

The Coweta County School System has entered into a mutual Consent Decree that will provide an opportunity to resolve the 1973 Court Order which governs the system's desegregation attempts. The Consent Decree was issued in United States District Court for the Northern District of Georgia, Atlanta Division, on November 9, and followed more than a year of discussions and negotiations with representatives of the United States Justice Department, Civil Rights Division.

The decree establishes a two-year "test period" for the school system to demonstrate that it is complying with all intended aims of the Consent Order. At the end of the two-year period, if the court finds that all 27 areas of compliance have been met, then the school system will be awarded "unitary status." The school system will need to carefully document school system policies, school assignment, student transfers, hiring practices, educational opportunities and other matters (27 items in all) during this period.

To comply with all requirements of the Consent Decree, the Coweta County Board of Education, at its regular meeting on December 12, 2006, adopted three new policies which have replaced older versions of the policies and incorporated the language and requirements of the Consent Order. The policies are:

**Board Policy**  
**Student Assignment to Schools**

**Descriptor Code: JBCCA**

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Assignment of students to schools within the Coweta County School System shall be in accordance with the following policy:

**A. Affidavit Of Residence**

The parent, legal guardian, or other lawful custodian of every student seeking to enroll, or to continue enrollment, in the Coweta County School System shall sign under oath and deliver to the Registrar of the school at which enrollment is sought an Affidavit of Residence in the form hereunto attached, marked Exhibit "A", and made a part hereof.

**B. Evidence Of Domicile**

The following items may establish the domicile of a student in accordance with the provisions of this policy:

(1) The property tax records which indicate the street location of the residence of the parent, guardian, or other lawful custodian;

(2) Mortgage documents or deed records which indicate the street location of the residence of the parent, guardian, or other lawful custodian;

(3) Apartment lease, home lease, or rent receipt indicating current 911 address, the date and amount of the rent payment, and the persons who made and received the rent payment (provided that, if a rent receipt is submitted, the next month's rent receipt, including the required information, must be submitted within 30 days);

(4) Current electricity bill or application for electricity showing the current 911 address (provided an application is submitted, a current bill must be submitted within 30 days of the submission of the application);

(5) Voter precinct identification card or other voter documentation indicating the current 911 address.

Notwithstanding the foregoing provisions, a post office box shall not be acceptable evidence of an address.

### **C. Student Domicile**

The domicile of each student attending school in the Coweta County School System and the proof required to establish such domicile shall be as follows:

(1) The domicile of a student shall be the residence of the parents of the student with whom the student resides, where the parents are married to one another, and living together. Any parent seeking to enroll such student, or to continue enrollment of such a student, must provide to the Registrar of the school where enrollment is sought at least 2 of the 5 items mentioned in Paragraph B above.

(2) The domicile of a student shall be the residence of the parent of the student with whom the student resides where (i) the parents are married to one another but living apart; and (ii) no valid court order has been entered granting custody of the student to either parent. Any parent seeking to enroll such a student, or to continue enrollment of such a student, must provide to the Registrar of the school where enrollment is sought at least 2 of the 5 items mentioned in Paragraph B above.

(3) The domicile of a student shall be the residence of the surviving parent of a student with whom the student resides, where one of the parents of the student is deceased. Any parent seeking to enroll such a student, or to continue enrollment of such a student, must provide the Registrar of the school where enrollment is sought at least 2 of the 5 items mentioned in Paragraph B above.

(4) The domicile of a student shall be the residence of the mother with whom the student resides, where the parents of the student have never married. Any mother seeking to enroll such a student, or to continue enrollment of such a student, must provide to the Registrar of the school where enrollment is sought at least 2 of the 5 items mentioned in Paragraph B above.

(5) The domicile of a student shall be the residence of the parent having sole legal custody of the student and with whom the student resides, where such parent has sole legal custody of the student pursuant to a valid court order. Any parent seeking to enroll such a student, or to continue enrollment of such a student, must provide to the Registrar of the school where enrollment is sought: (i) at least 2 of the 5 items mentioned in Paragraph B above; and (ii) a filed copy of the final divorce decree (including any separation agreement incorporated therein) or other court order, granting such custody.

