

Students

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 maximizing the efficient use of district facilities and resources. 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 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 for the enrollment of a student in a district school outside of the student's attendance area, if the student:

1. Is enrolled in a district school designated by the California Department of Education (CDE) as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
2. Is a victim of a violent crime while on school grounds (20 USC 7912)
3. Is a victim of an act of bullying committed by another district student, as determined through an investigation following the parent/guardian's submission of a written complaint with the school, district, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)
4. If the district school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another district school. (Education Code 46600)
5. Is currently enrolled in a district school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)
6. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, 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)

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- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or a social worker, or a properly licensed or registered professional, including, but not necessarily limited to, a psychiatrist, psychologist, marriage and family therapist, clinical social worker, or professional clinical counselor
 - b. A court order, including a temporary restraining order and injunction
- 7. Is a sibling of another student already attending that school
 - 8. Has a parent/guardian whose primary place of employment is that school

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 July 1st and April 30th of the school year preceding 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)

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a District 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; however, existing entrance criteria may be used for enrolling students in specialized schools or programs provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

Transportation

In General, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

However, upon parent/guardian request, the district shall provide transportation assistance to any student who is eligible for free or reduced-price meals and whose enrollment in a district school outside the student's attendance area is a result of being a victim of bullying. (Education Code 46600)

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The Superintendent or designee may transfer a student approved for an intradistrict transfer back to his/her school of residence for any of the following reasons:

- a. Unsatisfactory attendance.
- b. Continual tardiness.
- c. Failure of the parent to make adequate transportation arrangements.
- d. Unsatisfactory behavior or citizenship.
- e. Ceasing to participate within a specialized school program.

The Superintendent or designee may approve a student transfer back to the home school of residence at any time during the year, upon request by the parent, providing that exceptional circumstances exist and space is available.

Legal References:**State**

5 CCR 11992-11994
 Ed. Code 200
 Ed. Code 35160.5
 Ed. Code 35291-35291.5
 Ed. Code 35351
 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

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](#)
 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

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Legal References:

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

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](#)

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Policy Adopted: March 8, 2012

Revised: November 10, 2016

Revised: December 14, 2023