

Rutherford County Board of Education

Monitoring: Review: Annually, in September	Descriptor Term: School Attendance Zones and Exemptions	Descriptor Code: 1.703	Issued Date: 08/15/13
		Rescinds: 1.703	Issued: 01/15/09

1 II. Residence

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3 The legal residence of the student must be in Rutherford County. Legal residence is defined as
4 the primary domicile of the student's custodial parent(s) or legal guardians. A copy of the court
5 document establishing guardianship or legal custody shall be filed with the school. The custodial
6 parent or legal guardian of each student shall be required to submit proof (i.e. telephone bills,
7 electric bills, property tax receipts, etc.) that they reside in Rutherford County. The residence of
8 those students deemed to be "homeless" and/or illegal aliens will be determined in accordance
9 with federal law.

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11 II. Attendance Areas

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13 Student assignment shall be based on attendance transportation zones as adopted by the Rutherford
14 County Board of Education. The student shall attend the school located in the school zone of the
15 student's legal residence. The Rutherford County Board of Education will provide transportation
16 within an attendance transportation zone.

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18 III. Transfers

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20 The principal of any school accepting a student by transfer from another school by reason of
21 the family changing place of residence within a semester, must be satisfied the family is actually
22 residing within the area served by the school before enrolling the student.

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24 Students who move out of their transportation/attendance zone, are to attend the school zone of
25 their new legal residence.

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27 IV. Zone Exemptions

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29 A. Regardless of the reasons for requesting a transfer, approval cannot be recommended to
30 a school where classes and facilities are overcrowded. Exemptions will be denied if the
31 requested school does not have available room or teaching capacity.

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33 B. From February 1 through April 15 of each school year, parents/guardians may request that
34 his/her child attend a school within the system other than the one which the child is zoned.
35 After this, the designated period zone exemptions may be considered by the Director on a
36 case by case basis. In reaching a decision for exemption, the director of schools or his/her
37 designee may consider:

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39 1. Requests by parents/students.
40 2. Factors listed in Tennessee Code Annotated 49-6-3103.
41 3. Recommendations of the principals, counselors and/or teachers of each affected

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school.

- C. The parent or legal guardian shall provide supporting documentation such as:
 - 1. M-team recommendations;
 - 2. Medical recommendations;
 - 3. Judicial recommendations;
 - 4. Police reports;
 - 5. Contracts, leases on houses or apartments.

- D. No one is authorized to grant an exemption to applicable school zone lines other than those specified in this policy.

- E. If an attendance zone exemption is granted, transportation must be provided by the custodial parents or legal guardian to the school outside the attendance transportation zone. Bus transportation will not be provided to or from the out-of-zone school.

- F. This policy does not in any way prohibit an M-team, the childcare development advisory committee, or the disciplinary hearing committee from making program recommendations for students at any time during the school year.

- G. Violators of this policy (i.e. students using incorrect addresses, aliases, etc.) will be subject to suspension.

- H. School personnel who knowingly allow or encourage a student to violate the school zone line without an exemption having previously been granted shall be disciplined.

- I. If a student is granted a zone exemption, the student will be permitted to continue to attend the new school in subsequent years based upon the exemption granted. It is not necessary that a zone exemption be applied for annually. However, any zone exemption granted may be reviewed at any time by the director of schools, school principal(s) or any other administrator. A granted zone exemption is subject to revocation upon the recommendation of the principal(s) of the school. Factors to be considered in revoking a zone exemption include, but are not limited to, disciplinary matters, transportation, overcrowding, student attendance, academic progress and/or any other circumstance affecting the good order and discipline of the school.

- J. After a student has enrolled in one school he will not be permitted to transfer to another, unless there is a change in residence of the student's custodial parents or legal guardian to a location outside the area in which the student first enrolled. Any deviation from this must be brought before the director of schools or his/her designee.

- K. No transfer will be considered when a student is under disciplinary action from a previous school, unless both principals agree to the change.

- L. A pupil shall be expected to report to the new school on the next regular school day after the date of issuance of the transfer, unless another date is specified.