(6) The domicile of a student shall be the residence of the parent having physical custody of the student and with whom the student resides, where: (i) the parents of a student have been granted joint custody of the student pursuant to a valid court order; and (ii) only one of the parents has been granted physical custody of the student pursuant to such valid court order. Any parent seeking to enroll such a student, or to continue enrollment of such a student, must provide to the Registrar of the school where enrollment is sought: (i) at least 2 of the 5 items mentioned in Paragraph B above; and (ii) a filed copy of the final divorce decree (including any separation agreement incorporated therein), or other valid court order, granting such physical custody.

(7) The domicile of a student shall be the residence of the parent with whom the student resides, where: (i) the parents of a student have joint custody of the student pursuant to a valid court order which does not establish the physical custodian of the student; (ii) the parents of the student are separated pending the filing or the granting of a divorce and no valid court order establishes the physical custodian of the student; or (iii) a student of divorced parents is required to live with each parent for an equal period of time under a joint physical custody arrangement. In any such situation, the parents of the student shall designate which one of them shall be the custodian of the student for school purposes, and

the student shall be deemed to reside in the attendance zone where such designated parent resides; such designation shall be in writing, signed by both parents in the presence of a notary public, and delivered to the Registrar of the school where the parents desire to enroll the student. Any parent seeking to enroll such a student, or to continue enrollment of such student, must provide to the Registrar the school where enrollment is sought: (i) at least 2 of the 5 items mentioned in Paragraph B above; (ii) a filed copy of a valid court order establishing joint physical custody in the parents; and (iii) the written designation of the parents mentioned above.

(8) The domicile of a student shall be the residence of the student's legal custodian with whom the student resides or the student's legal guardian with whom the student resides, where: (i) a valid court order has been entered establishing such custody or guardianship; and (ii) the legal custodian or legal guardian of a student is not a parent of the student. Any legal custodian or guardian seeking to enroll such a student, or to continue enrollment of such a student, must provide to the Registrar of the school where enrollment is sought: (i) at least 2 of the 5 items mentioned in Paragraph B above; and (ii) a filed copy of the court order or decree, or letters of guardianship, naming such person as the legal guardian or legal custodian of the student.

(9) The domicile of a student shall be the residence of the parent, relative, guardian, foster parent, or other person with whom such student has been placed, where the student is in the lawful custody of either the Georgia Department of Human Resources or the Georgia Department of Juvenile Justice. In either instance, an authorized representative of the Georgia Department of Human Resources, or the Georgia Department of Juvenile Justice, as the case may be, shall certify in writing, in the presence of a notary public, that such student is in the lawful custody of such Department. Such certification shall be delivered to the school in which the Department desires to enroll such a student, or to continue enrollment of such a student, and shall be accompanied by the name, address, and other identifying information of the parent, relative, guardian, foster parent, or other person with whom such student has been placed by said Department. In addition, such Department seeking to enroll such a student, or to continue enrollment of such a student, shall provide to the Registrar of the school where enrollment is sought at least 2 of the 5 items mentioned in Paragraph B above relating to the residence address of the parent, relative, guardian, foster parent, or other person with whom such student has been placed.

#### **D. Student Assignment To Schools**

(1) **General Rule.** As a general rule, each student shall attend the elementary, middle, or high school located in the attendance district where the student is domiciled. Geographic boundaries of attendance districts shall be designated by the Superintendent and approved by the Board of Education. In every instance in which the domicile of a student is the residence of his or her parent, parents, legal custodian, or legal guardian, then the student must actually dwell at such residence in order to attend the school located in the attendance district where the residence of such parent, parents, custodian, or guardian, as the case may be, is located.

(2) **Exceptions To The General Rule.** The only exceptions to the general rule that each student must attend the applicable school located in the attendance district where he or she is domiciled shall be as follows:

(a) A student (i) who is in the lawful custody of any county Department of Family and Children Services or other child welfare agency of the Georgia Department of Human Resources, or who has been lawfully committed to the Juvenile Justice Division of the State of Georgia; and (ii) who has been placed in a foster home or other home placement by such department or division shall be allowed to attend the school in the attendance district in which such home placement is located.

