



Book	Policy Manual
Section	5000 Students
Title	INTRADISTRICT OPEN ENROLLMENT
Code	5116.1 BP
Status	Active
Adopted	February 13, 2019

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, including a charter 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
  - b. A court order, including a temporary restraining order and injunction
4. Any sibling of a student already in attendance in that school (Education Code 35160)
  5. Any student whose parent/guardian is a SBSB employee and is assigned to that school as his/her primary place of employment who works (Education Code 35160):
    - a. A 50% or more contract (certificated)
    - b. Four (4) hours or more per day (classified)
  6. Any student residing in Community Facilities Districts (CFDs) 1999-1 and 2004-1 to attend Solana Ranch School.
  7. Any student whose parent/guardian is a SBSB employee who works:
    - a. A 50% or more contract (certificated)
    - b. Four (4) hours or more per day (classified)

#### Application and Selection Process

School capacities and class size mandates/guidelines are established to optimize the use of existing facilities and to maintain relatively balanced enrollments.

All District schools offer high quality instructional programs addressing the District's mission, goals, and adopted curricula. However, parents/guardians may wish to apply to other District schools in order to take advantage of specialized or innovative programs, or to meet other family needs.

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 the first full three weeks in February, preceding the school year for which the transfer is requested. If a student's address changes within the SBSB boundaries at any time, an intradistrict open enrollment request may be submitted for consideration to continue attending the current school.

Students may request placement at another Solana Beach School District school outside of the approved intradistrict open enrollment timeline for extraordinary circumstances. If approved, an intradistrict open enrollment request must be submitted for the student to remain at the school of transfer during the next intradistrict open enrollment application submission timeline.

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)

#### Revocation of Transfer

The Superintendent or designee may revoke an intradistrict open enrollment agreement and return the student to the school of residence based on behavior, absenteeism, tardiness, early drop-offs, early or late pick-ups, poor academic performance, and/or if the status of employment changes under priority numbers 5 and 7.

#### 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>