

STATE OF TENNESSEE

OFFICE OF THE
ATTORNEY GENERAL
425 FIFTH AVENUE NORTH
NASHVILLE, TENNESSEE 37243

June 20, 2000

Opinion No. 00-109

Student Assignment - - Memphis City School Board's Policies and Procedures

QUESTION

Whether the Memphis City School Board's policies and procedures concerning special school assignments are legal.

OPINION

Nothing in the applicable statutes and regulations prohibits the Memphis City School Board's specific procedures concerning special school assignments.

ANALYSIS

According to the information available to this Office, the Memphis City School Board normally assigns a student based upon the address of the parent or legal guardian.¹ To attend another school, the student must apply for an assignment to another school. You have explained that to enroll a child in a Memphis City school other than that originally assigned, all interested parents must go to a special meeting where applications are taken on a first-come first-served basis. You state that this procedure is extremely time consuming and that in many cases parents must arrive at 5:00 a.m. to hope to be considered.

A local board of education manages and controls the schools in its jurisdiction. Tenn. Code Ann. § 49-2-203(a)(2) (1999 Supp.). In addition, the local board has the authority and the duty to provide for the enrollment in a public school of each child eligible for enrollment within the schools of the local school system. With this authority, the local school board assigns each student to a specific school in its jurisdiction. Tenn. Code Ann. § 49-6-3102(a). As a general rule, the local school board's decision on which school a child shall attend is final, and no student can enroll in or be permitted to attend any public school other than the one assigned. Tenn. Code Ann. § 49-6-3102(b)-(c). *Op. Tenn. Atty. Gen.* 99-055 (March 9, 1999).²

¹ See attached Board Policy #5119 (Open Enrollment) and Transfer Guidelines.

² Tenn. Code Ann. §§ 49-6-3201, *et seq.*, provides a procedure for parents or legal guardians to challenge a school assignment, including appeal of a board's decision to the chancery court. The court does not substitute its judgment for the board's but reviews the evidentiary record to determine whether the board has acted illegally,

School boards must adhere to statutory and regulatory requirements regarding pupil assignment. *See* Tenn. Code Ann. §§ 49-6-3101, *et seq.*; §§ 49-6-3201, *et seq.*; Tenn. Admin. Rules, *Department of Education*, 0520-1-3-.03(11). These statutes and rules do not state what specific procedures the school boards must use. The statutes do, however, authorize school boards to adopt general rules governing admission to schools in their jurisdiction. *See* Tenn. Code Ann. § 49-6-3102(e) and § 49-6-3105. While the applicable statutes and regulations do set out requirements for school boards regarding pupil assignment and transfer, they do not appear to prohibit the specific procedures used by the Memphis City Schools.

In summary, we have found nothing in the applicable statutes and regulations that indicates the Memphis City School Board assignment procedures are illegal.

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fraudulently, in excess of its jurisdiction or in violation of a constitutional right. *See* Tenn. Code Ann. § 49-6-3205(l).