

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.~~

~~To that end, the Board shall annually review enrollment options for students. (Education Code 48980(k))~~

~~The Board shall annually determine the enrollment capacity of each district school. (Education Code 35160.5(b)(2)(B))~~

~~The district shall not provide transportation outside the school's attendance area for Intradistrict-Transfer students. —~~

~~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. Capacity will be determined by using information from the district's Annual Facility Plan. This process shall prohibit an evaluation of whether any student should be enrolled based on his or her academic or athletic performance. (Education Code 35160.5 (b)(2)(B))~~

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

- ~~1. — No student who currently resides in the attendance area of a school shall be displaced by students transferring from outside the attendance area. (Education Code 35160.5 (b)(2)(C)) —~~
- ~~2. — The district retains the authority to maintain appropriate racial and ethnic balance among district schools. (Education Code 35160.5 (b)(2)(A))~~
- ~~3. — The district may employ entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants. (Education Code 35160.5 (b)(2)(B))~~
- ~~4. — 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 (b)(3)(A))~~

~~6. — 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.~~

~~7. — 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.~~

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~~

~~GOVERNMENT CODE~~

~~53312.7 Establishment of community facilities district; goals and policies~~

~~ATTORNEY GENERAL OPINIONS~~

~~29 Ops. Cal. Attorney General 63~~

~~COURT DECISIONS~~

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

The Governing Board 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)

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 residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

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

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)

(cf. 5116 - School Attendance Boundaries)

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 employed by MDUSD. Priority criteria will only apply for the duration of the parent/guardian's employment 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).

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.

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

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between October 15 to

January 15 of the school year preceding the school year for which the transfer is requested.

Except for priorities listed above, the Director, Student Services shall use a random, unbiased selection process to determine who shall be admitted whenever the 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, 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 PI schools, 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)

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/ls/ss/se/usco.asp>

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

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

approved: February, 2010

revised: October 26, 2015