- 1 M. Students transferring from another school system may enroll on a temporary basis awaiting
2 the arrival of records requested from the former school.
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- 4 N. The director of schools may release a Rutherford County student to attend school in another
5 school system during a period of two weeks prior to the opening of school or during the
6 school year. Transportation and/or tuition, if applicable, will be the responsibility of the
7 parent or legal guardian.
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- 9 O. Holloway High, Homer Pittard Campus School, magnet schools and/or other programs, as
10 well as alternative schools are not zoned schools; therefore, zone exemption applications
11 are not accepted for transfers to these schools.
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13 V. Zone Exemption Procedure

- 14 A. The specific procedures will be developed and approved by the director of schools.
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- 16 B. Regardless of the reasons for requesting a transfer, approval cannot be recommended to a
17 school where classes and facilities are overcrowded.
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- 20 C. The director of schools or his/her designee reviews the recommendations of the principals,
21 the reasons for the transfer request and any supporting documentation, if provided, then
22 approves or denies the request.
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- 24 D. If an attendance zone exemption is granted, transportation must be provided by the cus-
25 todial parents or legal guardians to the school outside the attendance transportation zone.
26 Bus transportation will not be provided to or from the out-of-zone school.
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28 VI. Appeals from the Denial of a Request for Zone Exemption

29 A. Appeals to the director of schools

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- 32 1. Within ten (10) days from the date the denial of a zone exemption application
33 is mailed to the child's parent or legal guardian, the parent or legal guardian
34 may notify the director of schools of his or her desire to appeal the denial. This
35 notification must state the specific reasons why the applicant contends that the
36 child should not attend the school assigned and the specific reasons why the
37 child should be assigned to the different requested school in the notice
- 38 2. Upon timely receipt of the application for appeal, the director of schools shall
39 review the entire record and shall, without a hearing, render a decision in writ-
40 ing on the appeal. Notice of the director of schools decision shall be mailed to
41 the parent or legal guardian within ten (10) days from the date of the director
42 of schools decision.
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44 B. Appeals to the Board

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- 46 1. Within ten (10) days from the date the director of schools order denying the
47 appeal is mailed to the parent or legal guardian, the parent or legal guardian
48 may make application to the Board for a hearing as to the reasonableness of
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1 the assignment and as to the parent's request for a transfer. The application for
2 appeal must be in writing and shall state the specific reasons why the applicant
3 contends that the child should not attend the school assigned and the specific
4 reasons why the child should be assigned to the different school named in the
5 application.

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7 2. Upon receipt of such application for hearing, the Board shall set a date for the
8 hearing of the appeal and such hearing shall be held within a reasonable time
9 after receipt of the written application for the hearing. Written notice of the date
10 and place of the hearing shall be given by the Board or its secretary to the parent,
11 legal guardian or legal custodian of such child by mailing a notice of hearing to
12 said party, by certified return receipt mail, at his/her last known address at least
13 ten (10) days before the date of the hearing. The applicant shall be entitled to
14 appear in his/her own behalf or be represented by counsel upon the hearing of
15 such protest.

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17 3. The procedures governing the appeal, including, inter alia, the evidence to be
18 admitted, the obtaining of subpoenas and witnesses, the use of counsel and the
19 burden of proof shall be governed by Tennessee Code Annotated section 49-6-
20 3203.

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22 4. As provided by Tennessee Code Annotated section 49-6-3204, the Board of
23 Education shall designate one (1) or more competent examiners to conduct any
24 such hearings, to take testimony, and to make a report of the hearings to the
25 entire Board for its determination. Before the Board shall enter a final order in
26 such cases, the members thereof shall personally consider the entire record and
27 the Board shall make its decision on the basis thereof.

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29 5. Within a reasonable time after the completion of the hearing, the Board shall
30 enter the written order either granting or denying the protest. A copy of the order
31 and the findings of the Board shall be mailed by the Board or its secretary to
32 all parties appearing at the hearing, by certified return receipt mail, at their last
33 known mailing address within five (5) days from the date of such order.

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35 C. Child Shall Remain at Assigned School During Pendency of Appeal

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37 During the time an appeal is pending, either to the director of schools or to the
38 Board, the child requesting a transfer must remain at his or her assigned school.

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40 VII. Private Schools

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42 A. Students transferring into a Rutherford County school from a private school should do
43 so at the beginning of the fall or spring semester or immediately thereafter.

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45 B. Students entering a Rutherford County school from a non-approved private school shall
46 be subject to the provisions of the Rules, Regulations and Minimum Standards of the
47 Tennessee State Board of Education.
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