

# **Mt. Diablo USD**

## **Board Policy**

### **Intradistrict Open Enrollment**

BP 5116.1

#### **Students**

The Governing Board desires to provide options that meet the diverse needs, potential, and interests of district students and parents/guardians, while also balancing enrollment in order to maximize 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)

(cf. 5117 - Interdistrict Attendance)

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)

(cf. 5111.1 - District Residency)

The Board shall annually review this policy. (Education Code 48980(k)).

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) A student with an approved Intradistrict Transfer shall remain enrolled in a school unless the student is displaced by a student who resides in the school attendance area.

The district shall not provide transportation for students who attend school outside their school attendance area.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

The district shall employ a random, unbiased process for considering enrollment applications where the number of applications is in excess of the spaces remaining to reach school capacity.

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 regulations.

The following principles are exceptions to the random, unbiased selection process:

1. The student is enrolled in a district school designated by the California Department of Education (CDE) as “persistently dangerous” (20 USC 7912; 5 CCR 11992).

(cf. 0450 - Comprehensive Safety Plan)

2. The student is a victim of a violent crime while on school grounds (20 USC 7912).

3. The district retains the authority to maintain appropriate racial and ethnic balance among district schools. (Education Code 35160.5 (b)(2)(A))

4. The student 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).

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131.2 - Bullying)

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,

5. 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) The student 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 this exception 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

## Application Procedure

Applications for secondary intradistrict open enrollment shall be submitted between October 15 to November 15 of the school year preceding the school year for which the transfer is requested. Applications for elementary intradistrict open enrollment shall be submitted between February 10 to March 10 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)

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)

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

Students who are found to be living outside of a school's boundaries will be subject to the following procedures:

- a. Once a school administrator is aware that a student enrolled in their school resides outside of their school's boundaries, that administrator, or designee, will refer the matter to the Student Services Office by submitting the Student Change of Address Notice form, along with the student's attendance, and behavior records, current grades, and credits.
- b. The Student Services Office will follow-up to verify residence and inform parents/guardians of the district's Intradistrict Transfer Request process, as well as provide parents/guardians with the necessary forms. If the Intradistrict Transfer Request is denied, the Student Services Office will inform parents/guardians of their appeal rights and procedures. The student will remain in the district school where he/she is enrolled until the Intradistrict Transfer Request appeal process has been completed.
- c. The Student Services Office will notify the school administrator, where the student is enrolled, of the status of the Intradistrict Transfer Request when the process has been completed. The Student Services Office will notify parents/guardians, the school of enrollment, and the school of residence regarding the approval or denial of the Intradistrict Transfer Request.

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

Legal Reference:

EDUCATION CODE

- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 35160.5 District policies; rules and regulations 35351
- Assignment of students to particular schools
- 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 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

ATTORNEY GENERAL OPINIONS

29 Ops. Cal. Attorney General 63

COURT DECISIONS

Jackson v. Pasadena City Sch. Dist. (1963) 59 Cal, 2d 876

Policy	MT. DIABLO UNIFIED SCHOOL DISTRICT
adopted:	Concord, California
Revised:	October, 2015
Revised:	September, 2020