

Regulation 5116.1: Intradistrict Open Enrollment

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Status: Revised

This regulation addresses (1) intradistrict open enrollment options and (2) intradistrict transfers for victims of a violent criminal offense and for students in a "persistently dangerous" school. For transfers under the Open Enrollment Act pursuant to Education Code sections 48350 to 48361, see BP/AR 5118 - Open Enrollment Act Transfers.

Notifications will be sent to parents/guardians at the beginning of the school year describing all current statutory attendance options and local attendance options available in the district.

Except for transfers for victims of a violent crime or transfers from a "persistently dangerous" school, as discussed at the end of this Regulation, the following procedures shall apply to intradistrict open enrollment:

Intradistrict Open Enrollment Procedure

An intradistrict open enrollment period will be held during October and November for the subsequent school year. During this period, a student may apply to attend up to two schools in the district that are not the student's school of residence, pursuant to the procedures in this section. This enrollment period will be extended for any family that has been displaced by a natural disaster as defined in this Regulation.

For purposes of defining for Santa Rosa Schools, when the Governor of California has declared a State of Emergency as defined by the State of California Government. Code 8680 to 8680.9. and declared as such by the Governor of California under the California Emergency Services Act, Government. Code Emergency Services Act, and in particular, section 8625 of the Government Code, has been displaced by such declared Emergency. In order to be eligible, families must meet the following criteria:

- Have suffered 10% or more of damage from the disaster to the value of their residence,
- The residence must be their primary residence,
- Must have been residing at the residence at the time of the disaster and,
- Must have been displaced by the qualifying event.

1. The Superintendent or designee shall identify those schools that may have space available for additional students. A list of those schools and the intradistrict open enrollment application shall be available at the district office and on the district's website. The Superintendent or designee will identify available space at each school based on the program capacity of the school, as established by the Board of Education, and the school's expected enrollment of resident students.
2. Parents should submit intradistrict open enrollment applications to the Wellness and Engagement Office by the date specified on the application and the district's website.
3. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, requests will be approved by priority. If there are still applications, a random drawing shall be held from the applicant pool ("lottery"). A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year, but shall instead wait for a subsequent lottery.
4. No later than January 31, the Superintendent or designee shall provide written notification by mail to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated. The Superintendent or designee also shall notify schools of the students assigned or waitlisted at each school via the intradistrict enrollment process.
5. Approved applicants must confirm their enrollment within 10 school days of receipt of the notification letter by notifying the school at which the student will be transferring and completing any registration process required. Failure to notify the school at which the student is offered enrollment within the time established will cause the student's space to be relinquished.. If a student is enrolled in his/her second choice school, students may be placed on the waitlist for his/her first choice school by notifying the Director of the Wellness & Engagement Office of a request to be placed on the waitlist within 10 school days of receipt of the notification letter.

A student placed in any school requested through intradistrict open enrollment can choose to enroll in his/her attendance area school up to the fifth day of the school year for which he/she requested intradistrict open enrollment. Subsequent to the fifth day of the school year, a student placed in any school requested through intradistrict open enrollment relinquishes his/her right to attend his/her attendance area school for the remainder of the school year, and the intradistrict open enrollment school becomes student's school of residence for the remainder of the school year with regard to all district policies and procedures. To return to his/her attendance area school, the student

must relinquish his/her open enrollment status in writing to the Wellness & Engagement Office by the fifth day of the following school year.

Once enrolled in a school through intradistrict open enrollment, a student shall not be required to reapply for readmission as school capacity permits. All intradistrict open enrollment transfers will be reviewed periodically to ensure the school has the capacity to maintain each student's intradistrict open enrollment status at the school.

