

INTRADISTRICT OPEN ENROLLMENT

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 *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.

(cf. 5116.2 – Involuntary Student Transfers)

(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 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 *for the enrollment of a students in a district school* to ~~any district student to attend another district school, including a charter school,~~ outside of *the student's attendance area, if the student:* 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)~~ *Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)*

(cf. 5118 – Open Enrollment Act Transfers)

(cf. 0450 – Comprehensive Safety Plan)

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

(cf. 0450 – Comprehensive Safety Plan)

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

INTRADISTRICT OPEN ENROLLMENT (continued)

school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 5131.2 – Bullying)

4. ~~Upon a finding that~~ *Is experiencing* special circumstances exist that might be harmful or dangerous to the student in the current attendance area, *including*, ~~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, *including, but not limited to, such as a psychiatrist, psychologist, or marriage and family therapist, clinical social worker, or professional clinical counselor*
 - b. A court order, including a temporary restraining order and injunction
5. ~~Any sibling~~ *Is a sibling* of a *another* student already *attending* ~~in attendance in~~ that school
6. ~~Any student whose parent/guardian is assigned to that school as his/her primary place of employment.~~ *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 January and March 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 *the enrollment* 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. *However, except that existing entrance criteria for specialized schools or programs may be used for enrolling students in specialized schools or programs,* provided that the criteria are uniformly applied to all applicants. *In addition, academic* Academic performance may be used

INTRADISTRICT OPEN ENROLLMENT (continued)

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

In general, ~~Except as required for students who transferred out of a Title I program improvement schools;~~ 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 the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program 48350-

~~48361 Open Enrollment Act~~

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State plans

6313 Eligibility of schools and school attendance areas; funding allocation

7912 Transfers from persistently dangerous schools

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

~~2004~~ Public School Choice FAQs

Every Student Succeeds Act – Updated #8, July 14, 2017 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

WEB SITES

CSBA: <http://www.csba.org>

INTRADISTRICT OPEN ENROLLMENT (continued)

California Department of Education: <http://www.cde.ca.gov/ls/ss/se/useo.asp> <http://www.cde.ca.gov>
U.S. Department of Education <http://www.ed.gov>

Policy amended: August 20, 2020

Policy amended: November 7, 2019

Policy amended: March 15, 2018

Policy amended: August 11, 2011

Policy amended: March 5, 2009

Policy adopted: June 7, 2001

INTRADISTRICT OPEN ENROLLMENT

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 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 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.

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:* ~~the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:~~

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.*

(cf. 0450 - Comprehensive Safety Plan)

2. ~~Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child~~ *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.*

(cf. 0450 - Comprehensive Safety Plan)

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.*

INTRADISTRICT OPEN ENROLLMENT (continued)

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 school, the student may remain in the current school.*

~~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 whose parents/guardians 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 interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Agreements)

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. Open enrollment applications shall be available on the district's website and at the district office.
2. 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, a random drawing shall be held from the applicant pool.
3. The Superintendent or designee shall *provide written notification to* inform applicants by mail as to whether their applications have been approved or denied. If the application is denied, the reasons for denial shall be stated.

INTRADISTRICT OPEN ENROLLMENT (continued)

4. Applicants who receive approval must confirm their enrollment within 10 school days.

~~Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.~~

~~(cf. 0520.2—Title I Program Improvement Schools)~~

Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school. (20 USC 6311)

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

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

(cf. 1312.3 – Uniform Complaint Procedures)

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

(cf. 5111.1 – District Residency)

~~*(cf. 5118—Open Enrollment Act Transfers)*~~

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 the California Department of Education

(cf. 5145.6 – Parental Notifications)

INTRADISTRICT OPEN ENROLLMENT (continued)

Regulation amended: August 20, 2020

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