

ABC UNIFIED SCHOOL DISTRICT Board Policy

STUDENTS

INTRADISTRICT OPEN ENROLLMENT

The Governing Board of Education endorses the neighborhood public school concept. However, the Board recognizes that parents may wish to choose a school of attendance other than the designated school of residence.

The Board desires to provide enrollment options that meet the diverse needs and interests of district students and parent(s)/guardian(s) while also balancing enrollment in order to maximize the efficient use of district facilities and to maintain district staffing and programs. The Superintendent or designee shall adhere to the procedures for the selection and transfer of students among district schools in accordance with law, board policy and administrative regulation.

The parent(s)/guardian(s) of any student who resides within district boundaries may apply for their child to attend any district school, regardless of location of residence within the District. Students currently enrolled within their school of residence shall not be displaced by another student. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.11 – Residency of Students with Caregiver)

(cf. 5111.12 – Residency Based on Parent/Guardian Employment)

(cf. 5111.13 – Residency for Homeless Children)

The Superintendent/designee shall annually review this policy. (*Education Code 35160.5, 48980*)

Enrollment Priorities

Students identified for priority enrollment are placed in schools on a case-by-case basis and may not be subject to a random, unbiased selection process to determine who shall be admitted. The following are Enrollment Priorities:

1. Any student enrolled in a district school designated by the California Department of Education as “persistently dangerous” (20 USC 7912; 5 CCR 11992)
2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912) or within the current attendance area (Education Code 35160.5)
3. Placement decisions for foster or homeless youth (BP/AR 6173.a.) in accordance with the McKinney-Vento Homeless Assistance Act (42 USC 11431-11435), as amended by Every Student Succeeds Act (P.L. 114-95) (BP/AR 6173.1)
4. Placement of students from military families in accordance with the Interstate Compact on Educational Opportunity for Military Children (Education Code 49700-49704) (BP 6173.2)

INTRADISTRICT OPEN ENROLLMENT (Continued)

5. Students in grades kindergarten through twelfth who are diverted due to school or program capacity limits may return to their school of residence when space becomes available or remain at the school of attendance. Transportation will no longer be provided for students who choose to remain at the school of attendance. Prior to February 1 of the current school year, parents/guardians shall submit in writing their decision to return their child to their school of residence or have their child remain at the school to which their child was diverted.
6. Students in transitional kindergarten (TK) shall be assigned to a school with a TK program. Students shall return to their school of residence at the start of their kindergarten year. Parents/guardians interested in their child remaining at the TK assigned school shall submit an Open Enrollment (Schools of Choice) application.
7. The Superintendent or designee shall respond accordingly to any state or federal requirements subject to student enrollment.

Other Intradistrict Open Enrollment

Applications for Open Enrollment (Schools of Choice) shall be subject to a random, unbiased selection process (e.g., a lottery) to determine which applicant shall be admitted into their school of choice. (Education Code 35160.5) (AR 5116.1). There is no appeal for the Schools of Choice lottery as the selection process is random, unbiased and determined by chance.

Following is the ranking order used for Open Enrollment

Residence in ABC

1. Sibling applicants of students who will continue attending the school in which the applicant is applying
2. Students who reside in ABC, including students who are in specialized programs (pending availability) (AR 5116.1 - Program Capacity)

Students of Permanent ABC Employees

3. Sibling applicants of students who will continue attending the school in which the applicant is applying
4. Continuing students who are transitioning to seventh or ninth grade

Interdistrict School Permits

5. Sibling applicants of students who will continue attending the school in which the applicant is applying
6. Continuing students who are transitioning to seventh or ninth grade

New Students

7. Students of permanent ABC employees
8. Students requesting an interdistrict permit

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.

INTRADISTRICT OPEN ENROLLMENT (continued)

Academic performance may be used to determine eligibility for placement in programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

The District shall not be obligated to provide transportation for students who attend a school outside their attendance area except for students who are diverted because their resident school classes or programs are at maximum capacity. Transportation shall be provided only for the time period in which the student was diverted to another school. Once space becomes available transportation shall no longer be provided.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Intradistrict Permit Request

After June 1, parents residing in ABC may apply for an intradistrict permit to move their child to a district school due to childcare, for elementary age students. Intradistrict permit requests due to special medical or social adjustment (i.e. safety) require supporting documentation from a properly licensed or registered professional.

All requests shall be reviewed by the principal at the school of residency and a decision shall be rendered to grant or deny the permit.

Intradistrict Permit Appeal Process

The Supervisor of Child Welfare & Attendance shall review the transfer appeal based on Board policy and regulations, education code, state law and consultation with school sites, parents and district administration when necessary. He/she and the Student Transfer Committee shall hear the appeal. If it is denied, the parent/guardian may appeal, in writing no later than 10 calendar days from the denial, to the District Hearing Officer who shall render the final decision. (AR 5116.1)

Enrollment Procedures

In order to ensure that the priorities for enrollment in district schools are implemented in accordance with the law, applications for open enrollment shall be submitted between March 1 and March 31 preceding the school year for which the transfer is requested.

