

Policy 5116.1 Intradistrict Open Enrollment

Status: ADOPTED

Original Adopted Date: 02/1995

Last Revised Date: 08/28/2024

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.

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 the residence within the district. (Education Code 35160.5)

The Board shall annually review this policy. (Education Code 35160.5, 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)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter 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)
2. Any student enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
3. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
4. Upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, 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 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, a social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, 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.

Application and Selection Process

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

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)

Students will be subject to CIF rules and regulations for transfers and eligibility.

02/1995
10/1995
11/1999
03/08/2000
03/2003
11/2008
06/17/2009
10/2011
03/08/2017
08/28/2024

Policy Reference Disclaimers

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 11992-11994
Ed. Code 200

Ed. Code 35160.5
Ed. Code 35291-35291.5
Ed. Code 35351

Description

Definition of persistently dangerous schools
[Equal rights and opportunities in state educational institutions](#)
[District policies; rules and regulations](#)
[Rules](#)
[Assignment of students to particular schools](#)

Ed. Code 46600-46611
Ed. Code 48200
Ed. Code 48204
Ed. Code 48300-48316

Ed. Code 48980

Federal

20 USC 6311
20 USC 6313

20 USC 7912

Management Resources

Attorney General Opinion
California Department of Education
Publication
California Department of Education
Publication
Court Decision

U.S. Department of Education Publication
Website
Website
Website
Website

Cross References

Code

0450
0450
0520.1
1312.3
1312.3
1312.3-E(1)
1312.3-E(2)
3540
3541
5020
5020
5111
5111
5111.1
5111.1
5116
5116.2
5117
5117
5131.2
5131.2
5131.7
5131.7
5145.6
5145.6-E(1)
6117
6164.6

5116.1 BP

Interdistrict attendance agreements

[Compulsory attendance](#)
[Residency requirements for school attendance](#)
[Student attendance alternatives; school district of choice program](#)
[Parent/Guardian notifications](#)

Description

State plan
Eligibility of schools and school attendance areas; funding allocation

Transfers from persistently dangerous schools

Description

85 Ops.Cal.Atty.Gen. 95 (2002)
Every Student Succeeds Act - Update #8, July 14, 2017

Public School Choice FAQs

Crawford v. Huntington Beach Union High School District
(2002) 98 Cal.App.4th 1275

Unsafe School Choice Option, May 2004

[CSBA District and County Office of Education Legal Services California Department of Education](#)
[CSBA](#)
[U.S. Department of Education](#)

Description

[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[Comprehensive And Targeted School Improvement](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Transportation](#)
[Transportation Routes And Services](#)
[Parent Rights And Responsibilities](#)
[Parent Rights And Responsibilities](#)
[Admission](#)
[Admission](#)
[District Residency](#)
[District Residency](#)
[School Attendance Boundaries](#)
[Involuntary Student Transfers](#)
[Interdistrict Attendance](#)
[Interdistrict Attendance](#)
[Bullying](#)
[Bullying](#)
[Weapons And Dangerous Instruments](#)
[Weapons And Dangerous Instruments](#)
[Parent/Guardian Notifications](#)
[Parent/Guardian Notifications](#)
[Year-Round Schedules](#)
[Identification And Education Under Section 504](#)

6164.6	<u>Identification And Education Under Section 504</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
6181	<u>Alternative Schools/Programs Of Choice</u>
9000	<u>Role Of The Board</u>
9310	<u>Board Policies</u>