If a student is not enrolled in a school requested through his/her intradistrict open enrollment application, he/she shall enroll in his/her attendance area school. (Education Code section 35160.5)

Intradistrict Open Enrollment Attendance Priorities

No student currently residing within a school's attendance area at the beginning of the school year shall be displaced by another student. Students are automatically enrolled in their attendance area schools and are considered "residents" of that school. Students who move into a school's attendance zone after the first five days of the beginning of each school year may be assigned to a school outside of their attendance area if their attendance area school is at capacity. Such students would be entitled to return to their attendance area school at the beginning of the next school year. Intradistrict open enrollment priorities will determine the order that students are assigned to schools in the event that the district receives more applications for a school than the school has open spaces.

1. First Priority: "Continuing" students, or district students from outside the attendance area who are currently enrolled in the school under an intradistrict open enrollment transfer to the same school. Students do not continue in the middle and high school attendance pattern of their intradistrict open enrollment school. Students must apply for the middle and high schools they wish to attend, if not their attendance area school, pursuant to this Regulation.
2. Second Priority: Siblings of students who are concurrently enrolled in the preferred school.
3. Third Priority: Any student who lives within a priority neighborhood for transfer requests.
4. Fourth Priority: Any child of a site-based employee.
5. Fifth Priority: Any student who has been displaced due to a natural disaster as defined above, as long as the school site chosen has capacity. If the chosen school site is at capacity, the student will be placed at the top of any waitlist for said school. Furthermore, any student who has been displaced due to a natural disaster will remain in the school feeder pattern without having to apply again for Open Enrollment through the student's senior year.
6. Sixth Priority: Students applying for specialized programs as designated by the Board, after the school verifies admission into the program. The district is interested in assisting students and their families in the smooth transition into a specialized program at the elementary, middle, and/or high school levels. Therefore, the district shall confer intradistrict open enrollment status to a student who has been formally accepted into such programs, including but not limited to:

- a. International Baccalaureate Program
 - b. Art Quest
 - c. Early College Magnet
 - d. University Center
 - The approval of intradistrict open enrollment in the school is contingent upon the student's participation in the specialized program and the school's overall capacity. The specialized program school shall code the student as an intradistrict open enrollment student and shall carefully monitor the student's participation in the specialized program.
 - If the student is not enrolled in the program, or is not successful in the program, the intradistrict open enrollment status will be revoked, and the student will be notified of such revocation in writing. Thereafter, the student must return to his/her school of residence.
7. Seventh Priority: All students who are residents of the district but are not included in any of the six priorities above.

A random and unbiased lottery system will determine the order in which students will be admitted to those schools that have more applicants than space available, in accordance with the above priorities. That lottery will also establish waiting lists, indicating the order in which students will be admitted as openings occur. The results will be mailed to students and schools not later than January 31. Students will be admitted off of the waitlists up to and including the first two weeks of the school year for which intradistrict open enrollment was requested. No students shall be admitted from the waitlist after the first two weeks of the school year. (Education Code section 35160.5)

Revocation of Intradistrict Open Enrollment Status

A student who has been expelled by the Board shall lose his/her intradistrict open enrollment status. Once readmitted to the District, the student shall return to his/her attendance area school.

Transportation

A parent/guardian who wishes to take advantage of the intradistrict open enrollment opportunity must provide transportation to and from school, unless transportation is available under existing district bus routes and can be provided at no additional cost to the District.

Special Education

Students who are eligible for and receive special education and related services are entitled to apply for intradistrict open enrollment. Those students who are currently receiving special education services in a Resource Specialist Program ("RSP") or a mild/moderate Special Day Class ("SDC") will follow the procedures and be subject to the priorities in this Regulation.

