

**DEL MAR UNION SCHOOL DISTRICT
STUDENTS**

BOARD POLICY 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 and enrolled at that school on or before 14 calendar days prior to the first day of the next school year shall be displaced by another student based on an intradistrict transfer. If the Superintendent or designee determines that an intradistrict transfer should be cancelled for any reason, including, but not limited to, the displacement of a resident student that could result from the intradistrict transfer, the Superintendent or designee may cancel the intradistrict transfer. At all times, the 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:

First Priority: Special Circumstances

The District may approve intradistrict transfer requests under the following special circumstances:

00118.001/116968.1

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A. Special Circumstance: District

The district may approve an intradistrict transfer request upon finding that a harmful or dangerous special circumstance warrants the approval of the request.

B. Special Circumstance: Outside Agency

The Superintendent or designee may also approve an intradistrict transfer request 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 this subparagraph, 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 or social worker, or properly licensed or registered professionals, including, but not necessarily limited to, a psychiatrist, psychologist or marriage and family therapist.
- b. A court order, including a temporary restraining order and injunction, issued by a judge.

Second Priority: Continuing Students

Priority may be given to students who have had at least two continuous years of enrollment.

Third Priority: Siblings of students already in attendance in that school

Fourth Priority: Parents Employed at School Site

Priority may be given to students whose parent or guardian is assigned to that school as their primary place of employment.

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.

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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.

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*

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 5116.1:
INTRADISTRICT OPEN ENROLLMENT**

Selection Procedures

1. Prior to the start of the 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 that school year, subject to space availability and the restrictions set forth in BP 5116.1 and these regulations.
3. Intradistrict transfers will be approved in accordance with and in order of the following four priorities:

First Priority:

First priority for intradistrict enrollment will be given to students based upon the existence of special circumstances as determined by either the district or outside agencies. The district may approve intradistrict transfers upon finding that a harmful or dangerous special circumstance warrants approval of the request. A student that becomes the victim of a violent criminal offense while on school grounds may be given any order of priority for intradistrict enrollment. Within a reasonable amount of time, not to exceed 10 school days after the violent criminal offense, 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.

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The district may approve intradistrict transfers upon an outside agency's 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 this subparagraph, the Superintendent or designee must have received either:

- i. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official or social worker, or a properly licensed or registered professionals, including, but not necessarily limited to, a psychiatrist, psychologist or marriage and family therapist.
- ii. A court order, including a temporary restraining order and injunction, issued by a judge.

Second Priority:

Second priority for intradistrict enrollment will be given to students continuing in their 3rd year. If the number of students in this category exceeds the number of positions available, enrollment within this priority will be determined by lot.

Third Priority:

Third priority for intradistrict enrollment will be given to siblings of children already attending the preferred school. If the number of students in this category exceeds the number of positions available, enrollment within this priority will be determined by lot.

Fourth Priority:

Fourth priority for intradistrict enrollment will be given to students whose parent or guardian is assigned to that school as their primary place of employment. If the number of students in this category exceeds the number of positions available, enrollment within this priority will be determined by lot.

4. If applications exceed available space, enrollment in a preferred school will be determined in accordance with the above-noted priorities. If spaces remain following enrollment in accordance with those priorities, remaining spaces will be filled by students selected in a random lottery no earlier than 13 calendar days, and no later than 10 calendar days, prior to the first day of

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school from the eligible applicant pool within each priority that have submitted all required documentation on or before 14 calendar days prior to the first day of school. During this selection process, all eligible applicants will be randomly drawn. Those applicants drawn first for which space is available will be enrolled in the requested program. The remaining applicants drawn for which space is not available will be placed on a lottery list in the order in which they were drawn. Those applicants drawn first for which space is available will be enrolled in the requested program. The remaining applicants drawn for which space is not available will be placed on a lottery list in the order in which they were drawn. If new spaces become available, the District may approve additional intradistrict transfer requests in the order in which the requests were drawn by the random lot.

5. At least ten days prior to the first day of the new school year, the Superintendent or designee will inform parents/guardians by U.S. mail, electronic means, such as the District's email, or phone as to whether their applications have been approved, or denied. If the application is denied, the reasons for denial will be stated. Notice provided pursuant to this paragraph shall be deemed received by the parent.
6. Parents/guardians who receive approval must confirm their enrollment no later than 6 calendar days prior to the first day of the new school year or forfeit their space. In the event a space is forfeited, the district may offer it to another student.
7. At times, student enrollment and/or staffing may fluctuate at or after the beginning of the school year resulting in classrooms that may be under capacity. In the event these fluctuations result in vacancies, the district may, but is not required to, fill these vacancies with intradistrict transfer students. Notwithstanding anything to the contrary in this Administrative Regulation, the district may fill these vacancies with intradistrict transfer students within three calendar weeks of the first day of the school year. The district will attempt to notify parents/guardians, by any means it deems reasonable, that their child may be placed at another school site through an intradistrict transfer. Parents/guardians notified of such vacancies must notify the district of their acceptance or rejection the intradistrict transfer no later than twenty-four hours following the district's attempt to notify the parents/guardians of the vacancy. If a parent does not respond to the district's notification, the district shall deem the intradistrict transfer option rejected and may offer it to parents/guardians of another student. In the event intradistrict transfer requests exceed the spaces that become available at or after the start of the school year, if it has not done so already, the district shall determine those intradistrict transfer requests that may be granted by a random, unbiased selection process.

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8. 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.
9. Approved intradistrict transfers shall be effective for one school year. Students wishing to continue attending their school of choice on an intradistrict transfer must submit a new intradistrict transfer request no later than 14 calendar days prior to the first day of the next school year. Superintendent or designee may cancel the intradistrict transfer for any reason, including but not limited to, the displacement of a resident student that could result from the intradistrict transfer
10. Students who are unable to enroll in their schools of residence due to enrollment caps may 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 attend their schools of residence, when space becomes available.

Residents of School

No student currently residing within a school's attendance area and enrolled at that school on or before 14 calendar days prior to the first day of the next 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 school of residence.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year 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.

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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 California Department of Education.

Special Considerations

In addition to the policies/regulation specified above, the following guidelines will assist school staff in the implementation of BP / AR 5116.1 regarding initial placement and enrollment:

1. 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 relocates after March 1st.
 - b. The student is granted an intradistrict transfer.

If a student satisfies the conditions stated in paragraphs 1.a. or 1.b above, that student may continue to attend their current school of attendance.

2. 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 priority procedures of any new student enrollment.
3. In the event that a school is not able to place a student at their site during the school year due to lack of space available, school staff will follow specified procedures outlined in *BP/AR 5116.1*.

Schools with Special Programs

In order to allow students from all schools access to a special, Board approved program offered at only one school in the District, the following transfer procedure shall be used:

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1. The Superintendent will determine the number of spaces at each grade level in the specific school.
2. If the number of requests exceeds the number of spaces allotted for the special program, a random unbiased lottery shall be held.
3. Once granted a transfer to attend a special program at a particular school, the student will be allowed to remain at the school through 6th grade unless the Superintendent or designee determines that the transfer should be cancelled for any reason.
4. Should a student, attending this special program on an approved transfer, choose to return to the neighborhood school, the student would be re-enrolled at the neighborhood school as long as space is available.
5. Younger siblings of students attending the special Board approved program shall have priority consideration for the special program before the acceptance of new applications.
6. Siblings of students attending a special Board approved program may apply for an intradistrict transfer following BP 5116.1 AR 5116.1.

In the event that a school is not able to place a student at their site during the school year due to lack of space available, school staff will follow specified procedures outlined in *BP/AR 5116.1*.

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