

### **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. 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

### Application and Selection Process for Open Enrollment

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 October 1 and November 30 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)

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)

### Open Enrollment Student Applicant Priorities

Open Enrollment applicants within the socioeconomic balance goals for each school in the following priority order:

1. Students residing within the attendance area of a charter school who do not wish to attend a charter school.
2. Siblings of students already in attendance in that school.
3. Students residing in the attendance area of a school that has been designated by the Board to close at the end of the current school year; and who either: (a) are currently attending the school designated for closure, or (b) in the following school year will be entering the earliest grade level of the school designated for closure.
4. Students whose parent/guardian is assigned to that school as his/her primary place of employment. Primary place of employment means an annual assignment at that school as a permanent or probationary employee of the district.
5. Program alignment from elementary to middle school and middle school to high school for:
  - a. Dual Language Immersion

- b. International Baccalaureate
- c. International Spanish Academy (ISA)
- d. Leadership Academy Youth Leaders in Action (LAYLA)
- e. Legacy Youth Academy

6. For all other applications for open enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process (e.g., a lottery) to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Lottery enrollment 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)

Except for priorities listed above, the Superintendent or designee shall use a random and weighted, 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) 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

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

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

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>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov> Policy NAPA VALLEY UNIFIED  
SCHOOL DISTRICT adopted: \_\_\_\_\_, 2019 Napa, California

[gamutonline.net/districtnapavalley/displayPolicy/1141537/](http://gamutonline.net/districtnapavalley/displayPolicy/1141537/)

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