

DEL MAR UNION SCHOOL DISTRICT

Board Policy No. 5116.1: INTRADISTRICT OPEN ENROLLMENT

Students who reside within the District are assigned to District schools based on residence in school attendance areas; however, parents or legal guardians of students may request enrollment at other District schools through an Intradistrict Transfer Request, subject to the provisions of this Policy and its administrative regulations.

Each year the Superintendent or designee shall determine the number of vacant positions at each school that are available for intradistrict student transfers. The Superintendent or designee shall establish a random, unbiased selection process for the admission of students from outside a school's attendance area, except that intradistrict transfers shall first be granted based on priorities established by the Governing Board and consistent with State law.

No student currently residing within a school's attendance area at the start of the school year shall be displaced by another student based on an intradistrict transfer. The Superintendent or designee shall determine the duration of an intradistrict transfer. At all times, the Governing Board retains the authority to determine the capacity of each school in the District, the attendance boundaries of each school in the District, and the appropriate racial and ethnic balances among district schools, as authorized by applicable law.

The Superintendent or designee shall inform parents/guardians when certain schools or grade levels within a school are currently, or are likely to be, at capacity and therefore unable to accommodate any new students.

Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given as follows:

1. Beginning in the 2003/2004 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a 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.
2. 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.

Board Policy/Administrative Regulation 5116.1 – Intradistrict Open Enrollment (formerly BP 5010)

Date BP 5010 Adopted by the Board: June 8, 1994 (formerly BP 5117.1)

Date BP 5010 Reviewed/Revised by the Board: March 13, 1996, April 9, 1997, May 2, 1999, May 10, 2000, April 25, 2001, April 15 and 24, 2002, April 30, 2003, March 30, 2004

Date BP/AR 5116.1 Approved by the Board of Trustees: March 23, 2005

To grant priority under these circumstances (Education Code 35160.5), 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 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
3. Priority may be given to siblings of students already in attendance in that school.
 4. 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)

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)

5. No student currently residing within a school's attendance area at the start of the school year shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

Legal Reference:

EDUCATION CODE

- 35160.5 District policies; rules and regulations
- 35291 Rules
- 35351 Assignment of student 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
- 100.39 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 GUIDANCE

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

WEB SITES

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

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

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Administrative Regulation to Board Policy No. 5116.1:
INTRADISTRICT OPEN ENROLLMENT

Selection Procedures:

1. Prior to the start of a new school year, the Superintendent or designee will identify those schools, which may have space available for additional students during the upcoming school year. The Superintendent or designee will determine, in his or her sole discretion, the number of seats that are available at each school for intradistrict transfers, taking into consideration factors such as existing building capacity, anticipated growth at the school, staffing needs, curriculum, safety and so forth. A list of these schools and open enrollment applications (Intradistrict transfer requests) will be available at all school offices.
2. Students who submit intradistrict transfer requests to the District at least 14 calendar days prior to the first day of school shall be considered for admission to their preferred school for the new school year, subject to space availability and the restrictions set forth in Board Policy 5116.1 and these regulations.
3. If applications exceed available space, enrollment in a preferred school will be determined randomly by lot from the eligible applicant pool within each priority, and a waiting list shall be established by lot to indicate the order in which applicants may be accepted as more openings occur. A waiting list at each school will consist of timely applicants. Applications submitted after the 14 calendar days prior to the first day of school will be added to the waiting list in the order in which they are received.
4. Prior to the first day of the new school year, the Superintendent or designee will inform applicants by U.S. mail/electronic mail/phone as to whether their application is denied. The reasons for denial will be stated.
5. Applicants who receive approval must confirm their enrollment on the first day of the new school year or forfeit their space.
6. Admission to a particular school shall not be influenced by a student's academic or athletic performance except insofar as academic standards are required for admission to specialized schools or programs, such as programs for gifted and talented students. Such standards shall be uniformly applied to all students.
7. Approved intradistrict transfers shall be effective for one school year. Students wishing to continue attending their preferred school on an intradistrict transfer shall be required to submit a new application for the

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following school year. Approval for one year does not guarantee approval for subsequent years.

8. Students who are unable to enroll in their school of residence due to enrollment caps will be involuntarily placed at another District school where space is available. In addition, such students shall be entitled to request an intradistrict transfer to other district schools where space is available. Such students will have the opportunity to transfer back to their school of residence, based on their position on the waiting list, when space becomes available.

Priorities for Enrollment

Approval of intradistrict transfer requests will be based on the following priorities:

1. First priority for intradistrict enrollment will be given to students who attended the preferred school the prior school year on an approved intradistrict transfer. If the number of students in this category exceeds the number of positions available, enrollment will be determined by lot.
2. Second priority for intradistrict enrollment will be given to students residing in CFD 95-1, CFD 99-1, or North City West JPA who wish to attend a school located within their respective community facilities districts. If the number of students in this category exceeds the number of positions available, enrollment will be determined by lot.
3. Third priority for intradistrict enrollment will be given to siblings of children already attending a school on an approved intradistrict transfer. If the number of students in this category exceeds the number of positions available, enrollment will be determined by lot.
4. Fourth priority for intradistrict enrollment will be given to students whose parent or guardian is employed at that school. If the number of students in this category exceeds the number of positions available, enrollment will be determined by lot.
5. A student may be given any order of priority for intradistrict enrollment, at the sole discretion of the Superintendent or designee, because of unusual, unique and compelling circumstances. A determination may be based upon at least one of the following: (1) A written statement from a representative of any 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; or (2) a court order, including a temporary restraining order and injunction. Upon making such a finding,

the Superintendent or designee may approve the student's transfer to a district school that is at capacity and otherwise closed to transfers.

