

# Board Policy

## Intradistrict Open Enrollment

BP 5116.1

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 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 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)*

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 and March 1 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)*

### **Transportation**

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*

#### **CODE OF REGULATIONS, TITLE 5**

*11992-11994 Definition of persistently dangerous schools*

#### **UNITED STATES CODE, TITLE 20**

*6311 State plans*

*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

*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 DELANO JOINT UNION HIGH SCHOOL DISTRICT

adopted: October 11, 2016 Delano, California

# Administrative Regulation

## Intradistrict Open Enrollment

AR 5116.1

### Transfers For Victims Of A Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

### Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

*(cf. 0450 - Comprehensive Safety Plan)*

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

*(cf. 5117 - Interdistrict Attendance)*

### **Enrollment Priorities**

1. No student currently residing within a school's attendance area shall be displaced by another student. (Education Code 35160.5)
2. The Governing Board retains the authority to maintain appropriate racial and ethnic balance among district schools.

### **Other Intradistrict Open Enrollment**

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. All students who submit applications to the district by March 1 shall be eligible for admission to their school of choice the following school year under the district's open enrollment policy. Applications received after the deadline may be considered if further openings exist.
3. Intradistrict transfers will be reviewed each semester for documented disciplinary infractions, determination of truancy pursuant to Education Code 48260, and/or academic progress. Transfers who do not meet the above criteria may be revoked.
4. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
5. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
6. Approved applicants must confirm their enrollment within 10 school days.

Any complaints or appeals regarding the selection process shall be submitted in writing to the Superintendent or designee. Extenuating circumstances may be considered by the district on a case-by-case basis.

*(cf. 1312 - Complaints Concerning the Schools)*

7. No consideration is given to participation in co-curricular or extracurricular activities including athletics when a student requests a transfer. All athletes must complete E(5)5116.1.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

*(cf. 0520.2 - Title I Program Improvement Schools)*

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Athletic Transfer Eligibility**

1. The Board requires that interscholastic athletic activities be conducted in accordance with Board policy, administrative regulations, and California Interscholastic Federation (CIF) bylaws and rules. The district's athletic programs shall adhere to the applicable CIF policies, guidelines, definitions, and timelines relating to athletic transfer eligibility.
2. The Superintendent or designee shall ensure that the district's athletic programs provide information to students, coaches, staff and parents regarding the policies and regulations of the Board concerning athletic transfer eligibility.
3. The Superintendent or designee shall establish and maintain site assessment teams for the purpose of determining eligibility, conducting investigations and making determinations relating to athletic transfer eligibility, including but not limited to cases of valid change of address, hardship, and undue influence (recruiting). The assessment committee may consist of administrators, program directors, psychologists, nurses, and other staff members. The assessment teams shall make their athletic transfer recommendations to the Superintendent or designee. The assessment teams shall establish criteria and protocols consistent with Board policy and applicable CIF policies, guidelines, definitions, and timelines.
4. The Superintendent or designee shall establish and maintain a district advisory committee for the purpose of hearing appeals, conducting investigations and making determinations relating to athletic transfer eligibility, including but not limited to cases of valid change of address, hardship, and undue influence (recruiting). The committee shall consist of administrators, program directors, psychologists, nurses, and other staff members who do not have direct supervisory responsibilities for the district's athletic programs. The advisory committee shall make athletic transfer eligibility recommendations to the Superintendent or designee. The advisory committee shall establish criteria and protocols consistent with Board policy and applicable CIF policies, guidelines, definitions, and timelines.
5. Students shall retain full athletic eligibility in the event of a district finding of valid change of residence or hardship determination. Students may not participate in athletic contests until a finding has been made concerning athletic eligibility.
6. In the event of a determination of undue influence (recruiting) by any person directly or indirectly associated with a school athletic program to secure or encourage of a student transfer for athletic purposes, the student may become ineligible for athletics for one calendar year. A second determination of undue influence will result in indefinite athletic ineligibility.
7. In the event that a parent/guardian or a student gives fraudulent information or documentation to a school official in relation to athletic transfer eligibility, the student may be ineligible for

athletics for one calendar year.

8. Students who are granted an intradistrict transfer shall be ineligible for athletics for one calendar year unless otherwise determined by the Superintendent or designee. Students who enroll in and attend classes as an intradistrict transfer student, and who subsequently transfer back to their school of origin, shall be ineligible for athletics for one calendar year from the date the subsequent intradistrict transfer takes effect unless otherwise determined by the Superintendent or designee.
9. Students who are granted an intradistrict transfer due to a boundary change to allow them to remain at their current school will not lose their athletic eligibility as long as they maintain continued enrollment at their school of origin.
10. In the event of future adjustments in district boundaries, students who are granted open enrollment transfers to remain at their current school will not lose their athletic eligibility for the school year when the boundary changes are implemented.

### **Notifications**

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance

*(cf. 5111.1 - District Residency)*

*(cf. 5118 - Open Enrollment Act Transfers)*

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

*(cf. 5145.6 - Parental Notifications)*

Regulation DELANO JOINT UNION HIGH SCHOOL DISTRICT  
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