

**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 balancing enrollment in order to maximize 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 regulations.

(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 residence within the district. (Education Code 35160.5)

(cf. 5111.1 – District Residency)  
(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 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 List. (Education Code 48354)

(cf. 5118 - Open Enrollment Act Transfers)

2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 – Charter Schools)  
(cf. 0520.2 – Title I Program Improvement Schools)  
(cf. 6171 – Title I Programs)

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

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(cf. 0450 - Comprehensive Safety Plan)

4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
5. Any sibling of a student already in attendance in 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 between January 1<sup>st</sup> and February 28<sup>th</sup> 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 a school receives admission requests that are in excess of the school's capacity. (Education Code 36160.5)

(cf. 0450 – Comprehensive Safety Plan)

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 PI schools, 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

**INTRADISTRICT OPEN ENROLLMENT** (continued)

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  
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  
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)

**INTRADISTRICT OPEN ENROLLMENT**

**Enrollment under the No Child Left Behind Act**

Within a reasonable amount of time, not to exceed 10 school days, after a student becomes the victim of a violent criminal offense while on school grounds, the student's parent/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Within 10 school days after learning that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 20 school days after learning of the school's designation, the Superintendent or designee shall notify parents/guardians of their option to transfer.

(cf. 0450 – Comprehensive Safety Plan)

**Other Intradistrict Enrollment**

To implement intradistrict open enrollment pursuant to Education Code 35160.5:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of these schools and open enrollment applications shall be available at all school offices.
2. Enrollment in a school of choice shall be determined by lot from the eligible applicant pool, and 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.
3. The Superintendent or designee shall inform applicants by mail 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.
4. Approved applicants must confirm their enrollment within 10 school days.

Any complaints regarding the selection process shall be submitted to the Superintendent or designee.

(cf. 1312 – Complaints Concerning the Schools)

**INTRADISTRICT OPEN ENROLLMENT** (continued)

**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 48980)

1. All options for meeting residency requirements for school attendance.

(cf. 5111.1 – District Residency)

(cf. 5111.11 – Residency of Students with Caregiver)

(cf. 5111.12 – Residency Based on Parent/Guardian Employment)

(cf. 5111.13 – Residency for Homeless Children)

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 California Department of Education.