

Santa Barbara Unified School District

Board Policy

Students

BP 5116.1

INTRADISTRICT OPEN ENROLLMENT

The Governing Board values the concept of neighborhood schools but permits open enrollment within the district as resources are available and as required by law. 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)

At schools with attendance boundaries, additional classes shall be opened based on attendance area enrollment only and not due to intradistrict transfer requests. However, the district shall annually identify school sites that will accept program improvement transfers as needed (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)

(cf. 5116 - School Attendance Boundaries)

1. Priority shall be given to students already attending the school.
2. Priority shall be given for students transferred by board action.
3. Students with disabilities shall be placed to meet the requirements of an Individualized Education Plan.

Option to Transfer

Except for transfers under the preceding provisions covering Enrollment Priorities the transfer option applies to students who are enrolled in a school and meet any of the following conditions:

1. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316) For further information regarding the rules relating to transfers from PI schools, please see AR 0520.2, pages 4 and 5.

2. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

3. 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)

4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
5. 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 based upon special circumstances, the Superintendent or designee must have received either:
 - 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. (Education Code 35160.5)
6. An option to transfer shall be given when recommended by the School Attendance Review Board or by county child welfare probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable of the student to attend the attendance area school.
7. A student in good standing who moves out of the boundaries of their school of residence, but remains within district boundaries shall have 30 days to exercise their right to remain in their school of attendance.

The selection of the school to which a pupil shall be assigned to under each of the above circumstances where there is an option to transfer will be made by the Superintendent or designee, taking into account parent preferences. In the case of students enrolled in a PI school, in making that assignment, the Superintendent will give the highest priority to the lowest achieving students from low-income families. (20 USC 1116(b)(1)(E)(ii)). The Superintendent will next give specific school site priority to students of employees at that site, siblings of students already at that school, and students of district employees not assigned to that school, in that order. The school assignments made by the Superintendent or designee shall take place before considering any other requests to transfer per the next section.

Request to Transfer

Except for the transfers under the Enrollment Priorities and Options to Transfer 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. Students for whom the Transfer Option apply may also apply for admission to a particular school under the below criteria, in lieu of placement by the Superintendent or designee under the Transfer Option Procedures. (Education Code 35160.5).

In this category the Superintendent will give priority to applicants in the following order:

- 1. Any student whose parent/guardian is assigned to that school as his/her primary place of employment for three or more hours per day.
- 2. Any sibling of a student already in the attendance of that school.
- 3. Students of district employees not assigned to the school.
- 4. All other students.

Application and Selection Process

Except as provided in AR 0520.2 at page 4, in order to ensure that priorities for enrollment in district schools are implemented in accordance with law, all applications for school year 2017-2018 intradistrict open enrollment shall be submitted between December 1 and January 31 of the school year preceding the school year for which the transfer is requested. Commencing with the 2018-2019 school year and thereafter, the deadline to submit applications will coincide with the last day of the first semester.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (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. Academic achievement may also be used in the case of Program Improvement Transfers for the purpose of identifying the lowest achieving students from low-income families. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. In the case of transfers out of Title I program improvement schools, transportation will only be provided during the period that the school continues to be designated as program improvement school.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

<u>EDUCATION CODE</u>	
200	<i>Prohibition against discrimination</i>
35160.5	<i>District policies; rules and regulations</i>
35291	<i>Rules</i>
35351	<i>Assignment of students to particular schools</i>
46600-46611	<i>Interdistrict attendance agreements</i>
48200	<i>Compulsory attendance</i>
48204	<i>Residency requirements for school attendance</i>
48300-48316	<i>Student attendance alternatives, school district of choice program</i>
48350-48361	<i>Open Enrollment Act</i>
48980	<i>Notice at beginning of term</i>
<u>CODE OF REGULATIONS, TITLE 5</u>	

11992-11994 *Definition of persistently dangerous schools*
UNITED STATES CODE, TITLE 20
6316 *Transfers from program improvement schools*
7912 *Transfers from persistently dangerous schools*
CODE OF FEDERAL REGULATIONS, TITLE 34
200.36 *Dissemination of information*
200.37 *Notice of program improvement status, option to transfer*
200.39 *Program improvement, transfer option*
200.42 *Corrective action, transfer option*
200.43 *Restructuring, transfer option*
200.44 *Public school choice, program improvement schools*
200.48 *Transportation funding for public school choice*
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:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE
Public School Choice, January 2009
Unsafe School Choice Option, May 2004
WEB SITES
CSBA: <http://www.csba.org>
California Department of Education, *Unsafe School Choice Option*:
<http://www.cde.ca.gov/lr/ss/se/usco.asp>
U.S. Department of Education, *No Child Left Behind*: <http://www.nclb.gov>

SANTA BARBARA UNIFIED SCHOOL DISTRICT
Santa Barbara, California May 26, 2015; December 8, 2015; November 17, 2016