

NINER UNIVERSITY ELEMENTARY ADMISSIONS POLICY

I. Introduction

Niner University Elementary (hereinafter “NUE”) recognizes the need for consistent, open, and transparent admissions practices. NUE will adhere to the legal requirements set forth in N.C.G.S. 116-239.5 et seq. (hereinafter “the Statute”), as it may be amended from time to time. NUE shall not unlawfully limit admissions based on race, color, national origin, religion, sex, gender identity and expression, political affiliation, age, disability, veteran status, genetic information, or sexual orientation. The purpose of this Admissions Policy is to define the procedures that shall apply regarding all admissions at NUE.

II. Policy Scope

This Policy shall apply to all faculty, staff, students, and applicants of NUE.

III. Enrollment Plan

Enrollment at NUE will be determined exclusively by the University of North Carolina at Charlotte (hereinafter “University”). The Chancellor or designee will determine each year the availability of total seats and the availability of seats for each class. All students residing in the Charlotte Mecklenburg Schools (hereinafter “CMS”) District who are eligible as defined in the Statute and Section V.A or V.B of this Policy shall be considered for enrollment.

Within one year after NUE begins operation, it shall make reasonable efforts in the recruitment process for the population of NUE to reasonably reflect the racial, ethnic, and socioeconomic composition of the general population of the students residing within the CMS District.

IV. Admission Committee

- A. The Admission Committee (hereinafter “Committee”) oversees all aspects of the admissions process.
- B. The Committee shall include three members: the NUE principal, who shall serve as chair; one faculty member from the University’s Cato College of Education (hereinafter “COED”), and one additional person. The Committee will keep records of all admissions decisions and report to the Chancellor or designee when requested.
- C. Members of the Committee will maintain all applicant, student, and parent and/or guardian information in confidence pursuant to applicable law, University policy, and NUE policy. No information received during the application process will be discussed with any individual who is not a member of the Committee or who does not have a need to know. All applications and information received related to an application will be considered property of NUE.

V. Selection Procedures

- A. The Committee shall determine enrollment eligibility in accordance with N.C.G.S. 116-239.9, as it may be amended from time to time. Applicants who reside in the CMS District shall be placed on an eligibility list if they meet at least one of the following criteria:
1. Any child currently assigned to a low-performing school, as defined by N.C.G.S. 115C-105.37 at the time of the student's application.
 2. Any child who did not meet expected growth in the prior school year based on one of the following indicators:
 - a. Grades;
 - b. Observations;
 - c. Diagnostic and formative assessments;
 - d. State assessments; or
 - e. Other factors, including reading on grade level.
 3. Any child who is the sibling of a child who is eligible under subdivision (1) or (2) of this subsection.
 4. Any child who is the child of a NUE employee.
- B. Applicants for kindergarten shall be eligible for admission if they reach the age of five (5) on or before August 31 of the upcoming school year, reside in the CMS District, and one of the following applies:
1. They are assigned to a low-performing school as set forth in subsection A.1 above;
 2. They demonstrate that they are at risk for not meeting expected growth based on any of the indicators set forth in subsection A.2 above;
 3. They are the sibling of a child who is eligible under A.1, A.2, B.1, or B.2; or
 4. They are the child of a NUE employee.
- C. Absent extraordinary circumstances, in order to create and ensure a stable educational environment for NUE students, NUE will only admit applicants as rising kindergarteners or first graders.
- D. On a yearly basis, the Committee shall determine the enrollment period as well as any application deadlines and related procedures. The Committee shall publish information regarding the enrollment period and applicable deadlines in multiple sources within the CMS District. Notwithstanding the requirements of Sections V.A and V.B above, if NUE has not reached its enrollment capacity in a program, class, grade level, or building by March 1, prior to the start of the next school year, NUE may enroll children who reside in the CMS District but do not meet one of the criteria set forth in Sections V.A and V.B for up to twenty percent (20%) of the total capacity of the program, class, grade level, or building.
- E. Student selection shall be based upon the following:
1. Applicant eligibility as defined pursuant to the Statute and Section V.A of this Policy;