For students with disabilities who receive their special education in a setting other than an RSP or mild/moderate SDC, those students should apply for an intradistrict open

enrollment transfer pursuant to the procedures in this Regulation, and those students will be subject to the priorities established in this regulation. However, after receipt of the notification letter accepting the student into his/her requested school, the student should contact his/her case carrier to schedule an Individualized Education Program ("IEP") meeting. At that IEP meeting, the IEP team will determine whether the student's requested school is an appropriate placement that can provide the program and services the student needs to make meaningful progress on his/her IEP goals. Students with disabilities who receive their special education in a setting other than an RSP or mild/moderate SDC should confirm enrollment at their transfer schools within 10 school days, as required in this Regulation, but will not be required to complete the registration process until 10 school days following the IEP meeting changing placement. Those students will continue to have a space reserved for them at their current school despite indicating intent to enroll in a different school.

Parent/guardian must provide transportation for any special education student whose placement is changed pursuant to an intradistrict open enrollment.

Transfers after Intradistrict Open Enrollment Deadline

In limited situations, transfers after the intradistrict open enrollment deadline may be granted. A student will not be permitted to transfer after the intradistrict open enrollment deadline to a school that is at capacity. The district retains the right to recommend a school that is appropriate for the student for any transfers after the intradistrict open enrollment deadline.

Transfers after the intradistrict open enrollment deadline may be granted provided one or more of the following conditions are met:

1. There is a verifiable circumstance in which the student is a victim of violent crime or bullying, as defined by Education Code section 48999(r), which impacts the student's social, behavioral, or educational situation. In all cases, evidence must verify the impact on the student's social, behavioral or educational situation. Examples of verifying evidence include, but are not limited to:
 - a. The name of an administrator or teacher in the school or district of residence who has information concerning the student
 - b. A letter from the school or district of residence, site administrator, or representative of an appropriate state or local agency (for example, law enforcement) regarding the student having been a victim of violent crime or bullying;
 - c. Law enforcement records
 - d. A court order, including a temporary restraining order and injunction, issued by a judge; and/or
 - e. Documentation from a licensed medical or mental health provider.
2. The family is in the process of leasing a residence, purchasing a home, or constructing a home within the attendance area of the school the student is requesting, and occupancy is set within ninety (90) days' time. Examples of

verifying evidence include, but are not limited to:

- a. A letter from the contractor or property owner stating the planned date of occupancy
 - b. An escrow document, building permit, or other document that verifies the planned date of occupancy; and/or
 - c. A copy of a signed and dated lease.
3. There is a verifiable hardship that makes the transfer necessary. A hardship shall be defined as "An unforeseeable, unavoidable, and uncorrectable act, condition, or event, outside of the student's or family's control, which causes the imposition of severe burden, unrelated to any curricular or co-curricular activity in which the student wishes to participate." Examples verifying evidence regarding the nature of the hardship and burden include, but are not limited to:
- a. A letter from a medical care provider; and/or
 - b. A letter from a judge or juvenile probation officer.

A sibling's attendance at a particular school will not be deemed cause for an intradistrict open enrollment transfer after the deadline. The fact that siblings are attending different schools will not be viewed as an unforeseeable, unavoidable and uncorrectable situation that results in an educational, social, emotional, transportation, childcare, financial, or other hardship or burden on a sibling.

4. If, following the deadline to apply for intradistrict open enrollment, the student's admission was revoked to, or the student applied for but was not granted admission into, a specialized program, as defined by the Board, to include the International Baccalaureate Program, Art Quest, Early College Magnet and University Center, and the University Preparation Program, the student shall be permitted to apply for intradistrict open enrollment into the school at which the specialized program is located. Such application should occur within 10 school days of notice of revocation or non-admission. If the school to which the student is applying is at capacity, the student will be placed at the bottom of the waitlist for intradistrict open enrollment. Students applying for admission to a specialized program who desire to attend the school at which the specialized program is located, even if not admitted to the specialized program, are encouraged to apply for intradistrict open enrollment to their school/s of choice in accordance with the deadlines in this Regulation.

Complaint/Appeal Process

Any complaints regarding the intradistrict open enrollment process should be submitted in accordance with the following complaint procedure:

1. A student should file his/her complaint and/or appeal with regard to intradistrict open enrollment, including applications for transfers after the intradistrict open enrollment deadline, within ten school days of receipt of written notification of the

district's decision. The complaint and/or appeal should be in writing and should be submitted to the Executive Director of the Wellness & Engagement office.