(b) Any student transferred to a school outside of his or her attendance district pursuant to Board Policy JBCD shall be allowed to attend the school to which he or she has been

transferred. Notwithstanding any provision of this policy to the contrary, any student involuntarily transferred to a school pursuant to Board Policy JBCD shall attend the school to which he or she has been transferred.

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**Board Policy  
Transfers**

**Descriptor Code: JBCD**

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**A. Transfer of Students Within the Coweta County School System**

A student may be transferred from another local unit of administration to an attendance district within the Coweta County School System, or a student properly enrolled in a school within the Coweta County School System shall be permitted to transfer from the school in which such student is enrolled to another school within the School System only upon one of the following conditions:

1. The School System may transfer a student from a school in one attendance district to a school in another attendance district when such transfer is deemed necessary for the safety, within the School System, of the student, or of other students, or of faculty or staff, as determined by the School System. At a minimum, documentation as to any such transfer shall include a letter from the Associate Superintendent of the School System and a letter from the principal of the sending school, both outlining the potential harm for the student, to another student or students, or to faculty or staff.
2. The School System may transfer a student from a school in one attendance district to an alternative school in the same or another attendance district when, based upon the conduct or academic performance of the student, such transfer is deemed to be in the best interests of the student, as determined by the School System.
3. A student may be transferred from a school in one attendance district to a school in another attendance district when: (i) said student is in the lawful custody of the Georgia Department of Human Resources or said student has been lawfully committed to the custody of the Juvenile Justice Division of the State of Georgia; and (ii) said student has been placed in the home of a relative, in a foster home, or in some other home placement in said new attendance district by said Department or Division.
4. Pursuant to the provisions of the No Child Left Behind Act, or other applicable federal law, the School System shall develop and maintain a public school choice plan for those schools receiving federal Title I funds. The general provisions of such plan, as designed for Title I schools which have been in a “needs improvement” status for two or more years and have failed to make adequate yearly progress, shall be as follows:
  - (a) An explanation of the meaning of the designation of “needs improvement” and how any school having such status compares in terms of achievement to other elementary or secondary schools served by the School System shall be given to each parent, guardian, or custodian of a student enrolled in the school and to the

public. In addition, the explanation shall state a reason for such identification and an explanation of what the school is doing to address the problem of low achievement.

- (b) All students in schools which have failed to make adequate yearly progress after two or more years of designation as a "needs improvement" school shall be given the opportunity to transfer to another public school within the School System, with transportation being provided by the System. The Superintendent will determine to which school or schools a student may transfer based upon transportation patterns and available space. Subject to the provisions of this policy requiring annual re-application or transfer, a student shall be allowed to continue at the school to which he or she has been transferred until he or she has completed the highest grade in that school. Transportation shall be provided at system expense for as long as the sending school is in a "needs improvement" status; however, once a school is removed from the list of "needs improvement" schools, then the School System will not be required to provide transportation to a student who has transferred from such sending school. If the number of students who may be transferred is limited, the students with the lowest standardized achievement scores (those students not meeting expectations on the appropriate grade level criterion reference competency tests) will be allowed to transfer first.
- (c) Each year the Superintendent and/or his designee will develop an administrative rule for the implementation of the plan required hereunder.

Notwithstanding the foregoing provisions of this Paragraph 4 of Section A of this Policy, the School System shall consider its desegregation obligations when selecting the school options which it offers to students for transfers under the No Child Left Behind Act ("NCLB"). A child may be transferred pursuant to the NCLB only so long as the transfer would not have a negative impact on desegregation. As used herein, the phrase "would not have a negative impact on desegregation" means the transfer would not cause the percentage of students at either the receiving or the sending school to deviate from the district-wide percentage of students of the same race at that grade level (elementary, middle, or high school) by more than twenty (20) percentage points. If after applying the foregoing standard the School System finds a need to resolve a conflict between the NCLB and any existing court order, the School System shall seek the permission of the court for such transfer.

- 5. A student may be transferred from another local unit of administration to an attendance district within the Coweta County School System, or the School System may transfer a student from a school in one attendance district to a school in another attendance district, or to a school in another local unit of administration pursuant to a contract between the School System and such other local unit, when such transfer is deemed necessary to provide an appropriate education to a student with a disability affecting such student's

education, as determined by the School System.

