

## **INTRA-DISTRICT OPEN ENROLLMENT**

The Board of Trustees 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. [5117](#) – Inter-District Attendance)  
(cf. [5116.2](#) – Involuntary Student Transfers)

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**

Another student transferring from outside the attendance area shall displace no student currently residing within a school's attendance area. (Education Code 35160.5)

(cf. [5116](#) - School Attendance Boundaries)

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area as follows:

1. Is enrolled in a District school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992). (20 USC 6316)

(cf. [0450](#) – Comprehensive Safety Plan)

2. Is a victim of a violent crime while on school grounds. (20 USC 7912)

(cf. [0450](#) - Comprehensive Safety Plan)

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

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If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131.2 - Bullying)

4. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)

(cf. 0520.1 - Comprehensive and Targeted Support and Improvement)

5. Is experiencing special circumstances ~~exist~~ that might be harmful or dangerous to the student in the current attendance area including, but 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 to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor
  - b. A court order, including a temporary restraining order and injunction
6. Is a sibling of another student already attending that school.
7. 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 intra-District open enrollment shall be submitted between January 10 – February 7 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. (Education Code 35160.5)

## **INTRA-DISTRICT OPEN ENROLLMENT**

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 school district 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, 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. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

### **Transportation**

In general, 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

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

## **INTRA-DISTRICT OPEN ENROLLMENT**

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 2016-17 School Year Transition Plan, April 2016

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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 5116 adopted: 11/24/81 Renumbered from 5117: 6/27/90

Amended: 3/8/94 Revised: 10/12/04

Revised: 3/14/06 Revised: 2/24/09

Adopted: February 28, 2017