The Superintendent or designee shall calculate each school's capacity in a non-arbitrary manner using student enrollment data and available space. (Education Code 35160.5) (AR 5116.1)

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. (Education Code 48980)

INTRADISTRICT OPEN ENROLLMENT (continued)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

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

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Revised: 11.05.19

ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation

STUDENTS

INTRADISTRICT OPEN ENROLLMENT

In accordance with BP 5116.1 the following enrollment priorities have been established for Intradistrict Open Enrollment:

Enrollment Priorities

Students identified for priority enrollment are placed in schools on a case-by-case basis and may not be subject to a random, unbiased selection process to determine who shall be admitted. The Enrollment Priorities are:

Persistently Dangerous Schools

The designation as "persistently dangerous" is determined based on the number of non-student firearms violations and the number of expulsions taken under the following *Education Code (EC)* sections:

- 48900.3 - Hate violence*
- 48915(a)(1) - Causing serious physical injury to another person*
- 48915(a)(4) - Robbery or extortion*
- 48915(a)(5) - Assault or battery upon any school employee*
- 48915(c)(1) - Possessing, selling, or furnishing a firearm*
- 48915(c)(2) - Brandishing a knife*
- 48915(c)(3) - Selling a controlled substance*
- 48915(c)(4) - Sexual assault or sexual battery*
- 48915(c)(5) - Possession of an explosive*

When the yearly total of these incidents is greater than three, and when the total is also more than one incident per 100 enrolled students or a fraction thereof, a school will be designated as "at risk" of being persistently dangerous.

1. Upon receipt of notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parent(s)/guardian(s) of students attending the school designated as "persistently dangerous."

(cf. 0450 – Comprehensive Safety Plan)

2. The student's parent/guardian shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee.
3. Parent(s)/guardian(s) who desire to transfer their child out of a "persistently dangerous" school shall provide written notification to the Superintendent or designee.
4. The Superintendent or designee shall consider the needs and preferences of students and parent(s)/guardian(s) before making an assignment, but is not obligated to accept the parent's/guardian's preference if the assignment is not feasible due to enrollment capacity or other considerations.

INTRADISTRICT OPEN ENROLLMENT (continued)

5. For students whose parent(s)/guardian(s) accept the offer, the transfer shall generally be made within 30 school days of notification of the school's designation as "persistently dangerous." If parents/guardians decline the assigned school, the student may remain in his/her current school.
6. 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.
7. The parent/guardian is responsible for the transportation needs of the student.

Victims of a Violent Criminal Offense

1. Upon notification that a student has been the victim of a violent crime on school grounds or within the current attendance area, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate.
2. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student.
3. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5; 20 USC 7912)
 - 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 a marriage and family therapist
 - b. A court order, including a temporary restraining order or injunction
4. The student's parent(s)/guardian(s) shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee.
5. The Superintendent or designee shall consider the needs and preferences of students and parent(s)/guardian(s) before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to enrollment capacity or other considerations.
6. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practical.
7. The parent/guardian is responsible for the transportation needs of the student.

Homeless Youth

Homeless youth means students who lack a fixed, regular, and adequate nighttime residence and includes (Education Code 48852.7; 42 USC 11434a):

INTRADISTRICT OPEN ENROLLMENT (continued)

1. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals

(cf. 6173.1 - Education for Foster Youth)

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings
4. Migratory children who qualify as homeless because the children are living in conditions described in 1-3

Unaccompanied youth includes youth not in the physical custody of a parent or guardian (42 USC 11434a).

Best interest means that in making educational and school placement decisions for a student who is homeless, consideration is given to, among other factors, educational stability, the least restrictive educational setting necessary to achieve academic progress, and the student's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; USC 11432)

Foster Youth

1. Foster youth means a child who has been removed from his/her home pursuant to Welfare and Institutions Code 309, is the subject of a petition filed under Welfare and Institutions Codes 300 or 602, or has been removed from his/her home and is the subject of a petition filed under Welfare and Institutions Code 300 or 602, or is a nonminor who is under the transition jurisdiction of a juvenile court as described in Welfare and Institutions Code 450, and satisfies the criteria specified in Education Code 42238.01 (Education Code 42238.01, 48853.5).
2. Best interest means that in making educational and school placement decisions for foster youth, consideration is given to, among other factors, the proximity to the school at the time of placement, the appropriateness of the educational setting, educational stability, the opportunity to be educated in the least restrictive educational setting necessary to achieve academic progress, and the foster youth's access to academic resources, services, and extracurricular and enrichment activities that are available to all district students. (Education Code 48850, 48853; 20 USC 6311)

Military Families

Children of military families are defined as school-aged children in the household of (Education Code 49701):

1. Members who are in full-time duty status in the active uniformed service of the United States, including any member of the National Guard and Reserve on active duty pursuant to 10 USC 1209 or 1211.