6. The School System may transfer a student from a school in one attendance district to a school in another attendance district when such transfer is necessary to comply with existing school assignment policy (that is, when a student's domicile changes or when the School System adopts new attendance lines).
7. To the extent the same is considered a transfer, children or legal wards of full-time faculty, administrators, or other employees of the School System who are verified as actually living with such employee pursuant to the residency provisions set forth in Board Policy JBCCA may attend either: (i) the school in which his or her parent, guardian, or lawful custodian has been assigned or is a full-time teacher, administrator, or other employee; (ii) the grade-appropriate school located closest to the school described in (i) above; or (iii) the school located in the attendance district where the student resides. Provided, however, as to each such transfer, the School System shall make a finding that such transfer would not have a negative impact on desegregation. As used herein, the phrase "would not have a negative impact on desegregation" means that the transfer would not cause the percentage of African-American students at either the receiving or the sending school to deviate from the district-wide percentage of African-American students at that grade level (elementary, middle school, or high school) by more than 20 percentage points. If after applying the foregoing standard, the district needs to resolve a conflict between the proposed action and any existing court order affecting the School System, then the School System shall seek the permission of the Court for the transfer. Furthermore, upon the finding that the transfer would have a negative impact on desegregation, the School System shall not allow the transfer unless the same is expressly permitted by the Court.
8. The School System may transfer a student from a school in one attendance district to a school in another attendance district pursuant to the majority-to-minority provisions of Board Policy JBCDA.

#### **B. Enrollment of Non-Resident Students**

Except as specifically permitted under the provisions of this Policy JBCE, the Coweta County School System shall not allow any student who is, and who will remain, a legal resident of a county other than Coweta County to enroll in a school within the School System.

#### **C. Transfer of Resident Students to Schools in Other Counties**

If a student who is, and who will remain, a resident of Coweta County seeks to transfer to a public school in another county, then the Coweta County School System shall follow the following procedure prior to forwarding the student's records to the other school district: (i) the Associate Superintendent shall review all such transfer requests, including those received through a request by the superintendent of the sending district; (ii) the Associate Superintendent shall analyze the effect of such transfer on the sending and receiving schools and districts and shall determine whether the proposed transfer impedes desegregation in either the sending or receiving schools or districts; (iii) if the Associate Superintendent finds that the proposed transfer does not impede desegregation in either the sending or receiving schools and district, then the records of the transferring student shall be forwarded as requested; and (iv) if the Associate Superintendent finds that the proposed transfer would reduce desegregation in either the sending or receiving schools or districts, then the School System shall attempt to resolve the problem through the Georgia Department of Education, and if the problem is not thereby resolved, the District shall seek the approval of the Court for the forwarding of the records of such student.

**D. Transfer Application**

The parent, legal guardian, or other lawful custodian of any student seeking a transfer from one school to another within the Coweta County School System, or seeking enrollment in the School System as a child or legal ward of an employee of the School System, shall submit to the School System a Transfer Application (signed and dated under oath in the presence of a notary public) in the form hereunto attached, marked Exhibit "A", and made a part hereof. In evaluating all applications for transfer from one school to another school within the School System, the School System shall determine whether the applicant is a candidate for a majority-to-minority transfer pursuant to Board Policy JBCDA, regardless of whether the applicant has requested a transfer on such basis; and, if the transfer qualifies as a majority-to-minority transfer under Board Policy JBCDA, it shall be granted by the School System.

**E. Transfers Valid Only For Year In Which Granted**

No transfer granted by the Coweta County School System, with the exception of majority-to-minority transfers granted pursuant to Board Policy JBCDA, shall be valid beyond the school year for which such transfer has been approved. The parent, legal guardian, or lawful custodian of any student who wishes for such student to continue to attend the school to which he or she has been transferred must re-apply for transfer for each new school year on or before the 10<sup>th</sup> day of June immediately preceding the commencement of such new school year. Any such re-application must include the submission of a transfer application and all of the other documentation required under this policy.

**F. Record Retention**

The Coweta County School System shall maintain records of all transfer requests, including all supporting documentation, as well as the action of the School System thereon, for a period of two years after such requests have been received by the School System.

