

CSBA Sample Administrative Regulation

Students

AR 5116.1(a)

INTRADISTRICT OPEN ENROLLMENT

Note: The following administrative regulation addresses intradistrict transfers for victims of a violent criminal offense and students in a "persistently dangerous" school pursuant to 20 USC 7912 and other intradistrict open enrollment options authorized by Education Code 35160.5. ~~For transfers required by 20 USC 6316 as a result of a school being identified for program improvement, see BP/AR 0520.2 – Title I Program Improvement Schools.~~ For interdistrict transfers under the Open Enrollment Act pursuant to Education Code 48350-48361, see BP/AR 5118 - Open Enrollment Act Transfers.

Transfers for Victims of a Violent Criminal Offense

Note: 20 USC 7912 requires the state to establish and implement a policy requiring that any student who becomes a victim of a violent criminal offense while on school grounds be provided an option to transfer to another district school, including a charter school; see the accompanying Board policy. 20 USC 7912 does not specify which offenses constitute a "violent criminal offense" for purposes of the victim transfer option. According to the California Department of Education (CDE), districts should consider the specific circumstances of the incident on a case-by-case basis, as specified below. The following two paragraphs are consistent with the CDE's guidance.

U.S. Department of Education (USDOE) Guidance, Unsafe School Choice Option, suggests that districts should notify parents/guardians of the transfer option "generally within 14 days" after the determination that the student has been a victim of a violent offense. In making this offer, the Guidance encourages districts to take into account the needs and preferences of the affected student and parents/guardians. A sample parent/guardian notification letter is available on the CDE's web site.

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.

Transfers from a "Persistently Dangerous" School

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Note: 20 USC 7912 requires the state to establish and implement a policy requiring that all students attending a "persistently dangerous" school be provided an option to transfer to a safe school within the district, including a charter school; see the accompanying Board policy. Pursuant to 5 CCR 11992 and

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INTRADISTRICT OPEN ENROLLMENT (continued)

11993, a school is designated as "persistently dangerous" based on the number of nonstudent firearms violations and the number of student expulsions pursuant to specified Education Code sections over a period of three consecutive years.

USDOE Guidance, **Unsafe School Choice Option**, provides that a district with one or more schools identified as "persistently dangerous" must, in a timely manner, notify parents/guardians about the school's designation and offer the opportunity to transfer. The CDE suggests that transfers of students out of a "persistently dangerous" school generally be completed within 30 school days of notification of the school's designation. According to the CDE, "timely notification" to parents/guardians should be made within 10 school days and a timely offer of transfer within 20 school days from the time the district learns of the designation, although these two notifications may be combined. Timelines in the following two **optional** paragraphs may be revised to reflect district practice.

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

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Note: USDOE Guidance, **Unsafe School Choice Option**, advises that the district can determine whether transfers will be temporary or permanent, but transfers must remain in effect as long as the student's original school is identified as persistently dangerous. The following **optional** paragraph reflects USDOE suggestions as to factors that might be considered in determining whether the transfer should be permanent and may be revised to reflect district practice.

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INTRADISTRICT OPEN ENROLLMENT (continued)

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

Note: USDOE Guidance, **Unsafe School Choice Option**, encourages, but does not require, districts to develop a transfer program with a neighboring district. The following paragraph is **optional**.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Attendance)

Selection Procedures

Under the Intradistrict Open Enrollment policy, resident students of the district shall be allowed to continue at the school they are currently attending. Students wishing to transfer to another school within the district must contact the district office for space availability. If no space is available at the requested school, parents may complete a wait list request form for their choice school. There are two specific grade levels in which a lottery for available spaces may be held: kindergarten and sixth grade.

Kindergarten Enrollment Process

The process for enrolling kindergarten students begins in the fall, prior to the start of the upcoming school year. In determining enrollment for the upcoming school year, siblings of students currently attending a school site, students repeating kindergarten, and children of parents who are employed full time by the district shall have priority at that site until 12:00 p.m. of the second Friday following winter recess. When it appears that a student will be repeating kindergarten and the parent wants the student to change schools, the student may be entered into the kindergarten lottery for the coming school year. If as a result of the lottery the student is placed at a new site, the student gives up his/her placement in kindergarten at the current site for the coming school year. However, a place at the current site is held for the student in first grade pending a final decision on the student's grade level placement for the coming year. If the student repeats at the new site, that student continues at the new site for future grades. If the

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parents want to change schools after the second year in kindergarten, the normal procedures for transfers will apply.

