

Policy 5116.1: Intradistrict Open Enrollment

Status: ADOPTED

Original Adopted Date: 04/12/2017

The Board of Education 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. 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.

(cf. 5117 - Interdistrict Attendance)

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)

(cf. 5111.1 - District Residency)

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)

(cf. 5116 - School Attendance Boundaries)

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)

(cf. 5118 - Open Enrollment Act Transfers)

2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, 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)

a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist

b. A court order, including a temporary restraining order and injunction

5. Any sibling of a student already in attendance in that school

6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, 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 priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the 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 existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

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 school outside their attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

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

Description

Definition of persistently dangerous schools

Ed. Code 200

Equal rights and opportunities in state educational institutions -
<https://simbli.eboardsolutions.com/SU/KWqy0PGOguyslshWQKiF8OQug==>

Ed. Code 35160.5

District policies; rules and regulations -
<https://simbli.eboardsolutions.com/SU/T5wvD8YODaGaQmMjFQ7XplusQ==>

Ed. Code 35291-35291.5

School discipline rules -
<https://simbli.eboardsolutions.com/SU/x70F3bNKbY1cKTjvdsIshoC4A==>

Ed. Code 35351

Assignment of students to particular schools -
<https://simbli.eboardsolutions.com/SU/kQWsPgFI9CsQwiNv8Bdx7A==>

Ed. Code 46600-46611

Interdistrict attendance agreements

Ed. Code 48200

Compulsory attendance -
<https://simbli.eboardsolutions.com/SU/XDwykjetG6pwzm7ZAW7xxA==>

Ed. Code 48204

Residency requirements for school attendance -
<https://simbli.eboardsolutions.com/SU/HqJj3DBOrZilTRB4slsh7hYFg==>

Ed. Code 48300-48316

Student attendance alternatives; school district of choice program -
<https://simbli.eboardsolutions.com/SU/8mggUppWu6f117Bg4H4yfg==>

Ed. Code 48980

Parent/Guardian notifications -
<https://simbli.eboardsolutions.com/SU/cpMsBKX1tOwUiWgEwSKp5g==>

Federal References

20 USC 6311

Description

State plan

20 USC 6313

Eligibility of schools and school attendance areas; funding allocation

20 USC 7912

Transfers from persistently dangerous schools

Management Resources References

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 - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education - https://simbli.eboardsolutions.com/SU/XcSsJimosIsh3XhJKy4tplus7wplusA==

Cross References

0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/btLJ8FodWMjBtjiT6Z147w==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/GycuaKY4FBujTKDxv7XAZg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/K2QsHn7iP6liisXyHRQKYg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/nm1plusqplusGebKjpDTFENNMt4Q==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CkiZfdYeyRZ3slshTFh9KeURQ==
3540	Transportation - https://simbli.eboardsolutions.com/SU/WrZRW7uADAdUxyhOQgcKag==
3540	Transportation - https://simbli.eboardsolutions.com/SU/42OSYtiusIsh0sCefQm4gjyHQ==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/NMyLLKF9RplusvyOfTK8qhgrA==
5020	Parent Rights And Responsibilities - https://simbli.eboardsolutions.com/SU/koNfWAOxdVUq7swAQWs0slshw==
5111	Admission - https://simbli.eboardsolutions.com/SU/yK9PwFf3slshNznhpzS6qOKpg==
5111	Admission - https://simbli.eboardsolutions.com/SU/bU2qQzqhl3z0Y2QDHXt9A==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/GbRxplus4496SHSVODte9j7gA==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/Vo8QLzovslshLslshOho9reDne6w==
5116	School Attendance Boundaries - https://simbli.eboardsolutions.com/SU/XBh2ZMn3mvBuXp2ksIshXp2qw==
5116.2	Involuntary Student Transfers - https://simbli.eboardsolutions.com/SU/vBNTYmtInsQslshvRhmJWGFoA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/W1fxEq28k7keiTIYplusXykLA==
5117	Interdistrict Attendance - https://simbli.eboardsolutions.com/SU/btVXp1DZ9Ibn9GO6ZfNmplusw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/wTrktsh72faKUyBgKslshybsg==
5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/7qylTS2a9uMVaC06CbceBA==

5131.7	Weapons And Dangerous Instruments - https://simbli.eboardsolutions.com/SU/OyoY3GvnrEWKv5jLgpYvsg==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/plushhet14C1jG3Zf14duY8IA==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/urUOGrEeIDZMslshl2KXBEcplusg==
5145.6-E PDF(2)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/MF44zd6Eq2Gslshu8Amslsh4vAslshA==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/xslshtaMLllobokTcvHm380QTg==
6164.6	Identification And Education Under Section 504 - https://simbli.eboardsolutions.com/SU/SaslydSpplusQ5SY1CILbZO3Q==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/W4SQNZm0juoMdxVBTfbJ9A==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/g9KhJYx1SyyX22iktDENnQ==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/crBqKyJfKrBnuXplusECG0xXA==