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| Book         | MUHSD Policy                     |
| Section      | 5000 Students                    |
| Title        | Intradistrict Enrollment         |
| Number       | 5116.1                           |
| Status       | Active                           |
| Legal        | <u>California Law References</u> |
| Adopted      | September 8, 2010                |
| Last Revised | February 11, 2015                |

### **Intradistrict Enrollment**

#### 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 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 regulation.

(cf. 5117 - Interdistrict Attendance)

#### **Definitions**

An **intradistrict transfer / open enrollment** is when parents/guardians wish to register/admit/enroll their student(s) at a school other than the designated school that is in their attendance area **within** their district.

Allows parents to indicate a preference for the school which their child will attend, irrespective of the child's place of residence **within** the district and requires the district to honor this parental preference if the school has sufficient capacity without displacing other currently enrolled students.

A **hardship** is defined as an unforeseeable, unavoidable and uncorrectable act, condition, or event outside the student's family's control, which causes the imposition of a severe burden.

(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 35150.5)

(cf. 5116 - School Attendance Boundaries)

The Superintendent or designee shall grant priority to any district student to attend another school within the

district, 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)

2. If a district school receiving Title I funds is identified for program improvement, 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 State Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)

(cf. 0450 - Comprehensive Safety Plan)

4. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)

5. Upon a finding that special circumstances exist (hardships) 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 (hardships), the Superintendent or designee must have received either: (Education Code 35160.5)

a. A written statement regarding the student's emotional stability from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist

b. A court order, including a temporary restraining order and injunction

6. Priority may be given to siblings of students already in attendance at that school

7. Priority may be given to 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 enrollment shall be submitted between January 1st and April 1st of the school year proceeding the school year for which the transfer is requested. Exceptions to this timeline may be made by the Superintendent or Designee if warranted.

For all other applications for enrollment outside a school's attendance area, 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. A school's capacity shall be calculated in a non-arbitrary manner using student enrollment and available space. (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, the district **shall**

**not** be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds. Priority for any such transportation shall be based on demonstrated financial need.

(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

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)

Management Resources:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education, Unsafe School Choice Option: <http://www.cde.ca.gov/lr/ss/se/usco.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

Policy MERCED UNION HIGH SCHOOL DISTRICT

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