

# West Contra Costa USD

## Board Policy

### Intradistrict And Interdistrict Enrollment

BP 5116.1

#### 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 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. 5111.13 - Residency for Homeless Children)*

***The Board shall annually review this policy. (Education Code 35160.5, 48980)***

##### Enrollment Priorities

~~1. If a district school receiving Title I funds are identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)~~

***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.***

*A student may be re-directed to another school if there is no space available at his/her grade level at the school of residence. The student will be placed on a waiting list at his/her school of residence and may return when space becomes available. A redirected student may remain at the receiving school for the remainder of that school year. A redirected student who elects to remain at the receiving school the following year shall be considered an intradistrict transfer student, must annually reapply for intradistrict enrollment, and will no longer be considered a displaced resident.*

### *Option to Transfer*

*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)*

*(cf. 5118 - Open Enrollment Act Transfers)*

- ~~2. If while on school grounds a school becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a~~ *Any student enrolled in a district* school designated by the California Department of Education as "persistently dangerous." ~~he/she shall be provided an option to transfer to another district school or charter school. (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.*

~~3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist 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.~~

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, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist

- b. A court order, including a temporary restraining order and injunction. *(Education*

*Code 35160.5)*

*Upon making such a finding, the Superintendent or designee may approve the student's transfer to a district school that is not at capacity and otherwise closed to transfers.*

- 4.5. ~~Priority may be given to~~ **Any** siblings of **a** students already in attendance in that school.

~~For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)~~

5. ~~Specialized Schools or Curricula~~

6. ~~Any~~ **secondary students (except for Bilingual Programs)** senior high school students may request to attend a school outside his/her attendance area **to participate in a program if that** ~~for a specific curriculum offering that is not offered as his/her school of residence.~~ Prerequisites may be necessary for enrollment in certain courses. Information on programs is available at each high school.

6. ~~Bilingual Education~~

~~Any qualified English Learner (EL) student may apply for a transfer to a designated school with a bilingual program.~~

7. ~~Special Education~~

~~Any student receiving special education services will follow the same enrollment options, policies and regulations established for regular education students and will be granted in accord with district enrollment priorities and based on availability of space.~~

8. ~~Continuing Students~~

7. An elementary through senior high school student may continue at a school provided if the parent/guardian moves after the school year has already begun provided the parent/guardian submits a ~~Transfer~~ **Open Enrollment** Application requesting to remain at that school.

***Application and Selection Process***

***In order to ensure that priorities for enrollment in district schools are implemented in accordance with the law, applications for intradistrict open enrollment shall be submitted between during the month of February of the school year preceding the school year for which the transfer is requested. Late applications will be considered only to the extent space is available.***

*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)*

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

### **Transportation**

*Except for any student who, prior to the 2016-2017 school year, was granted a transfer out of a Title I school that had been identified for program improvement, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.*

*(cf. 3250 - Transportation Fees)*

*(cf. 3540 - Transportation)*

#### **9. ~~Intradistrict Moves~~**

~~A student who moves from one school's attendance area to another must obtain a Transfer of Pupil form from their last school of attendance prior to their enrollment in the new school of residence.~~

~~A student who moves during the summer after the records have been transferred from elementary to middle/junior high or middle/junior high to senior high, must obtain a Transfer of Pupil form from the high school the student would have attended had the family not moved.~~

~~When the parent/guardian of a student requests a Transfer of Pupil form to attend WCCUSD school, written documentation (see Verification Requirements for Resident Enrollment) must be presented to the sending school administrator before the Transfer of Pupil form is issued. The receiving school may check, also, to verify the new student's address.~~

#### **10. ~~Displaced Residents~~**

~~A student may be re-directed to another school if there is no space available at his/her grade level at the school of residence. The student will be placed on a waiting list at his/her school of residence and may return when space becomes available. A redirected student may elect to remain at the receiving school.~~

#### 11. ~~Transferees from a Detainment Facility~~

~~The district shall accept for credit any course work satisfactorily completed by students while detained in a juvenile court school or county or state operated institution.~~

~~Transfer applications must be received by March 14 for the 2009-10 school year and in subsequent years by December 30 for students entering grades 7-12 and by February 1 for students entering grades K-6. Late applications will be considered only to the extent that space is available.~~

~~A random, unbiased selection process will be used to select students to fill the spaces that are available and a waiting list shall be established to indicate the order in which applicants may be accepted if more openings occur.~~

~~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)~~

~~The Superintendent or designee shall inform applicants by mail as to whether their applications have been approved or denied, by March 30 for grades 7-12 and May 15 for grades K-6. If the application is denied, the reasons for denial shall be stated.~~

~~Applicants who receive approval must confirm their enrollment within two weeks of the mailing of the notification. Failure to respond will result in the denial of the request.~~

~~Once a student is enrolled, they have priority for enrollment the following year. The parent or guardian of the student must, however, apply for readmission prior to February 1 for grades K-6 and December 30 for grades 7-12. A student may be subject to displacement due to excessive enrollment for the following school year. However, students will not be displaced once their school year has begun. Parents must be notified if students are to be returned to their attendance area school prior to June.~~

~~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)~~

~~Any complaints regarding the selection process shall be submitted to the Superintendent or designee in accord with the Uniform Parent Complaint Procedure.~~

#### ~~Appeals~~

~~Transfer decisions may be appealed by sending concerns in writing to the Transfer Office. Appeals will be reviewed by the administrators with overall responsibility for the elementary and secondary division.~~

## ~~Harmful or Dangerous Special Circumstances~~

~~Any decision to grant priority for attendance outside a student's current attendance area because of harmful or dangerous special circumstances may be based upon the following:~~

- ~~1. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official, social worker, or properly licensed or registered professional psychiatrist, psychologist, marriage, family and child counselor, or other professional.~~
- ~~2. A court order, including a temporary restraining order or injunction.~~

~~Upon making such a finding, the Superintendent or designee may approve the student's transfer to a district school that is not at capacity and otherwise closed to transfers.~~

## ~~Notifications~~

~~Notifications shall be sent to parents/guardians (i.e. parent newsletters, student handbooks) 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 48980)~~

- ~~1. All options for meeting residency requirements for school attendance~~
- ~~2. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied~~
- ~~3. A district application form for requesting a transfer.~~
- ~~4. The explanation of attendance options under California law as provided by the California Department of Education.~~

## ~~Intradistrict Permits~~

~~To remain on an Intradistrict Agreement the student and parent must agree to the following conditions:~~

- ~~1. The student will maintain a minimum attendance rate of 95% for each grading period. Exceptions may be granted with medical verification.~~
- ~~2. The student will attend school on time and have no trancies or unexcused absences during the year.~~
- ~~3. The student will maintain appropriate school behavior as outlined in the Student Handbook and Code of Conduct. If a student commits an offense that is subject to suspension under Education Code Section 48911 and District Policy 5116.1, the student may be returned to~~

~~the home school at the end of the term of suspension.—~~

~~Secondary student on an Intradistrict Agreement are expected to maintain a cumulative grade-point average of 2.0 each grading period.~~

Legal Reference:

EDUCATION CODE

***200 Prohabiton 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***

~~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. CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS GUIDANCE

***Public School Choice FAQs***

***Every Student Succeeds Act 2016-2017 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

~~Public School Choice, February 2004~~

## WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, ~~Unsafe School Choice Option:~~

~~<http://www.cde.ca.gov/ls/ss/sc/usco.asp>~~

U.S. Department of Education, ~~No Child Left Behind:~~ <http://www.ednetb.gov>

Policy WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

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revised: January 7, 2009

***revised:*** \_\_\_\_\_, ***2017***