



## Administrative Regulation 5015 VARIANCE FROM ZONED SCHOOL

**Responsible Office:** Office of School Leadership

### **PURPOSE**

This administrative regulation describes the process through which students may request an inter-District variance to a school other than the zoned school in the Washoe County School District ("District" or "WCSD").

### **REGULATION**

#### 1. Attendance Zones and Residency

- a. The establishment of attendance zones for schools is a process designated to provide for the orderly control of the number of students assigned to a particular school. Zoning of school attendance areas shall be reviewed periodically by the administrative staff and recommendations made to the Board of Trustees in accordance with Board Policy and any accompanying administrative regulations and procedures.
- b. The official residence of a student is that of their parent/guardian. A student may not claim residency by living with any relative other than a parent/guardian or with any other person, unless such relative or other person has obtained guardianship as provided for by the provisions of Nevada state law.
- c. In certain cases, a parent(s)/guardian(s) may be asked to complete a notarized affidavit of residency.
  - i. False information provided on this affidavit will result in immediate disenrollment from the school and a potential action seeking reimbursement from the parent(s)/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 Washoe County District Attorney's Office for potential criminal prosecution for perjury or other appropriate action.
- d. Exceptions to attendance in established zones may be granted in situations identified within this regulation. Official permission for a zone variance may be granted by authority of the Board of Trustees through the principal of the school which is issuing the variance.

- e. Signature Academies
    - i. The one exemption to the variance form rule is made for students who are applying for Signature Academies.
    - ii. Students who are applying to a Signature Academy are not required to obtain the signature of the Principal of the student's home school. The reason the student is seeking the variance is implied by the application itself.
2. Variance Request Process
- a. All requests for variance of zone attendance must be initiated by the parent/guardian on a form provided by the District. All requests for variance must state valid and acceptable reasons which are the basis of the proposal. Unless otherwise provided herein, this section shall apply to grades Kindergarten through 12th grade.
    - i. When variance requests are denied by the principal, they may be appealed to the Area Superintendent responsible for oversight of that school.
    - ii. The variance process begins in the home school, where the parent/guardian may request a variance form. The variance form must be signed by the Principal of the student's home school and the Principal of the receiving school.
  - b. Students attending a school on a variance must reapply each year for the same variance.
    - i. Variance reapplications pursuant to this subsection need only be made to the current receiving school. Except as set forth below (#5.), the primary consideration for the current receiving school shall be space availability.
    - ii. Reapplication does not apply to students on a Signature Academy variance. The student's eligibility will be reviewed each school year to determine if a student is in good standing. Students found to be in good standing will be allowed to continue in their magnet programs and do not need to reapply.
  - c. A student who is on a variance to a school that is rezoned is not guaranteed a variance to the new school, unless a prior District rezoning guaranteed otherwise. A variance application to the new school must be reviewed and is subject to approval by the school principal in accordance with the provisions in this regulation.

- d. Students in specialized or self-contained programming in special education should receive their education at their zoned or neighborhood school as indicated in the Individuals with Disabilities in Education Act ("IDEA"). If the zoned or neighborhood school does not have the specialized program, the next closest program with space available will be identified by the Office of Student Services and transportation will be provided to the student. To ensure consistent programming that meets the needs of the student, variances for students in specialized or self-contained programming may only be approved by the Area Superintendent and Executive Director who directly support the zoned school.
  - e. When variances are granted for students to attend schools other than those for which their residence is zoned, the District assumes no responsibility for transportation of the students to or from school.
  - f. In reviewing all voluntary requests for an attendance zone variance, principals will use the district teacher apportionment formula in determining if the school has space available for acceptance of any variance requests. The apportionment formula used shall be the student/teacher formula used in the allocation for the current school year.
3. Acceptable reasons for requesting a variance to the attendance zoning policies are listed below.
- a. Change of family residence
    - i. When there is documentary evidence filed with the District that a family intends to move from one zone to another within the semester.
    - ii. 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.
    - iii. Students from outside of the Washoe County School District who reside in other school districts of Nevada and California may not attend schools in Washoe County unless written agreement is made between the Board of Trustees of the Washoe County School District and the Board of Trustees of the district in which the student resides.
      - 1. The written agreement shall contain necessary stipulations pertinent to length of time and tuition costs. Such variances must be applied for and approved by the Board annually.

- iv. Students whose legal residence is in Washoe 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. Where Washoe County students do qualify for attendance at a school outside Washoe County a written agreement between the Board of Trustees of the Washoe County School District 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.
- b. Mental and physical health problems
    - i. When there are serious social or emotional maladjustments which make it appear that the best interest of the student will be served by attendance in a non-residence zone, such maladjustments must be certified by juvenile law enforcement agencies, welfare agencies, public health agencies or the District's Psychological Services Department.
    - ii. When the physical condition of a student makes it appear his/her interests will be served by allowing attendance in a non-residence zone, the request may be made by the attending physician.
  - c. Curriculum program offerings. Exception to the zoning policy may be granted in cases where the curriculum program offerings at another school are unique to the student's needs.
  - d. Extracurricular activities. The District, as a member of the Nevada Interscholastic Activities Association (NIAA), supports and maintains the standards adopted by that organization relative to participation of students on a variance in extracurricular activities.
  - e. Child Care. Exceptions to the zoning policy may be granted to students in elementary school when the student of working parents must have day care and such care is out of the zone of attendance, provided that documentary proof is filed with the District.
  - f. Guidance Variance. A guidance variance shall be available when the applicable area superintendent(s) and principals determine that the best interests of the student are served by granting a guidance variance.
  - g. Rezoning Variance
    - i. When rezoning occurs and there is space available, a principal may accept variance requests for those students whose own school has

changed as a result of rezoning. See Rezoning Variance Request Form (AF 5018)

