

# La Mesa-Spring Valley SD

## Board Policy

### Intradistrict Open Enrollment

BP 5116.1

#### Students

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing 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 their residence within the district. (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)

The Superintendent or designee shall grant priority to any district student to attend another district school, outside of his/her attendance area as follows:

1. 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)

2. Any student who is a victim of a violent crime while on school grounds (20

USC 7912)

3. 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 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 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, clinical social worker or professional clinical counselor

b. A court order, including a temporary restraining order and injunction

4. Any sibling of a student already in attendance in that school

5. Any student whose parent/guardian is employed as a contracted benefitted employee at the school or within the district.

#### 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 according to the following timelines:

Academies (excluding Kempton Literacy Academy) shall accept applications for transfer between October 3 and December 2 of the school year preceding the school year for which the transfer is requested. If the specified date falls on a weekend, the opening/closing date for transfer applications shall fall on the Monday immediately following that date.

All other school sites, including Transitional Kindergarten sites, shall accept applications for transfer between February 1 and March 31 of the preceding school year for which a transfer is requested. If the specified date falls on a weekend, the opening/closing date for transfer applications shall fall on the Monday immediately following that date.

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)

Other than as specified above for district specialized schools and programs, enrollment decisions are made in a non-arbitrary manner and are not based upon a student's previous academic achievement, physical condition, proficiency in the English language, family income, or any individual characteristic set forth in Education Code section 220. Students attending a district school other than their school of residence are expected to have good attendance, maintain consistent attendance and good behavior and compliance with the district's code of conduct for student behavior. Failure to do so may result in denial or revocation of the transfer application. Poor attendance and/or behavior incidents are cause for a transfer to be revoked and/or not approved.

(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 2016-2017 school year, 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)

#### 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>

Policy LA MESA-SPRING VALLEY SCHOOL DISTRICT  
adopted: September 3, 2019 La Mesa, California

# La Mesa-Spring Valley SD

## Administrative Regulation

### Intradistrict Open Enrollment

AR 5116.1

#### Students

##### 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.

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

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

(cf. 5117 - Interdistrict Attendance)

#### Other Intradistrict Transfers

Except for transfers for victims of a violent crime and from a "persistently dangerous school," 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. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
2. After the intra-district transfer enrollment priorities have been applied in accordance with Board policy, if there are more transfer requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list of remaining applicants in the order they were drawn shall then be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants may be added to the waiting list for the current year.

3. The Superintendent or designee shall provide written 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.

4. Approved applicants must confirm their enrollment within 10 school days.

Any student who, prior to the 2016-17 school year, was granted a transfer out of a Title I school that had been identified for program improvement shall be allowed to remain in the school of enrollment until he/she completes the highest grade offered at that school.

(cf. 0520.2 - Title I Program Improvement Schools)

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission on a yearly basis but may be subject to return to their school of residence due to capacity limitations at their school of attendance.

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

(cf. 1312.3 - Uniform Complaint Procedures)

#### 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 residency requirements for school attendance

(cf. 5111.1 - District Residency)

2. Program options offered within local attendance areas

3. A description of any special program options available on both an interdistrict and intradistrict basis

4. 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

5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

(cf. 5145.6 - Parental Notifications)

Regulation LA MESA-SPRING VALLEY SCHOOL DISTRICT  
approved: September 3, 2019 La Mesa, California