2. Within twenty school days of receipt of a student's written complaint and/or appeal, the district will convene a hearing by a panel consisting of three district administrators, one of whom is the Executive Director of the Wellness & Engagement Department, to hear the student's complaint and/or appeal. The panel will hear the student's complaint and/or appeal and will make an oral decision at the hearing. The decision of the panel is final.

In the event that the student is appealing a denial of transfer after the intradistrict open enrollment deadline based on verifiable hardship, as detailed in Section 3 of the Transfers after Intradistrict Open Enrollment portion of this Regulation, the student must show that those circumstances that prevent attending the school of residence are involuntary and/or unavoidable such that the panel could not reasonably expect the student to comply with the residency requirement.

The student may elect to waive the hearing and receive a decision from the panel on his/her appeal in writing within twenty school days of receipt of the student's written complaint and/or appeal. The decision of the panel is final.

Athletics Transfers

Secondary students who transfer from one district school to another and wish to participate in athletics are subject to state, regional, and district requirements for athletic eligibility. The application for intradistrict open enrollment transfers will provide a place for a student to indicate an interest in participating in athletics. If a student does indicate an interest, that student will be given instructions on the process for obtaining athletic eligibility.

Transfer Students under the No Child Left Behind Act of 2011

Consistent with the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act in December 2015, any student who previously transferred to another school under the No Child Left Behind Act of 2011 shall be permitted to remain in that school until the child has completed the highest grade in that school. A student who transferred schools pursuant to the school choice option in the No Child Left Behind Act of 2011 will continue to receive paid transportation to that non-program improvement school until the child has completed the highest grade in that school. (Every Student Succeeds Act section 1116(b) (13))

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis and consult with local law enforcement as appropriate.

Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable. (20 U.S.C. section 7912)

Transfers from a "Persistently Dangerous" School

Within 10 school days after receiving notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of students attending the school of the school's designation. Within 20 school days after CDE has notified the district that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of students attending the school of their option to transfer their child.

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students who accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an inter-district transfer program in the event that space is not available in a district school. (20 U.S.C. section 7912; 5 C.C.R. sections 11992, 11993)

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 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	<u>Definition of persistently dangerous schools</u>
Ed. Code 200	<u>Equal rights and opportunities in state educational institutions</u>
Ed. Code 35160.5	<u>District policies; rules and regulations</u>
Ed. Code 35291-35291.5	<u>Rules</u>
Ed. Code 35351	<u>Assignment of students to particular schools</u>
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48200	<u>Compulsory attendance</u>
Ed. Code 48204	<u>Residency requirements for school attendance</u>
Ed. Code 48300-48316	<u>Student attendance alternatives; school district of choice program</u>
Ed. Code 48980	<u>Parent/Guardian notifications</u>

Federal	Description
20 USC 6311	<u>State plan</u>
20 USC 6313	<u>Eligibility of schools and school attendance areas; funding allocation</u>
20 USC 7912	<u>Transfers from persistently dangerous schools</u>

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	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>
Website	<u>U.S. Department of Education</u>

Cross References

Code	Description
0450	<u>Comprehensive Safety Plan</u>
0450	<u>Comprehensive Safety Plan</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E PDF(1)	<u>Uniform Complaint Procedures</u>
3540	<u>Transportation</u>
3540	<u>Transportation</u>
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>
5131.7	<u>Weapons And Dangerous Instruments</u>
5131.7	<u>Weapons And Dangerous Instruments</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E PDF(1)	<u>Parent/Guardian Notifications</u>
5145.6-E PDF(2)	<u>Parent/Guardian Notifications</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>
9000	<u>Role Of The Board</u>
9310	<u>Board Policies</u>

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