

# Morgan Hill USD

## Board Policy

### Intradistrict Open Enrollment

BP 5116.1

#### Students

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing ~~balancing enrollment in order to maximize~~ 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. 5116.2 - Involuntary Student Transfers)

(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)

~~(cf. 5111.12 - Residency Based on Parent/Guardian Employment)~~¶

~~(cf. 5111.13 - Residency for Homeless Children)~~¶

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 ~~may~~<sup>shall</sup> grant priority ~~for the enrollment of a to any district student in at to attend another district school, including a charter school, outside of the student's/his/her attendance area, if the as follows.~~¶

¶

~~1- Any student: enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)~~

~~(cf. 1. Is 5118 - Open Enrollment Act Transfers)~~¶

¶

~~2- 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. Is ~~3. 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 ~~may consider~~ ~~shall accept~~ an intradistrict transfer request for another district school. (Education Code 46600)

~~finding that~~ (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)

~~45.~~ Is ~~experiencing~~ 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 ~~may consider~~ ~~must have received the following 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, ~~such as~~ a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, ~~such as~~ a 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

~~56.~~ Is ~~5. Any sibling of another~~ a student already attending ~~in attendance in~~ that school:

~~67.~~ Has a ~~6. Any student whose parent/guardian whose primary place of employment~~

is that school ~~an employee.~~

## 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 ~~during the posted annual open enrollment period. between \_\_\_\_\_ (insert application window dates) \_\_\_\_\_ the first Thursday of attendance in January through the last twentieth day of the school year in the preceding year for which the transfer is requested request is being made.~~ Parents who have not received notification of transfer approval available space from the school of choice by the first day of the school year for which the transfer is requested. ¶

~~period.~~ 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 the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students ~~who~~ shall be admitted whenever a district ~~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 specialized schools or programs, ~~may be used~~ provided that the criteria are uniformly applied to all applicants. In addition, academic ~~Academic~~ performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

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For additional information regarding the transfer request process, visit the Enrollment Center webpage: [mhusd.org/enrollment](http://mhusd.org/enrollment).

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(cf. 6172 - Gifted and Talented Student Program)

## Transportation

In general, ~~the~~ 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

~~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

6313 Eligibility of schools and school attendance areas; funding allocation

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 - Update #8, July 14, 2017~~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~~

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 MORGAN HILL UNIFIED SCHOOL DISTRICT

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