

**Regulation 5116.1: Intradistrict Open Enrollment**

**Status:** ADOPTED

**Original Adopted Date:** 11/01/2008 | **Last Revised Date:** 12/01/2019 | **Last Reviewed Date:** 07/01/2016

**Transfers for Victims of a Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 calendar 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 parent/guardian in making the offer. If the parent/guardian elects to transfer the student, 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," intradistrict transfers shall be granted as follows:

1. Within 10 days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.
2. Parents/guardians who desire to transfer their child out of the school shall provide a written response 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.
3. 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. The Superintendent or designee shall notify the parents/guardians of the assigned school.
4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in the 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.

### **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. 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.
3. Approved applicants must confirm their enrollment within 10 school days.

Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school. (20 USC 6311)

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.

### **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
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 CDE

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#### **Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### **State**

5 CCR 11992-11994

#### **Description**

Definition of persistently dangerous schools

Ed. Code 200	Equal rights and opportunities in state educational institutions
Ed. Code 35160.5	District policies; rules and regulations
Ed. Code 35291	Rules
Ed. Code 35351	Assignment of students to particular schools
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48200	Compulsory attendance
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48300-48316	Student attendance alternatives, school district of choice program
Ed. Code 48980	Parent/Guardian notifications
<b>Federal</b>	<b>Description</b>
20 USC 6311	State plan
20 USC 6313	Eligibility of schools and school attendance areas; funding allocation
20 USC 7912	Transfers from persistently dangerous schools
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 95 (2002)
California Department of Education Publication	Every Student Succeeds Act - Update #8, July 14, 2017
California Department of Education Publication	Public School Choice FAQs
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
U.S. Department of Education Publication	Unsafe School Choice Option, May 2004
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">CSBA</a>
Website	<a href="#">U.S. Department of Education</a>

## Cross References

<b>Code</b>	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0520.1	<a href="#">Comprehensive and Targeted School Improvement</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
3540	<a href="#">Transportation</a>
3541	<a href="#">Transportation Routes And Services</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5020	<a href="#">Parent Rights And Responsibilities</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5111.1	<a href="#">District Residency</a>
5111.1	<a href="#">District Residency</a>
5116	<a href="#">School Attendance Boundaries</a>
5116.2	<a href="#">Involuntary Student Transfers</a>

5117	<a href="#"><u>Interdistrict Attendance</u></a>
5117	<a href="#"><u>Interdistrict Attendance</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.2	<a href="#"><u>Bullying</u></a>
5131.7	<a href="#"><u>Weapons And Dangerous Instruments</u></a>
5131.7	<a href="#"><u>Weapons And Dangerous Instruments</u></a>
5145.6	<a href="#"><u>Parent/Guardian Notifications</u></a>
5145.6-E(1)	<a href="#"><u>Parent/Guardian Notifications</u></a>
6117	<a href="#"><u>Year-Round Schedules</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6164.6	<a href="#"><u>Identification And Education Under Section 504</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
6181	<a href="#"><u>Alternative Schools/Programs Of Choice</u></a>
9000	<a href="#"><u>Role Of The Board</u></a>
9310	<a href="#"><u>Board Policies</u></a>