

**Policy 5116.1: Intradistrict Open Enrollment**

Status: DRAFT

Original Adopted Date: 09/20/2001

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. ~~Students who reside within district boundaries may apply for enrollment in any district school.~~ 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. ~~determine the capacity of each school and establish a random, unbiased selection process for the admission of students from outside a school's attendance area.~~

~~(cf. 5116 – School Attendance Boundaries)~~

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 retains the authority to maintain appropriate racial and ethnic balances among district schools at its discretion or as specified in applicable court-ordered or voluntary desegregation plans. (Education Code 35160.5)~~

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

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

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
2. Is a victim of a violent crime while on school grounds (20 USC 7912)
3. 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)

4. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but 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:
  - a. 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, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor
  - b. A court order, including a temporary restraining order and injunction

All other enrollment priorities and application and selection processes are outlined in the Voluntary Integration Plan.

~~A student may be given priority for attendance outside his/her current attendance area when special circumstances exist that may be harmful or dangerous to that particular student. Harmful or dangerous special circumstances shall be identified pursuant to law and administrative regulations.~~

Schools or specialized programs that had a waiting list on or before July 1, 1994, shall give students on the waiting list priority over students transferring after July 1, 1994, from outside the attendance area.

Schools receiving requests for admission shall give priority for attendance to siblings of children already in attendance in that school.

Any student attending a school prior to July 1, 1994, may be considered a current resident of that school until the student graduates or is promoted from that school.

Once enrolled, a student shall not have to apply for readmission. However, the student may be subject to displacement due to excessive enrollment.

## Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their school's attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside the attendance area to and from a designated bus stop within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

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 the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

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**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 References

5 CCR 11992-11994

Ed. Code 200

Ed. Code 35160.5

Ed. Code 35291-35291.5

Ed. Code 35351

Ed. Code 46600-46611

Ed. Code 48200

Ed. Code 48204

Ed. Code 48300-48316

Ed. Code 48980

### Description

[Definition of persistently dangerous schools](#)

[Equal rights and opportunities in state educational institutions](#)

[District policies; rules and regulations](#)

[Rules](#)

[Assignment of students to particular schools](#)

[Interdistrict attendance agreements](#)

[Compulsory attendance](#)

[Residency requirements for school attendance](#)

[Student attendance alternatives; school district of choice program](#)

[Parent/Guardian notifications](#)

### Federal References

20 USC 6311

20 USC 6313

20 USC 7912

### Description

[State plan](#)

[Eligibility of schools and school attendance areas; funding allocation](#)

[Transfers from persistently dangerous schools](#)

### Management Resources References

Attorney General Opinion

California Department of Education Publication

California Department of Education Publication

Court Decision

### Description

[85 Ops.Cal.Atty.Gen. 95 \(2002\)](#)

[Every Student Succeeds Act - Update #8, July 14, 2017](#)

[Public School Choice FAQs](#)

[Crawford v. Huntington Beach Union High School District \(2002\) 98 Cal.App.4th 1275](#)

U.S. Department of Education Publication	<a href="#">Unsafe School Choice Option, May 2004</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

**Cross References**

**Description**

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0520.1	<a href="#">Comprehensive And Targeted School Improvement</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
3540	<a href="#">Transportation</a>
3541	<a href="#">Transportation Routes And Services</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5116	<a href="#">School Attendance Boundaries</a>
5116.2	<a href="#">Involuntary Student Transfers</a>
5116.2	<a href="#">Involuntary Student Transfers</a>
5117	<a href="#">Interdistrict Attendance</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5131.7	<a href="#">Weapons And Dangerous Instruments</a>
5145.6	<a href="#">Parent/Guardian Notifications</a>
5145.6-E PDF(1)	<a href="#">Parent/Guardian Notifications</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6164.6	<a href="#">Identification And Education Under Section 504</a>
6181	<a href="#">Alternative Schools/Programs Of Choice</a>
6181	<a href="#">Alternative Schools/Programs Of Choice</a>
6181-E PDF(1)	<a href="#">Alternative Schools/Programs Of Choice</a>
9000	<a href="#">Role Of The Board</a>
9310	<a href="#">Board Policies</a>