

**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 [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—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 [for the enrollment of a student in a district school outside of the student's attendance area, if the student: to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:](#)

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1. ~~is~~ Any student enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

~~(cf. 0450 – Comprehensive Safety Plan)~~

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

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). 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)

4. Is currently enrolled in a district school identified by the 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)

53. Is experiencing special circumstances that might be ~~Upon a finding that special circumstances exist that might be~~ harmful or dangerous to the student in the current attendance area, including but ~~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

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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

~~64.~~ Is aAny sibling of a student already in attendance in that school

~~75.~~ Has a Any student whose parent/guardian whose ~~is assigned to that school~~ as his/her 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, applications for intradistrict open enrollment shall be submitted in the annually advertised open enrollment period 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)

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. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance. However, except that existing entrance criteria may be used for enrolling students in ~~for~~ specialized schools or programs may be used provided

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that the criteria are uniformly applied to all applicants. ~~In addition, a~~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) ~~Except as required for students who transferred out of a Title I program improvement school, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.~~

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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 11992-11994	Definition of persistently dangerous schools
Ed. Code 200	<u>Equal rights and opportunities in state educational institutions</u>
Ed. Code 35160.5	<u>District policies; rules and regulations</u>
Ed. Code 35291-35291.5	<u>Rules</u>
Ed. Code 35351	<u>Assignment of students to particular schools</u>
Ed. Code 46600-46611	Interdistrict attendance agreements

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Ed. Code 48200	<u>Compulsory attendance</u>
Ed. Code 48204	<u>Residency requirements for school attendance</u>
Ed. Code 48300-48316	<u>Student attendance alternatives; school district of choice program</u>
Ed. Code 48980	<u>Parent/Guardian notifications</u>

<b>Federal</b>	<b>Description</b>
20 USC 6311	State plan
20 USC 6313	Eligibility of schools and school attendance areas; funding allocation
20 USC 7912	Transfers from persistently dangerous schools

<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 95 (2002)
California Department of Education Publication	Every Student Succeeds Act - Update #8, July 14, 2017
California Department of Education Publication	Public School Choice FAQs
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
U.S. Department of Education Publication	Unsafe School Choice Option, May 2004
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>
Website	<u>U.S. Department of Education</u>

Cross References

<b>Code</b>	<b>Description</b>
0450	<u>Comprehensive Safety Plan</u>

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0450	<u>Comprehensive Safety Plan</u>
0520.1	<u>Comprehensive And Targeted School Improvement</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
3540	<u>Transportation</u>
3541	<u>Transportation Routes And Services</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5111	<u>Admission</u>
5111	<u>Admission</u>
5111.1	<u>District Residency</u>
5111.1	<u>District Residency</u>
5116	<u>School Attendance Boundaries</u>
5116.2	<u>Involuntary Student Transfers</u>
5117	<u>Interdistrict Attendance</u>
5117	<u>Interdistrict Attendance</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.7	<u>Weapons And Dangerous Instruments</u>
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5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
6117	<u>Year-Round Schedules</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
9000	<u>Role Of The Board</u>
9310	<u>Board Policies</u>