Parents are encouraged to schedule a visit and tour any school site they are considering. Tours are required at any school selected by the parent before their enrollment card can be accepted by the district. A written copy of the lottery procedures shall be provided each parent/guardian as part of the kindergarten enrollment packet.

Should the number of students wishing to enroll at a school site exceed the spaces available, the district shall hold a lottery at the end of the third Friday following winter recess. Students shall be enrolled in the order in which their names are drawn and placed per their priority of choices, based on availability, as indicated on their validated enrollment card. Students not receiving their first choice shall have their names placed on the wait list in the order in which their names were drawn.

After the lottery has been held, parents/guardians seeking to enroll their children in a school that is at capacity shall have their names placed on the wait list in the order received. As openings occur during the school year, parents/guardians shall be contacted in the order they appear on the wait list and given 24 hours to decide whether to accept or decline the space being offered. If declined, the child's name shall be removed from the wait list. Wait lists

shall be updated annually. A letter will be sent to parents of students on the wait list in May notifying families to confirm in writing that they wish their child remain on the wait list for the next school year. The updated wait lists shall be carried forward each year through grade 5.

Sixth Grade Request to Transfer Process

Students completing the 5th grade at a K-5 school shall be guaranteed a space for the 6th grade at the Ingrid B. Lacy Middle School. Students enrolled at Cabrillo, Vallemar School or Ocean Shore School shall be guaranteed a space in that program through the 8th grade. Student transfers from a K-8 program to the middle school or from a K-5 program to a K-8 program will be considered after sufficient spaces have been allocated for returning students.

Specific lottery procedures are found in the Student Enrollment Procedures on the district website and at the district office.

A space within the district shall be guaranteed for each resident student. The Student Services Department shall be responsible for assisting parents/guardians in enrolling and assigning children to a school within the district. Any complaints regarding the lottery process or enrollment of students should be taken to the administrator overseeing Student Services. ~~Associate Superintendent.~~

Other Intradistrict Open Enrollment

Note: The following section provides optional procedures for intradistrict enrollment pursuant to Education Code 35160.5 and may be revised to reflect district practice.
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Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

- ~~1. 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.~~

Note: Because Education Code 35160.5 requires the use of a lottery process, openings which occur later during the year should be filled only by applicants whose names are drawn in the lottery. Late applicants should not be added to the waiting list, but should instead wait for a subsequent lottery.

- ~~2. 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. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.~~
- ~~3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.~~
- ~~4. Approved applicants must confirm their enrollment within 10 school days.~~

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INTRADISTRICT OPEN ENROLLMENT (continued)

Note: The Every Student Succeeds Act (P.L. 114-95) repealed 20 USC 6316 which had required districts to offer intradistrict transfers to all students in Title I schools identified for program improvement (PI). In accordance with the USDOE's Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions (May 2016) and the CDE's Every Student Succeeds Act 2016-17 School Year Transition Plan (April 2016), any student who transferred under this option prior to the 2016-17 school year must be allowed to remain in the school of enrollment until he/she completes the highest grade offered in the school, as provided below.

The USDOE's Frequently Asked Questions and the CDE's transition plan provide that districts may, at their discretion, continue to offer intradistrict transfers to students in PI schools during the 2016-17 school year; see the accompanying Board policy. Districts that choose to offer such transfers may revise the following paragraph to reflect district practice. The USDOE and CDE resources do not expressly address whether students who transfer in such cases must be allowed to remain in the school of enrollment until the highest grade at the school. For consistency with previous years and with provisions in 20 USC 6311 pertaining to any transfers granted to students in schools identified for "comprehensive support and improvement" beginning in the 2017-18 school year, it is recommended that districts allow any student

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who transfers during the 2016-17 year with the opportunity to subsequently stay in the school of enrollment.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

(cf. 0520.2 - Title I Program Improvement Schools)

Note: The following paragraph is **optional**. Education Code 35160.5 makes no provision related to the duration of ~~the transfer~~ **any transfer granted pursuant to Education Code 35160.5**. Thus, it appears to be within the district's discretion to determine whether students who do not reside within a school's attendance area should be required to reapply for open enrollment each year. However, Education Code 35160.5 specifies that a student currently residing within a school's attendance area cannot be displaced by another student transferring from outside the attendance area.

A student granted intradistrict enrollment under other circumstances ~~Once enrolled, a student~~ shall not be required to reapply for readmission. ~~However, the student~~ **but** may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

(cf. 1312.3 - Uniform Complaint Procedures)

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

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INTRADISTRICT OPEN ENROLLMENT (continued)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5118 - Open Enrollment Act Transfers)

2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied

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5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

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Policy Reference UPDATE Service

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