

# Twin Rivers USD

## Board Policy

### Intradistrict Open Enrollment

# REVISED

BP 5116.1

#### Students

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.** 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)

(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)

~~Priority for attendance outside a student's attendance area shall be given as follows:~~

**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. 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. (20 USC 6316)~~

**1. Any student enrolled in district school that has been identified on the state's Open Enrollment Act list (Education Code 48354)**

~~(cf. 0420.4 - Charter Schools)~~  
~~(cf. 0520.2 - Title I Program Improvement Schools)~~  
~~(cf. 6171 - Title I Programs)~~  
**(cf. 5118 - Open Enrollment Act Transfers)**

~~2. Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, 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. (20 USC 7912; 5 CCR 11992)~~

**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)

**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 between January 1 - February 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)**

~~For all other applications for enrollment outside a school's attendance area~~ **Except for priorities listed above**, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever ~~a~~ **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)

Transportation

~~Except as required by 20 USC 6316, for transfers out of Title I program improvement schools~~ **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.

(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

UNITED STATES CODE, TITLE 20

~~6316 Transfers from program improvement schools~~

~~7912 Transfers from persistently dangerous schools~~

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of 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~~

**6311 State plans**

**7912 Transfers from persistently dangerous schools**

~~200.48 Transportation funding for public school choice~~

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 GUIDANCE PUBLICATIONS~~

~~Public School Choice, December 4, 2002~~

**Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev.**

**May 4, 2016**

~~Unsafe School Choice Option, July 23, 2002~~ **May 2004**

WEB SITES

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

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

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

Policy TWIN RIVERS UNIFIED SCHOOL DISTRICT

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