

INTRADISTRICT OPEN ENROLLMENT

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. The Superintendent or designee shall establish procedures for the selection and transfer of students 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 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 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.
2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous."
3. Any student who is a victim of a violent crime while on school grounds.
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:
  - 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
5. Any sibling of a student already 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 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 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.

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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.

**Transportation**

Except as required for students who transferred out of a Title I improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

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 FEDERAL REGULATIONS, TITLE 5**

11992-11994	Definition of persistently dangerous schools
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**CODE OF REGULATIONS, 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.4<sup>th</sup> 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 2016-2017 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>

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

U.S. Department of Education: <http://www.ed.gov>

Date

Approved: 2-13-96

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Silver Valley Unified School District