2. Timeliness of the application;
 3. Capacity of the program, class, grade level, and/or building;
 4. The order in which the application is received; and
 5. Whether the applicant is the sibling of an enrolled student who attended NUE in the prior school year.
- F. The Committee, at its discretion, may maintain a waiting list. See Section VIII below.
- G. At the end of the 2020-2021 school year and yearly thereafter, parents or guardians of students currently attending NUE will be advised by letter (hereinafter "Continuation Letter") from NUE that they must notify NUE staff of their intent to continue their child(ren) as students of NUE. If a parent or guardian fails to respond by the date specified in the Continuation Letter, NUE shall attempt to contact the parent or guardian to determine the intent to continue the student(s).
- H. Parents or guardians of rising kindergarteners who are admitted to attend NUE will be advised by letter (hereinafter "Acceptance Letter") from NUE that they must notify NUE of their intent to enroll their child(ren) as students of NUE. If a parent or guardian fails to respond by the date specified in the Acceptance Letter, NUE shall attempt to contact the parent or guardian to determine the intent to enroll the student(s).
- I. In the event there is a question regarding an applicant's or student's eligibility based on residence or domicile, the Committee will review the application pursuant to the Residency and Domicile Guidelines attached as Appendix 1 to this Policy.

VI. Appeal

- A. Any applicant not selected for admission to NUE may appeal that decision within seven (7) business days after notification of the decision. The appeal shall be submitted in writing to the NUE principal and explain in detail the reasons for the appeal. The appeal must be based on one or more of the following grounds: (1) a material deviation from the procedure outlined in this Policy and/or (2) the Committee's decision was contrary to law or policy.
- B. The NUE principal shall forward the appeal to the Dean of COED (hereinafter "Dean"), or the Dean's designee, who shall serve as the designated appellate officer.
- C. The Dean, or the Dean's designee, shall review the appeal submission, including any supporting documentation, and may consult with the Committee as needed. The Dean, or the Dean's designee, shall review the appeal to determine, based on the grounds set forth above, whether to approve or overturn the Committee's decision. The applicant will be notified of the decision in writing within ten (10) business days after receipt of the appeal request. The Dean's determination regarding an application is final.

VII. Other Provisions Relating to Admissions

- A. Any parent or guardian who makes application for a student must provide all required documents to the Admissions Committee establishing the student's enrollment eligibility. (See Section V.A above.) If the documents are not received by the deadline set by the Committee, the student's name will be removed from consideration but may be considered at a later date if and when the parent or guardian provides the required documentation. To assist any parent or guardian, parents or guardians may sign a waiver authorizing NUE to obtain the necessary academic records from a child's current school. This waiver should be signed at the time of application.
- B. Students who have been suspended or expelled from another charter, private, or public school will not be considered for admission until such time as the student would be eligible to return to the school from which the student was suspended or expelled.
- C. If a student fails to enroll after five (5) days into the first semester, the student will be dropped from the enrollment list. Parents and/or guardians will be required to repeat the application process.
- D. If a student is granted admission based on false or misleading information, NUE may revoke the student's admission or, if enrolled, discharge the student at any time during the school year or at the end of the current school year. The Chancellor or designee will make a decision based on the recommendation of the Committee.
- E. If legal guardianship has been transferred from a natural parent to any other entity or individual, such guardianship will only be recognized and accepted when the guardianship is permanent and approved by a court of competent jurisdiction.
- F. All students must meet the eligibility requirements for school admission established by the State, including immunization and health assessments. See NUE's Immunization and Health Requirements for Admission Policy for additional guidance.
- G. Once enrolled at NUE, a student shall not be required to reapply in subsequent enrollment periods, unless the student has previously withdrawn from NUE.
- H. A family may submit multiple applications concurrently; each application will be considered to have been filed at the same time.
- I. NUE may give enrollment priority to the sibling of an enrolled student who attended NUE in the prior school year.

