



Nye County School District

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MEMORANDUM

TO: All NCSD Principals
FROM: Rod Pekarek, Assistant Superintendent for District Services
RE: Change to Zone Variance Administrative Regulation
DATE: August 4, 2009

Please be advised that Administrative Regulation #7030, School Attendance Areas has been revised.

In the Outline of Procedure, Item E has been revised as follows: "Official permission for a zone variance may be granted by mutual approval of the residence principal, the receiving principal, and the Superintendent or designee." This change is in effect for all Zone Variance Requests for the 2009-2010 school year.

All principals should notify their staff, as well as parents who annually request zone variances of these changes as soon as possible.

All Request for Zone Variance forms must be signed by the residence principal and the receiving principal prior to submittal to the Superintendent at the Southern District Office for final approval. The Request for Zone Variance form has been revised to include signature lines for the principals and Superintendent. (See attached)

Please be reminded of Item G. in the Administrative Regulation, "Students attending a school on a variance must reapply each year."

Finally, please submit a list of all Zone Variances at your school for the 2008-2009 school year, along with the reason for the variance by Friday, August 7, 2009. As always, if you have any questions, feel free to contact me.

RP:ts

**Nye County School District
REQUEST FOR ZONE VARIANCE**

Today's Date: _____

Requested School Year: _____

Regular Education: _____

Special Education: _____

(Please indicate placement)

STUDENT'S NAME: _____

ADDRESS: _____ ZIP: _____
Street Address Space #/Apt. # City

MAILING ADDRESS: _____ ZIP: _____
Street Address Space #/Apt. # City

GRADE REQUESTING: _____ DATE OF BIRTH: _____
Month Day Year

NAME OF PARENTS/LEGAL GUARDIANS: _____

TELEPHONE #s: Home: _____ Work: _____ Cell: _____

OTHER CONTACT: Name: _____ Home: _____ Work: _____

SCHOOL STUDENT IS REQUESTING TRANSFER TO: _____

SCHOOL ZONE STUDENT RESIDES IN: _____

SCHOOL STUDENT LAST ATTENDED: _____

REASON FOR REQUESTING TRANSFER:

(Use back of paper if necessary.)

If the transfer is approved, **parent is 100% responsible for transportation of student to and from school.** Any questions regarding this regulation can be addressed to the school. Student's and guardian's cooperation with the school is required. Any violations of the school rules and regulations will result in the transfer being revoked and the student being returned to the home school. **REQUEST FOR TRANSFER IS VALID FOR ONE YEAR ONLY. A NEW FORM MUST BE COMPLETED ANNUALLY.** Approval for the subsequent year will be based on the school's review of attendance, grades, and behavior. All transfer requests, regardless of the reason for the request, are subject to **SPACE AVAILABILITY AND THE APPROVAL OF THE SUPERINTENDENT/DESIGNEE.**

SIGNATURE OF PARENT/LEGAL GUARDIAN: _____

If this request is for supervision purposes, please provide the following information:

NAME OF CHILD CARE PROVIDER: _____

ADDRESS: _____ PHONE NUMBER: _____

Residence Principal Signature

Date

FOR OFFICE USE ONLY

GRANTED _____

DENIED _____

REASON _____

DATE _____

Receiving Principal Signature

Date

Superintendent/Designee Approval

Date

TITLE: 7030 – School Attendance Areas

PURPOSE AND BACKGROUND: To establish a procedure for zoning of attendance areas

APPLICABILITY: All School Sites

MONITORING AND RESPONSIBILITY: Site Administrator

OUTLINE OF PROCEDURE:

- A. The establishment of attendance zones for schools is a process designed to provide for the orderly control of the number of students assigned to a particular school.
- B. Zoning of school attendance areas shall be reviewed periodically by the administrative staff and recommendations made to the Board of Trustees.
- C. The official residence of a child is that of his/her parent(s) or legal guardian(s). A child may not claim residency by living with any relative other than a parent or with any other person, unless such relative or other person has obtained guardianship as provided for in Nevada Revised Statutes.
- D. In certain cases, parent(s) or legal guardian(s) may be asked to complete a notarized affidavit of residency. False information provided on this affidavit will result in immediate disenrollment from the school and a potential action seeking reimbursement from parents(s) or legal guardian(s) for costs incurred in verifying residence as well as direct and indirect educational costs expended on behalf of a student who is represented to be a resident of the State of Nevada, and all legal fees and costs incurred as a result of such action. Further, such cases may be forwarded to the District Attorney's office for potential criminal prosecution for perjury or other appropriate action.
- E. Exceptions to attendance in established zones may be granted in situations identified in J below. Official permission for a zone variance may be granted by mutual approval of the residence principal, the receiving principal, and the Superintendent or designee.
- F. All requests for variance of zone attendance must be initiated by the parent(s) or guardian(s) on a form provided by the school. All requests for variance must state valid and acceptable reasons which are the basis of the proposal. The variance request is presented to the receiving school.
- G. Students attending a school on a variance must reapply each year.
- H. When variances are granted, the parent(s) or guardian(s) assumes responsibility for transportation of the student to and from school.
- I. In reviewing all voluntary requests for an attendance zone variance, variances may be granted on a space available basis at the discretion of the principal.

J. Acceptable reasons for requesting a variance are as follows:

1. Change of family residence.

- a. When there is documentary evidence filed that a family intends to move from one zone to another within the semester.
- b. Students in kindergarten through twelfth grade whose parents move during a school year may be allowed to remain in the school of first enrollment until the end of the school year.
- c. Students from outside the NCSD may not attend NCSD schools unless a written tuition agreement is made between the Nye County Board of Trustees and the Board of Trustees of the residence district. The written agreement shall contain necessary stipulations pertinent to the length of time and tuition costs. If no tuition agreement exists, the school may not enroll the student until the parent has obtained written permission from both school districts. Variances must be obtained annually.
- d. Students whose legal residence is in Nye County may not attend schools in other counties of Nevada or California if the district provides full educational services to the area in which they reside. In the event Nye County students do qualify for attendance at a school outside Nye County, a written agreement between the Nye County board of Trustees and the Board of Trustees of the other school district is required. The written agreement shall contain the necessary stipulations pertinent to length of time and tuition costs.

2. Mental and physical health problems.

- a. When there are serious social or emotional adjustments which make it appear that the best interest of the child will be served by attendance in a nonresident zone, such maladjustments must be certified by juvenile law enforcement agencies, welfare agencies, public health agencies or recommendation of a district psychologist.
- b. When the physical condition of a child makes it appear that his/her best interests will be served by allowing attendance in a non-residence zone, the request for variance shall be made by the attending physician.

3. Curriculum and program offerings. Exceptions to the zoning policy may be granted in cases where the curriculum program offerings at another school are unique to the student's needs.

4. Extracurricular activities. The district, as a member of the NIAA, supports and maintains the standards they have adopted relative to participation of students of a variance in extracurricular activities.