

## Regulation 5116.1: Intradistrict Open Enrollment

Status: DRAFT

Original Adopted Date: 09/20/2001

### Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 calendar 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 making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident 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 parent/guardian in making the offer. If the parent/guardian elects to transfer the student, the transfer shall be completed as soon as practicable.

### Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," intradistrict transfers shall be granted as follows:

1. Within 10 days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.
2. Parents/guardians who desire to transfer their child out of the school shall provide a written response 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.
3. 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. The Superintendent or designee shall notify the parents/guardians of the assigned school.
4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned schools, the student may remain in the 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 interdistrict transfer program in the event that space is not available in a district school.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

### Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by CDE

#### Selection Procedures

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at district enrollment centers.
  2. Students who submit applications to the district during the Phase I enrollment period (mid to late February) shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy.
  3. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and a waiting list shall be established to indicate the order in which applicants may be accepted as more openings occur. Late applicants shall be added to the waiting list.
  4. The Superintendent or designee shall inform applicants by mail or in person 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.
  5. Applicants who receive approval must confirm their enrollment within two weeks.
  6. Admission to a particular school shall not be influenced by a student's academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs such as programs for gifted and talented students. Such standards shall be uniformly applied to all students. (Education Code 35160.5)
- (cf. 6172 – Gifted and Talented Student Program)

Any complaints regarding the selection process should be taken to the Superintendent or designee.

(cf. 1312 – Complaints Concerning the Schools)

#### Harmful or Dangerous Special Circumstances

Any decision to grant priority for attendance outside a student's current attendance area because of harmful or dangerous special circumstances shall be based upon one of the following: (Education Code 35160.5)

1. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official, social worker, or properly licensed or registered professional psychiatrist, psychologist, marriage, family and child counselor, or other professional
2. A court order, including a temporary restraining order and injunction

Upon making such a finding, the Superintendent or designee may approve the student's transfer to a district school that is at capacity and otherwise closed to transfers. (Education Code 35160.5)

#### Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district, including: (Education Code 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 – District Residency)

(cf. 5111.11 – Residency of Students with Caregiver)

(cf. 5111.12 – Residency Based on Parent/Guardian Employment)

(cf. 5111.13 – Residency for Homeless Children)

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

(cf. 5117 – Interdistrict Attendance)

4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

5. A district application form for requesting a change of attendance

6. The explanation of attendance options under California law as provided by the California Department of Education

(cf. 5145.6 – Parental Notifications)

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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

U.S. Department of Education Publication

Website

#### 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](#)

[Unsafe School Choice Option, May 2004](#)

[CSBA District and County Office of Education Legal Services](#)

Website [California Department of Education](#)  
Website [CSBA](#)  
Website [U.S. Department of Education](#)

**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>