INTRADISTRICT OPEN ENROLLMENT (continued)

2. Members or veterans of uniformed services who are severely injured and medically discharged or retired, for one year after their medical discharge or retirement.
3. Members of the uniformed services who have died while on active duty or as a result of injuries sustained on active duty, for one year after their death.

The Superintendent or designee shall facilitate the enrollment of children of military families and ensure that they are not placed at a disadvantage due to difficulty in the transfer of their records from previous school districts and/or variations in entrance or age requirements. (Education Code 49701)

Students who are diverted

1. The term "diverted" defines students whose school of residence was at capacity at the time of enrollment, which resulted in the student's displacement to another school in the ABC Unified School District.
2. Students who are diverted because the resident school classes or programs are at maximum capacity have the following provisions:
 - a. A wait list for all diversions shall be maintained by each school.
 - b. When space becomes available, students may return to their school of residence in the order in which they were diverted. Once space becomes available transportation shall no longer be provided.
 - c. Parents/guardians who prefer to have their child return to their school of residence at the start of the next school year must do so in writing prior to February 1 of the current school year.
 - d. Parents/guardians who wish to have their child continue at the school to which they have been diverted must submit a written request to the principal prior to February 1 of the current school year. Upon acceptance, these students shall be treated as residents of that school.
 - e. Transportation shall be provided only for the time period in which the student was diverted to another school. Once space becomes available transportation shall no longer be provided.

Transitional Kindergarten

Students in transitional kindergarten (TK) shall be assigned to a school with a TK program. Students shall return to their school of residence at the start of their kindergarten year. Parents/guardians interested in their child remaining at the TK assigned school shall submit an Open Enrollment (Schools of Choice) application.

Pursuant to *EC 48000(c)*, a child is eligible for TK if the child will have his or her fifth birthday between September 2 and December 2.

State or Federal Requirements:

The Superintendent or designee shall respond accordingly to any state or federal requirements subject to student enrollment.

INTRADISTRICT OPEN ENROLLMENT (continued)Other Intradistrict Open Enrollment

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Interdistrict School Permits

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(cf. 6172 - Gifted and Talented Student Program)

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The District shall not be obligated to provide transportation for students who attend a school outside their attendance area except for students who are diverted because their resident school classes or programs are at maximum capacity. Transportation shall be provided only for the time period in which the student was diverted to another school. Once space becomes available transportation shall no longer be provided.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

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After June 1, parents residing in ABC may apply for an intradistrict permit requests to move their child to a district school due to childcare, for elementary age students. Intradistrict permit request due to special medical or social adjustment (i.e. safety) require supporting documentation from a properly licensed or registered professional.

INTRADISTRICT OPEN ENROLLMENT (continued)

All requests shall be reviewed by the principal at the school of residency and a decision shall be rendered to grant or deny the permit.

Intradistrict Permit Appeal Process

Intradistrict Permit Requests denied by the school site may be appealed. The appeal to the Supervisor of Child Welfare & Attendance must be made no later than ten (10) calendar days from the denial, must be in writing, and must provide all information, documents, and details supporting the appeal.

The Supervisor of Child Welfare & Attendance shall review the transfer appeal based on Board policy and regulations, education code, state law, and consultation with school sites, parents, and district administration when necessary. The Supervisor of Child Welfare & Attendance and the Student Transfer Committee shall hear the appeal.

If the Student Transfer Committee denies the appeal, the parent or guardian may appeal to the District Hearing Officer. The appeal must be made no later than ten (10) calendar days from the denial by the Student Transfer Committee, must be in writing, and must provide all information, documents, and details supporting the appeal. The District Hearing Officer shall render the final decision.

(cf. 5117 Interdistrict Attendance)

Enrollment Procedures

In order to ensure that the priorities for enrollment in district schools are implemented in accordance with the law, applications for open enrollment shall be submitted between March 1 and March 31 preceding the school year for which the transfer is requested.

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

The Superintendent or designee shall identify those schools and programs which may have space for additional students. A list of these schools and the Open Enrollment (Schools of Choice) Application shall be available online.

For this purpose, capacity based on student enrollment and available classroom space is defined as:

1. When the district-wide average for any grade level, subject area, or special education programs/services (i.e. speech and language, Resource Specialist, Special Day Classes, etc.) is within 25 percent of the contractual language for caseload or class size maximum

Or

2. When the school facility has reached its maximum available classroom space.

Capacity limits are also intended to allow room for school residents who may require specialized program(s) and service(s) during the school year.

INTRADISTRICT OPEN ENROLLMENT (continued)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 48980)

1. All options for meeting residency requirements for school attendance

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

2. Program options offered within local attendance areas
3. A description of any special program options available on both an intradistrict and interdistrict basis
4. A description of the procedure to apply for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. The explanation of attendance options under California law as provided by the California Department of Education

Regulation

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