

POLICY: 5116.1: Intradistrict Open Enrollment

Original Adoption: 2/13/1996

Revision Dates: 6/13/2003, 3/3/2009, 8/9/2011, 9/12/2017, 9/11/2018, 5/12/2020

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. 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.

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.

The Board shall annually review this policy.

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area.

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"
2. Is a victim of a violent crime while on school grounds
3. 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:
 - a. A written statement from a representative of an appropriate state or local agency, such as, 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
4. Is a sibling of another student already attending that school
5. 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 2 and January 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 non-arbitrary manner using student enrollment and available space.

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a district school receives admission requests that are in excess of the school's capacity.

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

Transportation

In general, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

State Reference

5 CCR 11992-11994
Ed. Code 200
Ed. Code 35160.5
Ed. Code 35291
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
Notice at beginning of term

Federal Reference

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 Reference

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)
Public School Choice FAQs
Every Student Succeeds Act - Update #8, July 14, 2017
Crawford v. Huntington Beach Union High School District (2002)
98 Cal.App.4th 1275
Unsafe School Choice Option, May 2004
CSBA

Website
Website

California Department of Education
U.S. Department of Education

Policy Reference

Description

0450	Comprehensive Safety Plan
0520.1	Comprehensive and Targeted School Improvement
1312.3	Uniform Complaint Procedures
3540	Transportation
5020	Parent Rights and Responsibilities
5111	Admission
5111.1	District Residency
5116	School Attendance Boundaries
5116.2	Involuntary Student Transfers
5117	Interdistrict Attendance
5131.2	Bullying
5131.7	Weapons and Dangerous Instruments
5145.6	Parental Notifications
6117	Year-Round Schedules
6164.6	Identification and Education Under Section 504
6173.1	Education for Foster Youth
6181	Alternative Schools/Programs of Choice
9000-B	Role of the Board
9310-B	Board Policies