

# 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 their 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. (Education Code 35160.5)

*(cf. 5111.1 - District Residency)*

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 that has been identified on the state's Open Enrollment Act 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. 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, including, but not necessarily limited to, 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)
5. 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.
6. 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. 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. Commencing with the 2018-2019 school year and thereafter, the window to submit applications will be between December 1 and the last day of the first semester.

Though there is no guarantee that a request to transfer will be granted, applications received after the deadline will be reviewed no earlier than one week prior to the first day of school. Late transfer requests will be granted in the order they were received based on space availability, with the exception of those cases noted above in Option to Transfer #4-6.

With the exception of those transfers allowed because of safety concerns for the student, requests to transfer made after August 1 will be considered on a case-by-case basis and if approved, granted at the beginning of the second 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.

*(cf. 6172 - Gifted and Talented Student Program)*

**Transportation**

Except as required for students who transferred out of a Title I program improvement school prior to the 2016-17 school year and choose to remain in the school of enrollment, 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:*

EDUCATION CODE

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                                      *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

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/ls/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              December 8, 2015; November 17, 2016; October 24, 2017