

INTRADISTRICT OPEN ENROLLMENT

Transfers for Victims of a Violent Criminal Offense

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

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 are 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.

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.

Intradistrict Enrollment Priorities

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. 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)
2. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools, their specialized academic programs, career education academies, and/or career education pathways along with open enrollment applications shall be available at each school site, the district office, and on the district's web site.
3. Intradistrict transfers will not be granted for any district athletic program or for any athletically motivated reason
4. 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.
5. After the enrollment priorities have been applied in accordance with Board Policy 5116.1, 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.
6. 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 on or before the last school business day of March. If the application is denied, the reasons for denial shall be stated.
7. Once enrolled, a student shall not be required to reapply for readmission. However, 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

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

(cf. 1312.3 - Uniform Complaint Procedures)

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 after the deadline on the last school business day in February

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)

1. All options for meeting residency requirements for school attendance
(cf. 5118 - Open Enrollment Act Transfers)
2. Program options offered within local attendance areas
3. 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
4. A district application form for requesting a change of attendance
5. The explanation of attendance options under California law as provided by the CDE
(cf. 5145.6 - Parental Notifications)

Approved by Superintendent's Cabinet: September 25, 1995
Revised by Superintendent's Cabinet: February 26, 1996
Revised by Superintendent's Cabinet: November 23, 1998
Reviewed and Approved by the Board of Trustees on July 17, 2002; 8/20/03
Revision/Redesignation: 1/1/12 (AP 5116.2 Assignment)

Revised 10/24/18