**G. Duties of Associate Superintendent**

All transfer requests, including transfer applications and supporting documentation, shall be submitted to the Associate Superintendent, who shall have sole discretion to approve or deny such requests. As to each request, the Associate Superintendent shall make a good faith inquiry into the merits of the request and the supporting circumstances. If the Associate Superintendent finds the request to be in compliance with the provisions of this policy and Board Policy JBCDA, as the case may be, and in compliance with the terms of any court order affecting the School System, then the Associate Superintendent shall approve the request. All decisions of the Associate Superintendent approving or denying a transfer request shall be final.

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**Board Policy**  
**Majority-to-Minority Transfers**

**Descriptor Code: JBCDA**

The Coweta County School System shall encourage and permit majority-to-minority transfers within the School System, as follows:

- A. The School System shall encourage and permit any student (either African-American or White)

enrolled in a school in which the majority of the students are members of his or her race (hereinafter, the "Resident School") to transfer to another school in which his or her race is in the minority (hereinafter, the "New School"). Students of other races (that is, races which are neither White nor African-American) shall not be considered candidates for majority-to-minority transfers.

B. Transfers pursuant to this policy shall be made upon application of the parent, guardian, or other legal custodian of the student pursuant to Board Policy JBCD.

C. The School System shall provide transportation to any student who has been granted a majority-to-minority transfer pursuant to this policy.

D. Commencing with the 2006-2007 school year, and continuing thereafter, the School System shall use each school's end-of-school-year student enrollment data, broken down by race (African-American, White, and other) to determine which schools qualify for majority-to-minority transfers for the upcoming new school year.

E. Once granted, a majority-to-minority transfer will be renewed automatically each year until the student has graduated to the next school level (that is, either to a middle school or high school). However, after a student has transferred to the new school pursuant to this policy, the student may elect to be transferred back to his or her resident school.

F. Applications for transfer under this policy may be denied by the School System based upon: (i) the need for continued placement of a student at an alternative school; (ii) the need for continued placement at another school of a student with a disability affecting such student's education, in order to provide a free and appropriate education to such student; or (iii) the need for continued placement of a student at another school for the safety, within the School System, of the student, of other students, or of faculty or staff.

G. The Associate Superintendent shall prepare a written notice of the provisions of this majority-to-minority transfer policy, including a complete description of the policy and details as to how to apply for a transfer under the policy. As soon as any school within the School System has an African-American student population which is in the majority, or a White student population which is in the minority, the aforesaid written notice shall be amended to include the name of such school. Commencing with the 2007-2008 school year, the aforesaid written notice shall be published in the student handbook of each school, and, when any new student enrolls in the School System, such student shall be given a copy of the student handbook containing the aforesaid written notice relating to the majority-to-minority policy.

H. The School System shall keep a copy of each written notice of its majority-to-minority transfer policy for a period of two years after the same has been published. The School System shall also keep a record of all majority-to-minority transfer applications for a period of two years after they are made, including a record of the action of the School System on each request.

Also, to fully comply with all requirements of the Consent Decree, all parents, legal guardians, or other lawful custodians of students attending the Coweta County School System must show documentation confirming residence status for school district purposes. By January 19, 2007, all parents, legal guardians, or other lawful custodians of students attending the Coweta County School System sign under oath and deliver to the school his or her student is attending:

1. **An Affidavit of Residence**, and

2. Two items from the following list for address verification:

- a. property tax records which indicate the location of the residence;
- b. mortgage documents or a security deed which indicates the location of the residence;
- c. apartment or home lease or rent receipt indicating the current address;
- d. current utility bill for electricity or utility application for electricity showing the current address;
- e. voter precinct identification card or other voter documentation indicating the current address.

All Coweta County Schools are notifying parents, by **letter**, of this requirement of the Consent Order. Since the affidavits must be placed on file for each student and notarized, all schools are ensuring that parents will have access to notary public assistance at each school. In January, many Coweta County Schools will remain open one or more evenings after school hours to help register parents. Also during January, the Central Educational Center will be prepared to help parents with the above affidavit and address verification Monday through Friday, until 8 p.m., and the Coweta County Board of Education office, at 237 Jackson Street, will be open at least two nights a week (dates to be announced) until 8 p.m.