6. Within a reasonable amount of time, not to exceed 10 school days, after a student becomes 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. The Superintendent or designee shall consider the student's needs and parent/guardian preferences in making the school assignment. If the parents/guardians choose to transfer their child, the transfer shall be completed as soon as practicable.

Residents of School

No student currently residing within a school's attendance area at the start of the school year shall be displaced by another student based on a new intradistrict transfer. Those students who have been involuntarily placed at a District school other than their school of residence shall be deemed residents of that school until they are able to be placed at their assigned school of residence.

Any student grandfathered under Attendance Boundary Plan DD, approved by the Board of Trustees on April 15, 2002 and amended on April 24, 2002 shall be deemed a resident of that school through the 6th grade, so long as he or she remains continuously enrolled in that school and has not/does not relocate(d) to another attendance area within the District after August 1, 2003, and will not be displaced by an intradistrict transfer.

Notifications

Notifications shall be sent to parents/guardians annually describing all current statutory attendance options and local attendance options available in the district, including:

1. All options for meeting residency requirements for school attendance.
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 for requesting a change of attendance.

6. The explanation of attendance options under California law as provided by the California Department of Education.

Special Considerations

In addition to the policies/regulations specified above, the following guidelines will assist school staff in the implementation of Board Policy/Administrative Regulation 5116.1 regarding initial placement and enrollment:

1. The 40 students involuntarily transferred from Ashley Falls School to Sage Canyon as the result of the April 15, 2002 boundary revisions shall remain guaranteed of their 2002/2003 placement for themselves and their siblings during each subsequent year through their 6th grade year.
2. Based on the boundary plan approved by the Board of Trustees on April 15, 2002, students residing in attendance area 29A and 29 B are assigned to Ashley Falls School for the 2002/2003, the 2003/2004, and the 2004/2005 school years. Beginning with 2005/2006 school, students residing in 29A, 29B, 28C, 30A, 30B and 31 are assigned to Sycamore Ridge School. Students enrolled in fifth grade for the 2004/2005 school year, who reside in the Sycamore Ridge attendance area, may remain enrolled in Ashley Falls, Del Mar Hills or Del Mar Heights for the 2005/2006 school year.
3. Students who have relocated within the boundaries of the District, and out of the attendance area of their current school of attendance will be transferred to their assigned school of attendance within ten school days of notification of the relocation unless the following conditions exist:
 - a. The student is currently attending Del Mar Hills or Del Mar Heights Schools on an approved intradistrict transfer request.
 - b. The student relocates after March 1st.
 - c. The student is granted an intradistrict transfer.
4. When a student moves out of the District during the school year, the Del Mar Union School District will allow the student a maximum of ten school days from the date the school is notified of the move to transition to his/her new school. The student is withdrawn from enrollment on the last day of attendance in the District. If the student returns, and again becomes a resident of the District any time within the same school year or subsequent years, the student may enroll and placement occurs according to the procedures of new student enrollment.

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5. In the event that a school is not able to place a student at the school of residence during the school year due to lack of available space, school staff will follow specified procedures outlined in Board Policy 5116.1/Administrative Regulation 5116.1, and will offer the student the option to be placed on the school's waiting list. In order to be placed on a school's waiting list, the following conditions must be met:
 - a. The student must have completed enrollment papers and required documentation on file with school office staff
 - b. The student must be a resident of the District and the school's assigned attendance area
 - c. The student could not be placed at the school of residence at the time the student enrolled
 - d. A student will not be placed on a waiting list if he/she does not currently reside in the District
 - e. When a student is called from the waiting list for his/her initial requested placement, if the student declines placement at the initially requested school, the student then becomes the last entry on the wait list as it exists at that time, and he/she will remain on the wait list until all students ahead of him/her are placed. The student will then be offered placement again. If declined, the process will continue as specified above.
6. Students who reside in the Torrey Hills School attendance area and/or School #8 attendance area, who could not be placed at Torrey Hills due to the reduced kindergarten grade level cap, will be given priority for placement in kindergarten at Sage Canyon for the 2005/2006 school year.
7. Students who reside in the Torrey Hills School attendance area and/or School #8 attendance area, who could not be placed at Torrey Hills due to the reduced kindergarten grade level cap, and who enroll at Sycamore Ridge on an approved intradistrict transfer for the 2005/2006 school year, will be guaranteed continuous placement at Sycamore Ridge until the opening of School #8 in 2007.