VIII. Waiting Lists

If the Admissions Committee, in its discretion, decides to maintain a waiting list, the following shall apply:

- A. No student will be included on NUE's waiting list unless the student is eligible to be enrolled if admission were to be granted.

- B. After the first day of the school year, if NUE is not at capacity or when vacancies occur by a student leaving NUE for whatever reason, the Committee may agree to admit a student from the waiting list. Any decision to consider an applicant after the first day of the school year is in the sole discretion of the Committee. This Policy shall govern the wait list application process and any decisions to admit applicants from the wait list.

- C. Applicants on the waiting list who were not admitted during the school year of their initial application must reapply for admission in subsequent years.

Revision History:

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Authority: Chancellor

Responsible Office: Academic Affairs

Appendix 1: Residency and Domicile Guidelines

In the event there is a question regarding an applicant's or student's residency or domicile as noted in Section V.H of this Policy, the following provisions shall apply:

- A. The residence 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. Domicile requires the intent to abandon one's prior home and remain in the new location as a permanent home for an indefinite period.
- B. Domicile for the purpose of school admission will be determined by the following criteria:
 1. Physical Custody. In the event that a student's parents are divorced or separated and physical custody has been given to only one parent, the student's domicile follows that of the parent who has been granted physical custody. If physical 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 system of residence, then the parents must jointly agree on which residence will be used to determine the student's domicile. The selected residence must be submitted in writing to NUE. The selection may not be changed during the school year unless the parents satisfy NUE's policies on transfers and releases. In the event that the parents cannot agree on which residence will be used to determine the student's domicile for eligibility purposes, school officials shall use the residence of the parent with physical custody of the student at the time of application.
 2. Non-Domiciliary Eligibility. A student who is not a domiciliary of the CMS District is eligible to attend NUE if all of the three following criteria (a, b, and c below) apply:
 - a. The student resides with an adult who is not a parent, legal custodian, or legal guardian but who is a domiciliary of the CMS District because of one of the following:
 - I. The death, serious illness, or incarceration of the student's parent or legal guardian.
 - II. The abandonment by the parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.
 - III. Abuse or neglect by the parent or legal guardian.
 - IV. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.
 - V. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the North Carolina Department of Social Services or the Division of Mental Health.
 - VI. The loss or uninhabitability of the student's home as a result of a natural disaster.
 - VII. The parent or legal guardian is one of the following:

- i. On active military duty and is deployed out of the local school administrative unit in which the student is domiciled. For purposes of this requirement, the term “active duty” does not include periods of active duty for training for less than 30 days.
 - ii. A member or veteran of the uniformed services who is severely injured and medically discharged or retired, but only for a period of one year after the medical discharge or retirement of the parent or guardian.
 - iii. A member of the uniformed services who dies on active duty or as a result of injuries sustained on active duty, but only for a period of one year after death. For purposes of this requirement, the term “active duty” is as defined in N.C.G.S. 115C-407.5
 - b. The student is:
 - I. Not currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from NUE, or
 - II. Currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from NUE and is identified as eligible for special education and related services under the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq. (2004).
 - c. The caregiver adult and the student’s parent, guardian, or legal custodian have each completed and signed separate affidavits that do all of the following:
 - I. Confirm the qualifications set out in this subsection establishing the student’s residency;
 - II. Attest that the student’s claim of residency in the unit is not primarily related to attendance at NUE; and
 - III. Attest that the caregiver adult has been given and accepts responsibility for educational decisions for the student.

Eligibility under this requirement is only available if reasonable evidence of the deployment, medical discharge, retirement, or death and/or evidence of current eligibility is tendered with the affidavits.

- C. Homelessness. A student who is homeless is eligible to attend NUE if his or her school of origin was in the CMS District and if he or she meets the other criteria in this Policy. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled, including a preschool.
- D. Confidential Addresses. In determining whether a student meets the domicile or residence requirements of this Policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program

established by N.C.G.S. Chapter 15C, but such address will remain confidential in accordance with the law.