

INTRADISTRICT OPEN ENROLLMENT

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. 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 procedures. (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)

The Board shall annually review this policy and the enrollment options available to pupils within the district. (Education Code 48980)

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)

The Superintendent or designee shall grant priority to any district student to attend another district school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354) (cf. 5118 - Open Enrollment Act Transfers)
2. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)
3. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
4. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are 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 priority 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, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist

- b. A court order, including a temporary restraining order and injunction
- 5. Any sibling of a student already in attendance in that school.
- 6. Any student whose parent/guardian is assigned to that school as his/her primary place of employment.
- 7. Any student who would like to attend a specialized academic program, career education academy, or career education pathway not available at their home school
 - a. To qualify a student for an intradistrict transfer, the specialized academic program, career education academy, and/or career education pathway must provide programming in the student's current grade level
 - b. Students enrolling in a specialized academic program, career education academy, and/or career education pathway granted by an intradistrict transfer must maintain enrollment in the selected program through graduation or return to their home school
- 8. Intradistrict transfers will not be granted for any district athletic program or for any athletically motivated reason

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 the first school business day of November and the last school business day of February of the school year prior to 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)

Intradistrict transfers will not be granted for district schools deemed over capacity by an annual nonarbitrary calculation that uses student enrollment and available space

Except for priorities listed above, the Superintendent or designee 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)

Enrollment decisions will be confirmed with intradistrict transfer applicants by the last school business day of March

Applications submitted after the Application and Selection Process deadline

After the application for intradistrict open enrollment deadline on the last school business day in February a parent or guardian may request transfer for the following reasons:

1. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
2. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are 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.
3. Any sibling of a student already in attendance in that school.
4. If the parent or guardian has recently moved into the OUHSD boundary.
5. No Intradistrict transfers for specialized academic programs, career academies, and/or career pathways will be granted for applications received after the deadline on the last school business day in February

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

[6311](#) State plans

[7912](#) Transfers from persistently dangerous schools

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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Transitioning to the Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

ADOPTED: 11/22/77; Rev. 11/10/82, 4/7/93, 1/16/17

REVISION/REDESIGNATION: 2/9/94, 8/17/94. 12/5/11 (BP 503 - Assignment Within District)

Reviewed and Approved by Governing Board: 4/30/97; 7/17/02; 8/20/03; 1/11/12; 1/25/17;

10/24/18