- ii. Principals shall not exceed the 100% of team capacity at the elementary schools or 100% of capacity in middle and high schools without the approval of the area superintendent.
- iii. The requested variance is for the first year of the realigned attendance zones.
- iv. The requesting student would be an incoming 5<sup>th</sup> grade or 8<sup>th</sup> grade student at the rezoned school.
  1. The younger sibling of a student granted a rezoning variance may also apply to remain at the original school of attendance.
- v. Transportation will not be available to a student on a rezoning variance.
- vi. If there are more variance requests than capacity, a lottery will be held. The lottery will take place June 15. If June 15 falls on a weekend, the Monday after June 15 will be the date of the lottery.
  1. Principals will notify parents/guardians whose students do not meet the variance requirements by June 15. If June 15 falls on a weekend, the Monday after June 15 will be the date parents are notified.
  2. Principals will notify parents/guardians of the lottery for students who meet the variance requirements by June 15. If June 15 falls on a weekend, the Monday after June 15 will be the date parents are notified.
- vii. Lottery Process
  1. All names of students who meet the variance requirements will be individually written on pieces of paper that are of the same size and shape. The papers will be folded in half;
  2. All papers containing the names will be placed in a non-see through container;
  3. The principal will draw names witnessed by the Area Superintendent or his/her designee;

4. Each name drawn will be written in the order drawn and numbered until all the names have been drawn;
5. The principal will contact in order the students drawn to receive variances;
  - a. If the student has a sibling(s) the principal will reduce the number of variances available by the number of siblings for each grade level;
  - b. If the parent/guardian of the student selected in the lottery decides not to take advantage of the variance, the principal will call the parent/guardian of the student next in number on the list;
  - c. Parents/guardians are given two business days to respond to the variance request phone call.
- viii. This process will repeated with the next highest rising grade level only.
- ix. Principals have the discretion to accept variances in grades other than the two highest in the school as space is available. The normal variance application process shall be followed.
4. Extra-Curricular Activities. Variances for extracurricular activities are granted in compliance with Nevada Interscholastic Activities Association (NIAA) standards.
5. Revocation
  - a. Variances may be revoked for the following reasons: (1) failure to meet WCSD attendance standards; (2) failure to display safe, respectful and responsible behavior; and/or (3) failure to maintain a 2.0 GPA average.
    - i. Schools shall work in good faith with parents of students on variances to ensure the student's academic and social success.
    - ii. Variances shall not be revoked during the course of the school year without approval of the applicable Area Superintendent or Chief Student Services Officer for Alternate Education and Behavior Programs.

## DEFINITIONS

1. "Homeschool child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070 (NRS 385.007).

## **DESIRED OUTCOMES**

1. Through this administrative regulation, fair and equitable process for the review and approval of in-district variance requests shall be implemented.

## **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This administrative regulation reflects the goals of the District's Strategic Plan.
2. This administrative regulation aligns with the governing documents of the District, to include:
  - a. Board Policy 5400, Student Attendance
  - b. Board Policy 5039, Student Discipline
  - c. Board Policy 7545, Transportation of Students
  - d. Administrative Regulation 7106, School Overcrowding Management Planning
  - e. Administrative Regulation 7107, Alignment of School Attendance Zones
3. This administrative regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), and specifically:
  - a. Chapter 386, Local Administrative Organization
  - b. Chapter 388, System of Public Instruction
    - i. NRS 388.040, Zoning of school district by board of trustees; ...
  - c. Chapter 392, Pupils
    - i. NRS 392.070, Attendance excused for children in private school or homeschool; participation of private school children and homeschooled children in classes and extracurricular activities.
    - ii. NRS 392.700 – 392.705, Homeschooled Children

## **REVIEW AND REPORTING**

1. This administrative regulation shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board of Trustees shall receive notification of any required changes to the guiding policy as well as an audit of the accompanying governing documents.
2. Additional administrative regulations and/or other associated documents may be developed as necessary to implement and support this administrative regulation.

**REVISION HISTORY**

Date	Revision	Modification
10/01/2009	1.0	Adopted as CSI Procedure STAC-P104
4/04/2009	1.1	Revised
4/02/2013	1.2	Revised
1/22/2014	1.3	Revised
8/28/2015	2.0	Converted to administrative regulation, aligned with other governing documents
6/21/2018	3.0	Revised to clarify the rezoning variance process; Special Education variances