

## INTRADISTRICT OPEN ENROLLMENT

~~It is the intent of the Board of Education that every student residing in the district shall attend the school serving his/her zone of residence. However, to serve the diverse needs, potential, and interests of district students, transfers between attendance areas will be permitted according to the principles established below.~~

~~The Board shall annually review this policy.~~

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 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~~ the family's residence within the district. (Education Code 35160.5)

*(cf. 5111.1 - District Residency)*

The Board of Education shall annually ~~calculate the enrollment capacity of each district school in a nonarbitrary manner, using student enrollment and available space.~~ 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)*

**INTRADISTRICT OPEN ENROLLMENT (continued)**

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

5. Any sibling of a student already in attendance 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 by March 15 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)

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, 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)

**INTRADISTRICT OPEN ENROLLMENT (continued)**

~~The district shall employ a random, unbiased process for considering enrollment applications where the number of transfer requests is in excess of the spaces remaining to reach school capacity. This process shall prohibit an evaluation of whether a student should be enrolled based on his or her academic or athletic performance.~~

~~No student who resides in the attendance area of a school prior to the open enrollment period shall be displaced by a student from outside the attendance area.~~

~~Once enrolled in a school pursuant to an approved intradistrict attendance request, a parent/guardian is not required to re-submit a new request in subsequent years, provided continuous enrollment is maintained.~~

**Exceptions**

~~Exceptions may be made to the random, unbiased selection process based on the following, which are listed in priority order:~~

- ~~1. 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.~~
- ~~2. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school.~~
- ~~3. If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the California Department of Education (CDE), or attends a school designated by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school.~~
- ~~4. Priority will be given to siblings of students already in attendance at a school, if the currently attending student will continue to attend that school the following year.~~
- ~~5. Priority will be given to a student who applies for transfer at the same time as a sibling, and whose sibling is granted a transfer through the lottery process.~~
- ~~6. Priority will be given to students whose parent or legal guardian is assigned to a school as his/her primary place of employment.~~

7. ~~Priority will be given to students who were involuntarily transferred from schools in their attendance areas the previous year.~~

BP 5116.1(d)

## INTRADISTRICT OPEN ENROLLMENT (continued)

### **Transportation**

~~e~~Except as required by federal law for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend schools outside their attendance areas. ~~or to the extent required and financed by federal law and requested by a parent/guardian. If a parent/guardian requests and receives an intradistrict transfer, the parent/guardian is responsible for the student's transportation.~~

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

### **Revocation**

~~Intradistrict transfer requests that are granted will be revoked if the student does not comply with the provisions in his/her intradistrict attendance and behavior contract, which must be signed by the student and the student's parent/guardian.~~

### **Legal References:**

#### 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

~~6316 Transfers from program improvement schools~~

~~7912 Transfers from persistently dangerous schools~~

#### CODE OF FEDERAL REGULATIONS, TITLE 34

~~200.36 Dissemination of information~~

~~200.37 Notice of program improvement status, option to transfer~~

~~200.39 Program improvement, transfer option~~

~~200.42 Corrective action, transfer option~~

~~200.43 Restructuring, transfer option~~

~~200.44 Public school choice, program improvement schools~~

**INTRADISTRICT OPEN ENROLLMENT (continued)**

*200.48—Transportation funding for public school choice*

**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 2016-17 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*

***U.S. DEPARTMENT OF EDUCATION GUIDANCE***

*Public School Choice, February 2004 and January 2009*

*Unsafe School Choice Option, May 2004*

**WEB SITES**

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

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

Policy  
adopted: December 8, 2008,  
Revised: June 22, 2009  
Revised: January 25, 2010  
Revised:

**SAN RAFAEL CITY SCHOOLS**  
San Rafael, California