs
3. Transportation information
4. School Options under A-B-C-D-F Schools Rating Act

### **Student Transfer Procedures**

The following procedure will apply for Zone Exemption Requests:

- A. Timelines for accepting zone exemptions for all RISD K-12 students will begin after the 10<sup>th</sup> day of the new school year.
- B. Parent(s)/Guardians(s) will complete the RISD Request for Zone Exemption and submit it to the school where the request is being made.
- C. All students not approved for zone exemptions will be placed on a waiting list maintained by the building principal at each school site.
- D. Decisions about zone exemptions approval or revocation will be made by the Superintendent in consultation with the building principal. The Superintendent or his/her designee will work with schools to establish enrollment projections for the next school year and determine the number of seats that will be available at each school in each grade after the students in the school’s attendance zone have been served.

*Weighting Criteria: Zone Exemption options will be determined by the following priorities and sub-priorities. Students with one or more sub-priorities within a group are automatically considered for the top priority in which they qualify.*

1. Students zoned for a school designated as “F”, asking to transfer to a school designated as A-D, with the following additional sub-priorities:
  - a. Children of employees employed at the public school;
  - b. Child care for siblings of students attending the public schools;
  - c. After school child care for student;
  - d. Extreme hardship;
  - e. Location of a student’s previous school;
  - f. Siblings of students already attending the public school; and
  - g. Student safety.
2. Students who previously attended the receiving school, but are not living in the school zone due to a move/address change or a school zone boundary change;
3. All other RISD districted applicants for enrollment at the receiving school with the following additional sub-priorities:
  - a. Siblings of a student who currently attends and will continue to attend the receiving school;
  - b. Child of a RISD employee (substitutes and contractors are NOT considered employees);

- c. All other students asking to transfer, but not categorized as 3-a or 3-b.

- 4. Students asking to transfer into the RISD from another school district.

Program of Study placement may be considered for placement when a student's desired Program of Study is not offered at the student's home zoned school (e.g. Dual Language, Vocational Focus, ROTC, etc.). A Program of Study is prescribed and continuous sequence of courses designed to allow a student to pursue a specific area of learning. If granted a Program of Study placement, parents, guardians and students are required to sign a letter of understanding committing to the requested Program of Study. Students are required to enroll and remain enrolled in courses as outlined in the letter of understanding. If the student withdraws from the Program of Study, he or she shall return to the home zoned school at the end of the semester. This move may affect a student athlete's ability to play varsity sports for 180 days. A referral for enrollment at the alternative University High School should be made by the school counselor or principal.

Acceptance of zone exemptions and a valid proof of address must be received no later than 10 business days after the notification. It is the responsibility of the parent/guardian to keep their contact information updated. If the parent or guardian does not accept within the time specified in the letter and provide valid proof of address, the seat will be forfeited and the position will be offered to the next student on the waiting list. After the 1<sup>st</sup> day of school, if a parent is contacted by phone and accepts, he/she must return a valid proof of address no later than 10 business days after the acceptance. If the parent declines the student zone exemption or the district is unable to contact the parent by within two (2) business days, the seat will be forfeited.

#### Placement Guidelines

- Under enrolled schools – below 75% of school capacity or grade level maximum as defined by NMPED
  - Accept all applicants throughout the school year
- Over enrolled schools – above 95% of school capacity or grade level maximum as defined by NMPED
  - All applicants placed on waiting list until 20<sup>th</sup> day of school
  - Only place students in classrooms up to 95% of the state defined maximum

#### **Change of Primary Domicile within the District during the School Year**

All students changing residences during the school year, but remaining within the district must complete the appropriate form to ensure that the school assignment is acceptable and must supply proof of address of the new address. The rules regarding change of residence within the district are as follows:

- Students moving within the district will be allowed to remain at the current school for the remainder of the grade period. If at the end of the school year, the student's next grade level is the highest grade level at the school, the student will be allowed to remain at the school for one additional year.
- Students that do not meet the above criteria will be required to enroll at the home zoned school of their new address or receive an approved student transfer to the school of their choice.

#### **Change of Residence Out of the District during the School Year**

All students changing residences during the school year must complete the appropriate form to ensure that the school assignment is acceptable and must supply proof of the new address. The rules regarding change of residence are as follows:

- Students moving out of the district will be allowed to remain at the current school for the remainder of the school year. The student must reapply and receive an approved student transfer as an out of district student to continue attending the following year.

#### **Transportation**

Transportation must be provided by the parent/guardian for all students attending with an approved student transfer.

#### **Athletics**

Parents and students must abide by the NMAA rules and guidelines as it pertains to eligibility. Student athlete eligibility to play varsity sports can be impacted by the student transfer.

### **Other Provisions**

The Superintendent will make decisions about transfer approval or revocation.

*Return to Districted School* – This process allows students who have received a reassignment to request a return to the home school, during the school year, based on extenuating circumstances.

*Out of District Students* – A student from another New Mexico school district may be permitted to attend RISD consistent with the Open Enrollment Law and this policy and based on available space. The district shall determine the appropriate school to which any such student may be assigned.

Acceptance of a student from another New Mexico school district shall be granted only on a space available basis, after the district residents are placed. Transportation must be provided by the parents or guardians.

*Students that are withdrawn or disenrolled will forfeit their approved Student Zone Exemption.*

### **Appeal Process**

For district residents for whom a school preference under A-F Choice or reassignment is denied for a reason other than enrollment limit, the parent, guardian, or student of legal age shall have the right of appeal to an Appeals Committee.

1. Each requests for appeal must be in writing. Appeals based on denial of assignment under the A-F Choice Plan may be accepted at any time; appeals based on denial of a reassignment request must be received by the Assistant Superintendent of Academic Programs within five (5) working days after notification of denial.
2. Additional information presented at an appeal hearing by the Assistant Superintendent of Academic Programs may necessitate the hearing being temporarily recessed for reconsideration, pending completion of the hearing process.
3. A quorum is required for all appeals hearings.
4. Three voting members shall constitute a quorum. The members shall consist of district teachers, building administrators, and/or directors.
5. An affirmative recommendation to accept the appeal and reverse the disapproved transfer application of any reassignment shall require a simple majority of those voting.
6. If a member determines that he or she cannot cast an objective vote for any reason, that member must abstain from voting.
7. If the abstention causes the council to fall below a quorum, additional members will be required to hear the appeal and vote.
8. A denial of the request for reassignment shall require a simple majority of those voting.
9. The recommendation of the committee will be reviewed by the Superintendent or his/her designee. The Superintendent or his/her designee will review and then deny or accept the recommendation of the appeals committee. That determination is the final decision, with no further in-district review.
10. The parent/guardian or student will be notified of the decision within five working (5) days of the hearing.