

Santa Barbara Unified School District

Board Policy

Students

BP 5116.1

INTRADISTRICT OPEN ENROLLMENT

The Governing Board values the concept of neighborhood schools but permits open enrollment within the district as resources are available. 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 residence within the district. (Education Code 35160.5)

At elementary schools with attendance boundaries, additional classes shall be opened based on attendance area enrollment only and not due to Intradistrict transfer requests. However, the district shall annually identify school sites that will accept program improvement transfers as needed (Education Code 35160.5)

(cf. 5111.1 - District Residency)

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

(cf. 5111.13 - Residency for Homeless Children)

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)

1. Priority shall be given to students already attending the school.
2. Priority shall be given for students transferred by board action.
3. Students with disabilities shall be placed to meet the requirements of an Individualized Education Plan.

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 whose parent/guardian is assigned to that school as his/her primary place of employment for three or more hours per day.
2. Any sibling of a student already in the attendance of that school.

3. Students of district employees not assigned to the school.
4. English Learner students transferring from a high English Learner enrollment school (greater than 50 percent English Learner) to a low English Learner enrollment school (less than 50 percent English Learners).

(cf. 5118 - Open Enrollment Act Transfers)

5. Students wishing to attend Harding University Partnership School whose parents/guardians are employed or enrolled at the University of California, Santa Barbara and are directly involved with the Harding University Partnership School as student teachers, faculty, program developers, or researchers.
6. All other transfer requests.

An option to transfer shall be given when recommended by the School Attendance Review Board or by county child welfare probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable of the students to attend the attendance area school.

The selection of the school to which a pupil shall be assigned to under each of the above circumstances where there is an option to transfer will be made by the Superintendent or designee, taking into account parent preferences.

Option to Transfer

Except for transfers under the preceding provisions covering Enrollment Priorities the transfer option applies to students who are enrolled in a school and meet any of the following conditions:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)
2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

3. 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)

4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
5. 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, such as 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.

An option to transfer shall be given when recommended by the School Attendance Review Board or by county child welfare probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable of the student to attend the attendance area school.

The selection of the school to which a pupil shall be assigned to under each of the above circumstances where there is an option to transfer will be made by the Superintendent or designee, taking into account parent preferences.

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 between January 1 and February 15 of the school year preceding the school year for which the transfer is requested.

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)

(cf. 6172 - Gifted and Talented Student Program)

Transportation

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. In the case of transfers out of Title I program improvement schools, transportation will only be provided during the period that the school continues to be designated as program improvement school.

(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
 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 NONREGULATORY GUIDANCE
Public School Choice, January 2009
Unsafe School Choice Option, May 2004
WEB SITES
 CSBA: <http://www.csba.org>
 California Department of Education, Unsafe School Choice Option:
<http://www.cde.ca.gov/ls/ss/se/usco.asp>
 U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

Policy: SANTA BARBARA UNIFIED SCHOOL DISTRICT
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