

Policy 5116.1: Intradistrict Open Enrollment

Status:
ADOPTED

Original Adopted Date: ~~04/12/2017~~ 11/01/2008 | **Last Revised Date:** 12/01/2019 |
Last Reviewed Date: ~~04/12/2017~~ 12/01/2019

~~The Board of Education~~

The **Governing Board** desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.¶¶

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of their residence within the district. (Education Code 35160.5)¶¶

The Board shall annually review this policy. (Education Code 35160.5, 48980)¶¶

~~**Enrollment Priorities**~~¶¶

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)¶¶

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)

Any student for the enrollment of a student in a district school outside of the student's attendance area, if the student:

2. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
4. Upon a finding that
5. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)

6. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)
7. Is experiencing special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, including, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the Superintendent or designee

must have received either: (Education Code 35160.5)

1. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, or a social worker, or a properly licensed or registered professional, such as, including, but not necessarily limited to, a psychiatrist, psychologist, or marriage and family therapist, clinical social worker, or professional clinical counselor
2. A court order, including a temporary restraining order and injunction
3. Any
8. Is a sibling of another student already in attendance in that school
9. Any student whose parent/guardian is assigned to that school as his/her attending that school
10. Has a parent/guardian whose primary place of employment is that school

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law and Board policy, applications for intradistrict open enrollment shall be submitted between (insert application window dates) of the school year preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever the district school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, ~~except that. However,~~ existing entrance criteria ~~for~~ **may be used for enrolling students in** specialized schools or programs ~~may be used,~~ provided that the criteria are uniformly applied to all applicants. ~~Academic~~ **In addition, academic** performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)¶

Transportation¶

~~Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend~~

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside ~~their~~ the student's attendance area: is a result of being a victim of bullying. (Education Code 46600)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11992-11994	Definition of persistently dangerous schools
Ed. Code 200	Equal rights and opportunities in state educational institutions

Ed. Code 35160.5	District policies; rules and regulations
Ed. Code 35291-35291.5	Rules
Ed. Code 35351	Assignment of students to particular schools
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48200	Compulsory attendance
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48300-48316	Student attendance alternatives; school district of choice program
Ed. Code 48980	Parent/Guardian notifications

Federal

Description

20 USC 6311	State plan
20 USC 6313	Eligibility of schools and school attendance areas; funding allocation
20 USC 7912	Transfers from persistently dangerous schools

Management Resources

Description

Attorney General Opinion	85 Ops.Cal.Atty.Gen. 95 (2002)
California Department of Education Publication	Every Student Succeeds Act - Update #8, July 14, 2017
California Department of Education Publication	Public School Choice FAQs

Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
U.S. Department of Education Publication	Unsafe School Choice Option, May 2004
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education

Cross References ¶¶

Code ¶¶	Description ¶¶
0450 ¶¶	Comprehensive Safety Plan ¶¶
0450 ¶¶	Comprehensive Safety Plan ¶¶
1312.3 ¶¶	Uniform Complaint Procedures ¶¶
1312.3 ¶¶	Uniform Complaint Procedures ¶¶
1312.3 - E PDF(1) ¶¶	Uniform Complaint Procedures ¶¶
3540 ¶¶	Transportation ¶¶
3540 ¶¶	Transportation ¶¶

5020	Parent Rights And Responsibilities
5020	Parent Rights And Responsibilities
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5116	School Attendance Boundaries
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5117	Interdistrict Attendance
5131.2	Bullying
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5145.6	Parent/Guardian Notifications
5145.6 - E PDF(1)	Parent/Guardian Notifications
5145.6 - E PDF(2)	Parent/Guardian Notifications

6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504
6173.1	Education For Foster Youth
9000	Role Of The Board
9310	Board Policies

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0520.1	Comprehensive And Targeted School Improvement
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3540	Transportation
3541	Transportation Routes And Services

5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5111	<u>Admission</u>
5111	<u>Admission</u>
5111.1	<u>District Residency</u>
5111.1	<u>District Residency</u>
5116	<u>School Attendance Boundaries</u>
5116.2	<u>Involuntary Student Transfers</u>
5117	<u>Interdistrict Attendance</u>
5117	<u>Interdistrict Attendance</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.7	<u>Weapons And Dangerous Instruments</u>
5131.7	<u>Weapons And Dangerous Instruments</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>

6117	<u>Year-Round Schedules</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
9000	<u>Role Of The Board</u>
9310	<u>Board Policies</u>