

**Policy 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

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 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.

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)

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)

The Superintendent or designee shall grant priority for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
2. 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 shall accept an intradistrict transfer request for another district school. (Education Code 46600)

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)
5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but 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 or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor
  - b. A court order, including a temporary restraining order and injunction
6. Is a sibling of another student already attending that school
  7. Has a parent/guardian whose primary place of employment is that school

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

### **Transportation**

In general, 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)

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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.

<b>State</b>	<b>Description</b>
5 CCR 11992-11994	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  
Ed. Code 48300-48316

Ed. Code 48980

**Federal**

20 USC 6311

20 USC 6313

20 USC 7912

**Management Resources**

Attorney General Opinion

California Department of Education  
Publication

California Department of Education  
Publication

Court Decision

U.S. Department of Education  
Publication

Website

Website

Website

Website

**Cross References**

**Code**

0450

0450

0520.1

1312.3

1312.3

1312.3-E(1)

1312.3-E(2)

3540

3541

5020

5020

5111

5111

5111.1

5111.1

5116

5116.2

5117

5117

5131.2

5131.2

5131.7

5131.7

5145.6

Residency requirements for school attendance  
Student attendance alternatives, school district of  
choice program

Parent/Guardian notifications

**Description**

State plan

Eligibility of schools and school attendance areas;  
funding allocation

Transfers from persistently dangerous schools

**Description**

85 Ops.Cal.Atty.Gen. 95 (2002)

Every Student Succeeds Act - Update #8, July 14, 2017

Public School Choice FAQs

Crawford v. Huntington Beach Union High School  
District (2002) 98 Cal.App.4th 1275

Unsafe School Choice Option, May 2004

[CSBA District and County Office of Education Legal  
Services](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education](#)

**Description**

[Comprehensive Safety Plan](#)

[Comprehensive Safety Plan](#)

[Comprehensive and Targeted School Improvement](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Uniform Complaint Procedures](#)

[Transportation](#)

[Transportation Routes And Services](#)

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9000

9310

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