

# Ross Valley SD

## Board Policy

### Intradistrict Open Enrollment

BP 5116.1  
**Students**

The Board of Trustees 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.

*(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)

*(cf. 5111.1 - District Residency)*  
*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*  
*(cf. 5111.13 - Residency for Homeless Children)*

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) However, spaces will be held/reserved at District sites that house District-wide programs in order to accommodate student enrollment in those programs. The attendance area for any District-wide program encompasses the entire District.

*(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 in the following order:

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. Any student who has been determined by staff to be a victim of an act of bullying as

defined in Education Code 48900(r).

5. Any student who is currently attending a district school and has moved to another district school's attendance area.
6. Any sibling of a student already in attendance in that school. Because siblings are in the sixth priority category, families should be aware that approval of an intradistrict attendance request for one child is not a guarantee that subsequent requests for that child's siblings will be approved.

However, siblings of students who were approved for intradistrict attendance for the 2011-12 school year or in prior school years shall be approved for transfer consistent with prior board policy.

### 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 February 1<sup>st</sup> and March 1<sup>st</sup> of the school year preceding the school year for which the transfer is requested. For students who are not district residents during this application window, applications must be submitted prior to the close of business the business day before the random lottery date.

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

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)

When registrations for a school exceeds capacity for students residing within that school's attendance area, the district reserves the right to deviate from the wait list order and approve intradistrict transfer applications to avoid displacing resident students to another district school.

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)

Once enrolled, an intradistrict transfer student shall not have to apply for readmission as long as continuous enrollment and district residency are maintained.

The district reserves the right to deny or revoke any Intradistrict Attendance permit if enrollment is determined to be based upon false or inaccurate residency documentation.

### Policy History

Original Adoption: 11/29/11

Revised/Updated: 6/19/12; 11/1/16

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 2016-17 School Year Transition Plan, April 2016

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>

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# Ross Valley SD

## Administrative Regulation

### Intradistrict Open Enrollment

AR 5116.1

#### Students

#### I. Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school" (as described in sections II and III below), 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. Space available means there are more than 2 open seats in the requested grade level or as determined by the Superintendent or designee.
2. Applications for intradistrict attendance shall be submitted between February 1<sup>st</sup> and March 1<sup>st</sup> of the school year preceding the school year for which the transfer is requested. For students who are not district residents during this timeframe, applications must be submitted prior to the close of business the day before the random lottery date.
3. 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 lottery shall be held from the applicant pool. The random lottery will be conducted on the first business day in June. A waiting list shall be established to indicate the order in which applicants may be accepted if there is space at the grade level and school requested. Late applicants will be added to the waiting list in the order in which the applications are received.
4. The Superintendent or designee shall provide 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. Initial notifications generally will not be made until at least 10 business days before the start of the school year. Subsequent notifications will be made on a rolling basis. Any waiting list shall be maintained for the entire school year for which the transfers were requested but will be dissolved on the last day of the school year.
5. Approved applicants must confirm their intent to transfer in writing within 2 business days. If written confirmation is not received, the offer will be rescinded.
6. When registrations for a school exceeds capacity for students residing within that school's attendance area, the district reserves the right to deviate from the wait list order and approve intradistrict transfer applications to avoid displacing resident students to another district school.

Once enrolled, an intradistrict open enrollment student shall not be required to reapply for readmission as long as continuous enrollment and district residency are maintained.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

## II. 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.

## III. 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 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.

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's preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

## 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 district residency requirements for school attendance.  
(*cf. 5111.1 - District Residency*)  
(*cf. 5111.12 - Residency Based on Parent/Guardian Employment*)  
(*cf. 5111.13 - Residency for Homeless Children*)  
(*cf. 5118 - Open Enrollment Act Transfers*)
2. District program options offered within local attendance areas.
3. A description of any special district program options available on both an intradistrict and interdistrict basis.
4. A description of the procedure for application for alternative district attendance areas or district programs and the appeals process available, if any, when a change of attendance is denied.
5. An Intradistrict Attendance Transfer form for requesting a change of district school attendance.
6. The explanation of attendance options under California law as provided by the California Department of Education.

(*BP 5145.6 - Parental Notifications*)

## Policy History

Original Adoption: 11/29/11

Revised/Updated: 2/25/14; 11/1/16

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