

# **Mt. Diablo USD**

## **Administrative Regulation**

### **Intradistrict Open Enrollment**

AR 5116.1

#### **Students**

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.

#### Enrollment Priorities

No student who is currently enrolled in his/her school of residence shall be displaced by another student who subsequently moves into or transfers to his/her school from outside the attendance boundary.

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.

With the exception of the September 15 displacement process noted below, Intradistrict Transfers, once approved, shall be valid through grade 5 for elementary students, grade 8 for middle school students, 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 prior to September 15 of the first school year by students who reside in the school's attendance area. The September 15 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
3. Third Priority: Students whose parent/guardian is ~~a district resident and~~ employed by MDUSD ~~at the requested district school~~. Priority criteria will only apply for the duration of the parent/guardian's employment ~~at the school~~ by MDUSD.
4. Fourth Priority: Students residing in a neighborhood where attendance has been established by agreement.

5. Fifth Priority: Students enrolled in a district school receiving Title 1 funds that has been identified for program improvement (PI). All students who are residents of the district not described above.

6. Sixth Priority: Students enrolled in a district school that has been identified on the State's Open Enrollment List.

7. Seventh Priority: Students enrolled in a district school designed by the California Department of Education as "persistently dangerous".

8. Eighth Priority: All students who are residents of the district not described above.

### 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. ~~Each Schools that will participate in the lottery process~~ will select a parent representative from their parent club to witness the public lottery. Parents/guardians are welcome 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. These students shall have priority status #4, above.

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.

### Safety Reasons

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.

Within a reasonable amount of time, not to exceed 14 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 his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

A decision to grant priority for attendance outside a student's current attendance area because of harmful or dangerous special circumstances, persistently dangerous schools, or students who are victims of a violent criminal offense will be considered based upon one of the following: (Education Code 35160.5) (Title 20 Section 7912(a)).

1. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official, social worker, or properly licensed or registered professional psychiatrist, psychologist, marriage, family and child counselor, physician, or other professional.
2. A court order, including a temporary restraining order and injunction.
3. Parents/guardians may submit a written request to change their child's school for safety reasons.
4. All requests must have written documentation and be forwarded to the Director, Student Services.

The Director, of Student Services may approve or deny the student's transfer to a district school that is impacted and otherwise closed to transfers.

Appeals must be made under separate application and will only be considered under special circumstances as identified in 1, 2, or 3 above.

#### No Child Left Behind Act - School Choice

Parents and guardians are given the choice for their child to attend a Non-Program Improvement School at Mt. Diablo Unified School District in accordance with the federal No Child Left Behind (NCLB) law. The NCLB also affords that students receive transportation to the school of choice. The Mt. Diablo Unified School District designates Non-Program Improvement Schools for those parents/guardians that choose to have their child removed from a Program Improvement School. The Mt. Diablo Unified School Intradistrict form must be submitted between October 15 and January 15 to the Student Services Office to determine placement. The district criteria for approving Intradistrict transfers is based on availability of space at Non-Program Improvement Schools, with priority given to the lowest achieving students with low income status. Students who have Individualized Education Program (IEP) must first have an IEP meeting to determine if the student's Intradistrict transfer to a Non-Program Improvement School is appropriate.

## Transfer Procedures

The Assistant Superintendents shall identify those schools which may have space available for additional students. A list of these schools and Intradistrict Transfer Request applications shall be available at all schools. Capacity for the following school year will be determined by the second Board Meeting in September, using information from the district's Annual Facility Plan. By October 1, the Superintendent will confirm which schools are "Impacted" after reviewing the capacity of a school in consultation with the school principal.

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.

Intradistrict Transfer Request applications will be accepted annually between October 15 and January 15. Notice of this open enrollment period will be provided through school and media publications. Students who submit applications to the district at the Student Services Office by January 15 shall be eligible for admission to their school of choice for the following school year, under the district's open enrollment policy.

All Intradistrict Transfer Requests will be date stamped and numbered when received at the Student Services Office.

Students may apply to designated schools that are not impacted. ~~only one school~~. Only one Intradistrict Transfer Request per student will be approved.

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

All Intradistrict Transfer Requests will be submitted to the Student Services Office. 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 February 15 for grades 1-12 and ~~March 15~~ April 1 for entering Kindergarten students.

Parents/guardians shall be notified by April ~~15~~ 30 for secondary students and by August 1 for elementary students. 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.

~~Students~~ Parents/Guardians must take the Approval Letter, within two weeks, to their school of request to initiate the enrollment process. The receiving school will then notify the home school to disenroll the student.

### Appeals and Revocation

All Intradistrict Transfer appeals will be forwarded to and considered by the ~~Assistant Superintendent or designee, Pupil Services and Special Education.~~

The 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.~~

Regulation      MT. DIABLO UNIFIED SCHOOL DISTRICT  
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