

**Regulation 5116.1: Intradistrict Open Enrollment**

**Status:** DRAFT

**Original Adopted Date:** 10/12/2020 | **Last Revised Date:** 02/01/2023 | **Last Reviewed Date:** 02/01/2023

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.

(cf. 5116.2 - Involuntary Student Transfers) 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 Governing Board retains the authority to maintain appropriate racial and ethnic balance among district schools.

The process of selecting students under this open enrollment policy shall prohibit any student from being enrolled based on his or her academic or athletic performance.

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, with the exception of the displacement process described below, Intradistrict Transfers, once approved, shall be valid through grade 5 for elementary students, grade 8 for middle school students, and students enrolled in K-8 schools, and grade 12 for high school students. Students admitted on an Intradistrict Transfer to a particular school, shall be considered residents of that attendance area for the duration of their Intradistrict Transfer. Students on Intradistrict Transfers can be displaced within the first 15 days of the school year by students who reside in the school's attendance area. The displacement does not apply to students who are victims of violent criminal offense or attend a school designated by the state as persistently dangerous.

Students shall be enrolled in schools using the following priority system:

1. First Priority: Students currently residing within a school's attendance area (Education Code 35160.5)
2. Second Priority: Intradistrict Transfer Requests from siblings of students currently enrolled in school of request, and who will share a year at the same school.
3. Third Priority: Intradistrict Transfer Requests from students whose parent/guardian is a resident of the District and a district employee and works a minimum of 10 hours a week at the school of request. This applies only to regular employees. Priority criteria will only apply for the duration of the parent/guardian's employment with the district.
4. Fourth Priority: Intradistrict Transfer Requests from students attending Monte Gardens Elementary and Sequoia Elementary Schools requesting to attend Sequoia Middle School. Priority criteria will only apply to students who are currently enrolled and completing their 5th-grade year at Monte Gardens Elementary or Sequoia Elementary Schools.
5. Fifth Priority: Intradistrict Transfer Requests from cohorts moving from one school level to another. A cohort is a group of students matriculating from one school level to another from a school with a split feeder pattern. It also includes various feeder patterns from elementary schools to middle schools.
6. Sixth Priority: Intradistrict Transfer Requests from students wishing to enroll in specialized academic programs such as International Baccalaureate (IB) or Two Way Dual Immersion (TWDI) programs.

7. Seventh Priority: Intradistrict Transfer Requests from students whose parent/guardian is a resident of the District and a district employee and works a minimum of 10 hours a week at district site other than the requested school. This priority will apply only to schools located within the feeder pattern in which the employee's work location is situated and does not apply to Monte Gardens, Sequoia Elementary or Sequoia Middle Schools. This applies only to regular employees. Priority criteria will only apply for the duration of the parent/guardian's employment with the district.
  
8. Eighth Priority: Intradistrict Transfer Requests from all students who are residents of the district not described above.

These are based on space availability and only resident status is guaranteed. Public Lottery Process  
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.

For each priority, where there are fewer spaces available than the number of requests for transfer, a random public lottery determines the order of acceptance. Parents/guardians are welcomed to observe the lottery.

Should a student wish to return to his/her school of residence during the school year, he/she shall be considered a new student with a new enrollment date.

Under the open enrollment policy, the following exceptions prevail:

1. Students wishing to enroll in alternative schools or programs shall not be subject to the district's open enrollment policy.
  
2. Students who are enrolled in Special Education Special Day Classes have a district-wide attendance area and will be placed based on program recommendation in the Individualized Education Plan (IEP) process.
  
3. Students enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous"(20 USC 7912; 5 CCR 11992).
  
4. Student is a victim of a violent crime while on school grounds (20 USC 7912).
  
5. Students 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 this exception under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.
  - 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. The district retains the right to assign a student to a school or program if the student requires a legally mandated program or accommodation that is available at the school such as a special education or bilingual program.
7. The district retains the right to assign a student to a school for disciplinary reasons or for the protection of the health and safety of that student or other students. (Education Code 35160.5 (b)(3)(A))

Request for Transfers due to Harmful or Dangerous Special Circumstances, Persistently Dangerous Schools, or Students Who Are Victims of a Violent Criminal Offense are accepted year round and granted on a case-by-case basis.

### Transfer Procedures

The Superintendent or designee shall identify those schools which may have space available for additional students. The Intradistrict transfer online forms will be available on the district website.

Schools identified as "Impacted" shall be exempt from the open enrollment policy. Impacted is defined as a school's projected student population exceeding its maximum capacity. In the event that a school has a projected student enrollment at a grade level that exceeds the available number of class spaces, it shall be defined as impacted at that grade level.

The definition of projected student enrollment is the official district-developed estimated enrollment for the following year. The number may be adjusted in response to confirmed enrollment data which has been reviewed and approved by the Superintendent.

Online applications for secondary schools Intradistrict open enrollment for students rising to grades 1-12 and for students requesting to enroll in Monte Gardens or Sequoia Elementary in Grades TK/K shall be submitted between October 15 and prior to November 15 of the school year preceding the school year for which the transfer is requested.

Online applications for elementary schools intradistrict open enrollment for students entering TK/K and requesting sites other than Monte Gardens or Sequoia Elementary shall be submitted between February 10 and prior to March 10 of the school year preceding the school year for which the transfer is requested.

Parent/guardian may apply to designated schools that are not impacted. Only one Intradistrict Transfer Request per student will be approved. Parent/guardian may only apply for one transfer per student during a school year. If parent/guardian applied for an Intradistrict Transfer (a transfer within MDUSD), then a subsequent Interdistrict transfer (a transfer between MDUSD and another school district) will not be accepted.

If student applications to enroll in a school are fewer than the openings available, all students requesting admission shall be enrolled.

When more requests are received than there is space available to attend a specific school, the Student Services Office will conduct a public lottery among the applicants to fill any vacancies that may exist. The public lottery will be held by December 15 February 15 for rising grades 61-12 and students requesting to transfer to Monte Gardens or Sequoia Elementary in Grades TK/K and April 1 for grades TK/K-5 for students requesting sites other than Monte Gardens or Sequoia Elementary

Parents/guardians shall be notified by April 30 winter break for secondary students rising to grades 1-12 or requesting to transfer to Monte Gardens or Sequoia Elementary in Grades TK/K and by May 30 for elementary TK/K students requesting a site other than Monte Gardens or Sequoia Elementary. Parents/guardians shall be notified by mail as to whether their applications have been approved or denied. If the application is denied, the reasons for denial shall be stated and the district appeal procedure explained. Parents/Guardians must notify Student Services within two weeks if they elect not to accept their approved transfer or the transfer may be rescinded.

### Appeals and Revocation

Parents may appeal the denial of an Intradistrict transfer request to the Superintendent or designee **within ten (10) calendar days**. The decision by the Superintendent or designee is final.

Any transfer may be revoked if the student fails to demonstrate good attendance, satisfactory behavior and/or satisfactory academic progress.

#### Yearly Notifications

Notifications shall be sent to parents/guardians at the beginning of each year, describing all current statutory attendance options and local attendance options available in the district, including:

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 an Intradistrict basis.
4. A description of the procedure for application for Intradistrict Transfers and the appeal process available when an Intradistrict Transfer is denied.
5. The explanation of attendance options under California law as provided by the California Department of Education.

#### Transportation

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) Regulation: MT. DIABLO UNIFIED SCHOOL DISTRICT

Approved: October 10, 2006

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